

By: Leo-Wilson, et al.

H.B. No. 3859

Substitute the following for H.B. No. 3859:

By: Burns

C.S.H.B. No. 3859

A BILL TO BE ENTITLED

AN ACT

relating to the approval of beach access and use plans by the commissioner of the General Land Office.

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

SECTION 1. Section 61.015, Natural Resources Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Local governments shall submit proposed beach access and use plans to the commissioner for certification as to compliance with such policies and rules. The commissioner shall act on a local government's proposed beach access and use plan within 90 days of submission by ~~[either]~~ approving the plan, partially approving the plan under Section 61.0151, or denying certification.

(b-1) In the event of denial or partial approval under Section 61.0151, the commissioner shall send the proposed plan or unapproved portions back to the originating local government with a statement of specific objections and the reasons for denial, along with suggested modifications. On receipt, the local government shall revise and resubmit the plan or unapproved portions. The commissioner's certification of local government plans shall be by adoption into the rules under Section 61.011.

SECTION 2. Subchapter B, Chapter 61, Natural Resources Code, is amended by adding Section 61.0151 to read as follows:

1 Sec. 61.0151. PARTIAL APPROVAL OF BEACH ACCESS AND USE
2 PLANS. (a) This section applies only to:

3 (1) a county having a population of more than 350,000
4 and less than 370,000 that borders the Gulf of Mexico and is
5 adjacent to a county having a population of 4.5 million or more; and

6 (2) a local government located wholly or partly in a
7 county described by Subdivision (1).

8 (b) The commissioner may partially approve a local
9 government's proposed beach access and use plan submitted under
10 Section 61.015. If the commissioner partially approves the
11 proposed beach access and use plan, the local government may submit
12 to the commissioner subsequent amendments only for the portions of
13 the beach access and use plan that are partially approved.

14 (c) Amendments submitted under this section must be
15 certified consistent with:

16 (1) Section 61.011 and rules adopted under that
17 section; and

18 (2) Chapter 63.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2023.