

By: Paddie

H.B. No. 2993

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a municipality to regulate location of mineral exploration and development activities within its boundaries.

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

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

Sec. 92.007 MUNICIPAL AUTHORITY. (a) For the purposes of this section, "identified marker" is defined as a school, regular place of religious worship, residence, residential neighborhood, public park or other specified land use that the governing body of a municipality identifies as a marker from which mineral exploration and development must maintain a maximum proximity.

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

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

(c) 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.

3 (d) Approval of a waiver as provided in (c) shall serve as a
4 revision to the municipality's maximum proximity allowance between
5 the exploration and development of mineral interests and any
6 identified marker.

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