

By: Eiland

H.B. No. 1457

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authorization of the imposition of a temporary  
3 prohibition on enforcement of the law governing access to public  
4 beaches following a meteorological event.

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

6 SECTION 1. Subchapter B, Chapter 61, Natural Resources  
7 Code, is amended by adding Section 61.0185 to read as follows:

8 Sec. 61.0185. TEMPORARY PROHIBITION ON ENFORCEMENT. (a)

9 The commissioner by order may prohibit for a period of two years  
10 from the date the order is issued the filing of a suit under Section  
11 61.018 by the attorney general or any county attorney, district  
12 attorney, or criminal district attorney to remove any improvement,  
13 obstruction, barrier, or other encroachment from a public beach if  
14 the commissioner determines that:

15 (1) the line of vegetation establishing the boundary  
16 of the public beach has moved as a result of a meteorological event;

17 (2) the improvement, obstruction, barrier, or other  
18 encroachment was located landward of the line of vegetation before  
19 the meteorological event; and

20 (3) the line of vegetation has not stabilized.

21 (b) The commissioner by order may extend for a period not to  
22 exceed two additional years a prohibition on filing suit issued  
23 under Subsection (a) if on the expiration of the initial two-year  
24 period the commissioner determines that the public beach and line

1 of vegetation have shown signs of recovery from the hurricane or  
2 tropical storm but have not yet fully recovered.

3 (c) The commissioner shall notify the attorney general and  
4 each pertinent county attorney, district attorney, or criminal  
5 district attorney of the issuance of an order under this section.

6 (d) During the period a prohibition on filing suit to remove  
7 an encroachment from a public beach is in effect, the owner of a  
8 structure located on the public beach may not make any improvements  
9 or repairs to the structure or the land on which it is located other  
10 than repairs necessary to make the structure habitable.

11 SECTION 2. This Act takes effect September 1, 2003.