

BILL ANALYSIS

C.S.H.B. 547
By: Wohlgemuth
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Aggregate Quarry and Pit Safety Act was enacted by the 72nd Legislature and became effective August 26, 1991. Prior to the 77th Legislature, quarry and pit operators were permitted to dig to the edge of an adjacent property line. However, there was concern that the erosion associated with quarry operations could encroach on a neighboring property.

H.B. 1838, passed by the 77th Legislature, created a buffer zone of 50 feet between the edge of a pit or a quarry and an adjacent property that is not owned or leased by the operator. This bill, however, was bracketed to include only counties with a population between 400,000 and 475,000 people.

C.S.H.B. 547 repeals the bracket enacted under H.B. 1838 to require the 50 foot buffer zone in quarry operations state-wide.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Repeals Section 133.901(a), Natural Resources Code, to require a 50-foot buffer zone between the edge of a pit or a quarry and an adjacent property not leased or owned by the operator across the entire state of Texas.

States that this section does not apply to an excavation constructed by a political subdivision to provide drainage or stormwater retention.

SECTION 2. Effective date.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 547 adds a provision stating that this section does not apply to an excavation constructed by a political subdivision to provide drainage or stormwater retention.