

1 AN ACT

2 relating to the authority of certain municipalities to regulate
3 certain quarry activities.

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

5 SECTION 1. Chapter 133, Natural Resources Code, is amended
6 by adding Subchapter G to read as follows:

7 SUBCHAPTER G. AUTHORITY TO REGULATE QUARRIES IN CERTAIN
8 MUNICIPALITIES

9 Sec. 133.121. USE OF MUNICIPAL QUARRY SITE LOCATED IN
10 DIFFERENT MUNICIPALITY. (a) This section applies only to a rock
11 quarry:

12 (1) owned or leased by a municipality with a
13 population of more than 650,000 according to the 2000 federal
14 decennial census;

15 (2) located in the boundaries of a municipality with a
16 population of less than 50,000 according to the 2000 federal
17 decennial census; and

18 (3) any part of which is located within one mile of a
19 residential property.

20 (b) Before the municipality that owns or leases the rock
21 quarry may dispose of water treatment byproducts in the site of the
22 quarry, the municipality must receive the consent of the governing
23 body of the municipality in which the quarry is located.

24 (c) The municipality that owns or leases the rock quarry

1 must receive the consent of the governing body of the municipality
2 in which the quarry is located before entering into or extending a
3 lease to operate the quarry.

4 (d) The governing body of the municipality in which the rock
5 quarry is located may not provide consent under Subsection (b) or
6 (c) if:

7 (1) that governing body determines that the health,
8 safety, or welfare of the residents of the municipality may be
9 negatively affected by the disposal of byproducts or operation of
10 the quarry;

11 (2) the quarry site or the operation of the quarry
12 fails to comply with the land use and zoning regulations of the
13 municipality; or

14 (3) the quarry site or the operation of the quarry
15 fails to correspond with the municipality's land use and
16 development plans.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 2910 was passed by the House on April 26, 2007, by the following vote: Yeas 141, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2910 was passed by the Senate on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor