

1-1 By: Wohlgenuth (Senate Sponsor - Averitt) H.B. No. 547
1-2 (In the Senate - Received from the House April 25, 2003;
1-3 April 28, 2003, read first time and referred to Committee on
1-4 Natural Resources; May 21, 2003, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; May 21, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 547 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the distance between certain pits that are part of
1-11 quarrying operations in certain counties and adjacent property.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 133.901, Natural Resources Code, is
1-14 amended to read as follows:

1-15 Sec. 133.901. DISTANCE BETWEEN PIT AND PROPERTY LINE. (a)
1-16 Except as provided by Subsection (b), at [This section applies only
1-17 to a county with a population of more than 400,000 and less than
1-18 475,000.

1-19 ~~[(b) At]~~ the time quarrying is completed, the distance from
1-20 the edge of the consolidated material of a pit that does not have
1-21 lateral support to the property line of the nearest property that is
1-22 not owned or leased by the operator may not be less than 50 feet.

1-23 (b) This section does not apply:

1-24 (1) to a pit if the operator and the adjacent property
1-25 owner agree that the pit may be located closer to the property line;

1-26 (2) to an excavation constructed by a political
1-27 subdivision to provide drainage or stormwater retention; or

1-28 (3) to a county with a population of 3.3 million or
1-29 more.

1-30 SECTION 2. Section 133.054, Natural Resources Code, is
1-31 amended by adding Subsection (e) to read as follows:

1-32 (e) A person may not operate a quarry or pit associated with
1-33 a rock-crushing facility if the quarry or pit will be located in a
1-34 county next to a county with a population of 500,000 or more and in
1-35 which is located a portion of a body of water into which a discharge
1-36 is prohibited by the Texas Commission on Environmental Quality
1-37 under 30 T.A.C. Chapter 311 or if the quarry, pit, or rock-crushing
1-38 facility is located over an aquifer, comprised wholly or partly of
1-39 water-bearing limestone or dolomite, that is the primary source of
1-40 drinking water for a municipality.

1-41 SECTION 3. The change in law made by this Act applies only
1-42 to a pit that is active on or after the effective date of this Act.
1-43 A pit that is inactive on the effective date of this Act and that
1-44 continuously remains inactive after that date is governed by the
1-45 law in effect immediately before the effective date of this Act, and
1-46 that law is continued in effect for that purpose.

1-47 SECTION 4. This Act takes effect September 1, 2003.

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