

By: Paddie, Keffer

H.B. No. 2991

Substitute the following for H.B. No. 2991:

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C.S.H.B. No. 2991

A BILL TO BE ENTITLED

AN ACT

1
2 relating to municipal regulation of minimum setback requirements
3 for mineral exploration and development activities, including
4 providing for and recording of waivers from those requirements.

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

6 SECTION 1. Subchapter Z, Chapter 212, Local Government
7 Code, is amended by adding Section 212.905 to read as follows:

8 Sec. 212.905. REGULATION OF MINIMUM SETBACK REQUIREMENTS
9 FOR MINERAL EXPLORATION AND DEVELOPMENT ACTIVITIES; WAIVER. (a)
10 This section applies to a municipality that adopts or has adopted an
11 ordinance that requires a minimum distance that must be maintained
12 between land used for mineral exploration and development
13 activities and a school, regular place of worship, residence,
14 residential neighborhood, public park, or other land use specified
15 by the ordinance.

16 (b) Except as provided by Subsection (c), a municipality
17 shall apply an ordinance described by Subsection (a) uniformly to
18 subsequent development of a land use specified by the ordinance and
19 land used for mineral exploration and development activities within
20 the municipality's corporate boundaries.

21 (c) A person with authority to develop or otherwise use a
22 tract of land may submit a request to the municipality to grant a
23 waiver to allow the development or other use of land that is located
24 within the minimum distance area.

1 (d) A municipality that grants a waiver requested as
2 provided by Subsection (c) shall file a notice of the waiver in the
3 real property records of the county in which the land subject to the
4 waiver is located. The notice filed under this subsection must:

5 (1) include a description legally sufficient for
6 identification of the land subject to the waiver; and

7 (2) state that the person granted the waiver was
8 informed of the minimum distance required by municipal ordinance
9 and voluntarily requested a waiver of the minimum distance.

10 SECTION 2. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2015.