

## **BILL ANALYSIS**

H.B. 1457  
By: Eiland  
Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The line of vegetation marks the boundary of a public beach easement. A meteorological event, such as a flood, tropical storm or hurricane, can greatly impact the location of the line of vegetation, and recovery can take a significant amount of time. During the process of recovery the “new” line of vegetation is often difficult to ascertain. Following previous storm events, some coastal stakeholders have recommended that a moratorium be established on the enforcement of the Open Beaches Act in order to allow sufficient time for the natural recovery of the line of vegetation.

The purpose of H.B. 1457 is to allow the Commissioner of the General Land Office the ability to establish a two-year moratorium on the enforcement of potential violations of the Open Beaches Act following a meteorological event such as a flood, tropical storm or hurricane. Consequently, beachfront property owners are provided with greater certainty regarding the actual location of the new line of vegetation and its impact on private property.

### **RULEMAKING AUTHORITY**

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 61, Natural Resources Code, by adding Section 61.0185 as follows:

Authorizes the commissioner to create a two-year enforcement moratorium on potential violations of the Open Beaches Act under certain circumstances:

The line of vegetation has moved as a result of a meteorological event, the encroachment was landward of the line of vegetation before the event, and the line of vegetation has not stabilized.

Authorizes the commissioner to extend the moratorium if the beach and line of vegetation have shown signs of recovery from the event but have not fully recovered.

Requires the commissioner to notify the Attorney General and appropriate county, district, or criminal district attorney of the order.

Limits the type of improvements or repairs eligible to be made during the moratorium to only those that are necessary to make the structure habitable.

SECTION 2. Effective date.

### **EFFECTIVE DATE**

September 1, 2003.