

BILL ANALYSIS

H.B. 1544
By: Guillen
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the mining and processing of sand for certain oil and gas purposes and for concrete construction in areas that overlie the Carrizo Aquifer. It has been suggested that the removal of sand without providing for reclamation of the remaining soil can have an adverse effect on the surrounding agriculture and wildlife. There have been calls to decrease the harmful effects of sand mining operations by providing incentives to sand mining operations located in this area. H.B. 1544 seeks to address this issue by requiring the Texas Commission on Environmental Quality to adopt standard best practices for reclamation of land used for sand mining operations and by providing certain incentives based on the adherence to those practices.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

ANALYSIS

H.B. 1544 amends the Tax Code to establish that the eligibility of land for appraisal as qualified open-space land does not end because the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area under the following conditions:

- the owner of the land intends that the use of the land in that manner and to that degree of intensity be resumed;
- the land is used for a sand mining operation, defined by the bill as a registered aggregate production operation at which sand is removed or extracted, that overlies the Carrizo Aquifer and is located within:
 - 30 miles of the boundary of a municipality with a population of more than 500,000; or
 - one mile of a building in use as a single-family or multifamily residence; and
- the land is reclaimed according to the standard best practices adopted under the bill's provisions not later than the first anniversary of the date sand mining operations began on the land.

H.B. 1544 requires the landowner to notify the appraisal office in writing by a certain deadline that the owner intends to ensure that the applicable requirements are met. The bill requires the Texas Commission on Environmental Quality (TCEQ) to establish a process to allow a landowner who submits such a notice to obtain from the TCEQ executive director a letter determining whether the land that is the subject of the notice was reclaimed according to the

standard best practices in the required time frame. The bill sets a deadline by which the landowner must apply to the executive director for the determination and sets out provisions relating to the following:

- the issuance of and correspondence regarding a determination letter; and
- an appeal of the determination by the landowner or chief appraiser of the county appraisal district.

H.B. 1544 provides the following:

- the chief appraiser must accept a final determination by the executive director as conclusive evidence that land was reclaimed according to the standard best practices in the required time frame;
- TCEQ may charge a landowner seeking a determination letter a fee capped at its administrative costs for making the determination and issuing the letter; and
- TCEQ by rule must adopt the standard best practices, as prescribed, for reclamation of land used for a sand mining operation to be used for the bill's purposes.

H.B. 1544 applies only to land on which a sand mining operation began before the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.