

BILL ANALYSIS

H.B. 2910
By: Gattis
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Several cities around the state own property in the boundaries of neighboring cities. Often times 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 larger 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. Such a use would violate the local land use regulations that the neighboring city has in place for the site. Additionally, the proposed dumping site is located next to a large scale residential development. The citizens of the neighboring city have expressed their disapproval of such a use for the site. State officials have also expressed concern over the environmental impact of the proposed dumping. Unfortunately, the citizens of neighboring city do not get to 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.

HB 2910 will provide the governing body of a city, where certain municipally owned rock quarries are located, and their citizens some input and control over the proposed activities of the municipally owned rock quarries. The bill will ensure that the governing body of certain municipalities, where applicable municipally owned rock quarries are located, would have the ability to protect the health, safety, and welfare of their citizens by enforcing local land use requirements.

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

HB 2910 adds Subchapter G to Chapter 133 of the Natural Resources Code.

The bill limits the application of this new subchapter to rock quarries that are:

1. Owned or leased by municipalities with a population over 650,000;
2. Located in the boundaries of a municipality that has a population of less than 50,000;
and
3. In which any part of the rock quarry is located within one mile of a residential property.

A municipality that owns or leases a rock quarry must receive consent from the governing body of the municipality where the rock quarry is located before disposing of water treatment byproducts in the site of the quarry.

Additionally, a municipality that owns or leases a rock quarry must receive consent of the governing body of the municipality in which the rock quarry is located before entering into or extending a lease to operate the quarry.

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The governing body of a municipality in which a rock quarry is located may not provide this consent if:

1. 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;
2. The quarry site or the operation of the quarry fails to comply with the land use and zoning regulations of the municipality; or
3. The quarry site or the operation of the quarry fails to correspond with the municipality's land use and development plans.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.