

By: Paddie

H.B. No. 2991

A BILL TO BE ENTITLED

AN ACT

1
2 relating to provision of waivers from municipal regulation of
3 mineral exploration and development activities within its
4 boundaries.

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

6 SECTION 1. Section 92.007 of Chapter 92 of the Natural
7 Resources Code is amended to read as follows:

8 (a) For the purposes of this section, "identified marker" is
9 defined as a school, regular place of religious worship, residence,
10 residential neighborhood, public park or other specified land use
11 that the governing body of a municipality identifies as a marker
12 from which mineral exploration and development must maintain a
13 maximum proximity.

14 (b) This chapter does not affect the authority of a
15 municipality to require approval of subdivision plats or the
16 authority of a home-rule city to regulate exploration and
17 development of mineral interests within its boundaries.

18 (c) A maximum proximity allowance established by a
19 municipality between mineral exploration and development
20 activities and identified markers must be applied uniformly to
21 subsequent development of identified markers in relation to all
22 existing mineral and exploration activity locations within its
23 boundaries.

24 (d) A property owner or lessee desiring to build or

1 otherwise utilize property within the area created by a proximity
2 allowance may petition the municipality for a waiver. If a waiver
3 petition is granted, the municipality must record a notice in the
4 county records that:

5 (1) the property owner or lessee was made aware of the
6 maximum proximity allowance for mineral exploration and
7 development and an identified marker; and

8 (2) the property owner or lessee voluntarily sought a
9 waiver of the allowance limit.

10 (d) Information regarding the voluntary waiver of the
11 allowance limit must be maintained in county records so as to
12 provide notice to a potential purchaser prior to transfer of any
13 portion of the property.

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