

CHAPTER 634

S.B. No. 699

An Act relating to the regulation of certain iron ore and iron ore gravel mining and reclamation activity; amending Section 4, Texas Surface Coal Mining and Reclamation Act (Article 5920-11, Vernon's Texas Civil Statutes), by amending Subsection (b) and adding Subsection (c).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 4, Texas Surface Coal Mining and Reclamation Act (Article 5920-11, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

“(b) The commission has exclusive jurisdiction over iron ore and iron ore gravel mining and reclamation operations in the State of Texas, and the provisions of this Act apply to iron ore and iron ore gravel mining and reclamation operations to the extent that those provisions can be made applicable. The jurisdiction conferred by this subsection does not extend to:

“(1) a mining or reclamation activity in progress on *or before* September 1 1985 [~~1983~~]; or

“(2) a mining operation or reclamation activity which is conducted solely upon real property which is owned in fee simple by the person authorizing the operation or reclamation activity and the mining or reclamation activity is confined to a single, contiguous tract of land, so long as such activity is conducted within an area no larger than twenty acres and only if the depth of the mining operation is restricted to 30 inches or less, provided that the fee simple owner receives surface damages [~~smaller than five acres~~].

“(c) It is a defense to civil or criminal penalties under this Act that a person allegedly conducting an iron ore or iron ore gravel mining and reclamation operation in violation of this Act has a written general warranty of ownership of land, separate from any lease, from the person authorizing the operation.”

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 9, 1985, by the following vote: Yeas 31, Nays 0; May 24, 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 1985, House granted request of the Senate; May 27, 1985, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0; passed the House, with amendments, on May 23, 1985, by a non-record vote; May 26, 1985, House granted request of the Senate for appointment of Conference Committee; May 27, 1985, House adopted Conference Committee Report by a non-record vote.

Approved: June 14, 1985

Effective: August 26, 1985