

BILL ANALYSIS

Senate Research Center
79R153 MSE-D

S.B. 587
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3/4/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law relating to operations of certain types of equipment near high voltage overhead lines contains provisions that conflict with federal regulation and do not provide the safety and operational effectiveness intended. The Texas statute was enacted in 1971, before the federal Occupational Safety and Health Administration (OSHA) had similar regulations in place, which provides a safe working environment for workers engaged in activities in the vicinity of electrical lines. In 1979, OSHA began regulating the operation of equipment near overhead lines.

One provision in Chapter 752 of the Health and Safety Code conflicts with federal regulation. It requires the installation of devices that are not readily available from manufacturers to support the weight of the equipment used at most industrial sites or with the required insulating capacities. No state or federal agency has jurisdiction to enforce this provision. Other requirements in both state and federal regulations and in American Society of Mechanical Engineers standards are sufficient to ensure safety.

As proposed, S.B. 587 eliminates this provision and clarifies enforcement authority over the operation of equipment near overhead lines by OSHA, providing for a safer workplace.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 752.006(a) and (b), Health and Safety Code, as follows:

(a) Deletes existing text relating to the operation of an apparatus capable of vertical, lateral, or swinging motion unless an insulated cage-type guard or protective device is installed about the boom or arm of the equipment, except a backhoe or dipper and each lifting line, if the equipment includes a lifting hook device, is equipped with an insulator link on the lift hook connection. Makes conforming changes.

(b) Makes a conforming change.

SECTION 2. Effective date: upon passage or September 1, 2005.