

By: Gattis (Senate Sponsor - Ogden) H.B. No. 2910
(In the Senate - Received from the House April 26, 2007;
May 1, 2007, read first time and referred to Committee on Natural
Resources; May 16, 2007, reported favorably by the following vote:
Yeas 10, Nays 0; May 16, 2007, sent to printer.)

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
must 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 the quarry.

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

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

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