

By: Gattis

H.B. No. 2910

A BILL TO BE ENTITLED

AN ACT

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

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

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

SUBCHAPTER G. AUTHORITY TO REGULATE QUARRIES IN CERTAIN MUNICIPALITIES

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

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

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

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

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

(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.