

AN ACT

relating to the distance between certain pits that are part of quarrying operations and adjacent property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 133.901, Natural Resources Code, is amended to read as follows:

Sec. 133.901. DISTANCE BETWEEN PIT AND PROPERTY LINE. (a) Except as provided by Subsection (b), at ~~[This section applies only to a county with a population of more than 400,000 and less than 475,000.~~

~~[(b) At]~~ the time quarrying is completed, the distance from the edge of the consolidated material of a pit that does not have lateral support to the property line of the nearest property that is not owned or leased by the operator may not be less than 50 feet.

(b) This section does not apply:

(1) to a pit if the operator and the adjacent property owner agree that the pit may be located closer to the property line;

(2) to an excavation constructed by a political subdivision to provide drainage or stormwater retention; or

(3) to a county with a population of 3.3 million or more.

SECTION 2. The change in law made by this Act applies only to a pit that is active on or after the effective date of this Act.

A pit that is inactive on the effective date of this Act and that

1 continuously remains inactive after that date is governed by the
2 law in effect immediately before the effective date of this Act, and
3 that law is continued in effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 547 was passed by the House on April 24, 2003, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 547 on May 26, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 547 on May 31, 2003, by a non-record vote.

Chief Clerk of the House

H.B. No. 547

I certify that H.B. No. 547 was passed by the Senate, with amendments, on May 24, 2003, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 547 on May 31, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor