

BILL ANALYSIS

Senate Research Center
80R10120 ATP-F

H.B. 2910
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Several cities around the state own property in the boundaries of neighboring cities. Often the land is owned for some public purpose, such as a water supply or landfill. However, there are times when a city with property in a neighboring city proposes a use for their property that is not compatible with local land use regulations of the neighboring city or the wishes of their citizens. For example, there are large cities in the state that own rock quarries within the boundaries of smaller neighboring cities. Over the years some of the larger cities have leased the rock quarries to private operators, however, more recently one of the larger cities has proposed to dump water treatment sludge into the quarry. This would violate the local land use regulations that the neighboring city has in place for the site. The proposed dumping site is located next to a large scale residential development. The citizens of the neighboring city have expressed their disapproval of using the site for that purpose. State officials have also expressed concern over the environmental impact of the proposed dumping. However, the citizens of the neighboring city do not vote for the governing body of the city that owns the rock quarry and have limited options to express their disapproval of the intended use of the site.

H.B. 2910 requires the municipality that owns or leases the rock quarry to receive the consent of the governing body of the municipality in which the quarry is located, before the municipality may dispose of water treatment byproducts in the site of the quarry. This bill allows governing bodies of certain municipalities to protect the health, safety, and welfare of their citizens by enforcing local land use requirements.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 133, Natural Resources Code, by adding Subchapter G, as follows:

SUBCHAPTER G. AUTHORITY TO REGULATE QUARRIES IN CERTAIN MUNICIPALITIES

Sec. 133.121. USE OF MUNICIPAL QUARRY SITE LOCATED IN DIFFERENT MUNICIPALITY. (a) Provides that this section applies only to a rock quarry owned or leased by a municipality with a population of more than 650,000 according to the 2000 federal decennial census, located in the boundaries of a municipality with a population of less than 50,000 according to the 2000 federal decennial census, and any part of which is located within one mile of a residential property.

(b) Requires the municipality that owns or leases the rock quarry to receive the consent of the governing body of the municipality in which the quarry is located before the municipality may dispose of water treatment byproducts in the site of the quarry.

(c) Requires the municipality that owns or leases the rock quarry to receive the consent of the governing body of the municipality in which the quarry is located before entering into or extending a lease to operate a quarry.

(d) Prohibits the governing body of the municipality in which the rock quarry is located from consenting under Subsection (b) or (c) if that governing body determines that the health, safety, or welfare of the residents of the municipality may be negatively affected by the disposal of byproducts or operation of the quarry; the quarry site or the operation of the quarry fails to comply with the land use and zoning regulations of the municipality; or the quarry site or the operation of the quarry fails to correspond with the municipality's land use and development plans.

SECTION 2. Effective date: upon passage or September 1, 2007.