

By: Zaffirini

S.B. No. 2149

A BILL TO BE ENTITLED

AN ACT

relating to the appeal of certain decisions concerning mining leases.

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

SECTION 1. Subtitle D, Title 2, Civil Practice and Remedies Code, is amended by adding Chapter 53 to read as follows:

CHAPTER 53. APPEAL OF CERTAIN DECISIONS

Sec. 53.001. APPEAL OF CERTAIN DECISIONS CONCERNING MINING LEASES. (a) This section applies to a civil action on a dispute between the lessee of a mining lease and the owner of a surface estate burdened by the mining lease if the dispute concerns a mining lease agreement entered into at least 20 years before the date the action is commenced.

(b) If the lessee of a mining lease described by Subsection (a) prevails in an action described by that subsection, the owner of the surface estate is entitled to an injunction restraining the lessee from proceeding with any activity under the trial court's decision pending the owner's appeal of the decision if allowing the lessee to proceed under the decision would lead to irreparable damage to the surface estate.

(c) An appeal by the owner of the surface estate under this section is an accelerated appeal for purposes of the Texas Rules of Appellate Procedure.

SECTION 2. The change in law made by this Act applies only

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1 to a civil action commenced on or after the effective date of this
2 Act.

3 SECTION 3. This Act takes effect September 1, 2019.