

By: Bonnen

H.B. No. 1603

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain political subdivisions to  
3 erect or maintain shore protection structures and the location of  
4 the line of vegetation in relation to those structures.

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

6 SECTION 1. Section 61.017, Natural Resources Code, is  
7 amended by adding Subsection (e) to read as follows:

8 (e) In an area of public beach where a shore protection  
9 structure constructed as provided by Section 61.022(a)(6)  
10 interrupts the natural line of vegetation for a distance of not more  
11 than 4,500 feet, the line of vegetation is along the seaward side of  
12 the shore protection structure for the distance marked by that  
13 structure. A line of vegetation established under this subsection  
14 is the landward boundary of the public beach and of the public  
15 easement for all purposes. The state retains fee title to all  
16 submerged land described by Section 11.012.

17 SECTION 2. Section 61.022, Natural Resources Code, is  
18 amended by amending Subsection (a) and adding Subsection (a-1) to  
19 read as follows:

20 (a) The provisions of this subchapter do not prevent any of  
21 the following governmental entities from erecting or maintaining  
22 any groin, seawall, barrier, pass, channel, jetty, or other  
23 structure as an aid to navigation, protection of the shore,  
24 fishing, safety, or other lawful purpose authorized by the

1 constitution or laws of this state or the United States:

2 (1) an agency, department, institution, subdivision,  
3 or instrumentality of the federal government;

4 (2) an agency, department, institution, or  
5 instrumentality of this state;

6 (3) a county;

7 (4) a municipality; ~~[or]~~

8 (5) a subdivision of this state, other than a county or  
9 municipality, acting in partnership with the county or municipality  
10 in which the structure is located; or

11 (6) a subdivision of this state, other than a county or  
12 municipality, acting with the approval of the commissioner, if the  
13 structure is a shore protection structure and is located in an area  
14 on the west side of a natural inlet to the Gulf of Mexico bounded on  
15 the east by the bridge abutment for a public bridge over the natural  
16 inlet and extending not more than 4,500 feet west along the  
17 shoreline.

18 (a-1) In granting approval of a shore protection structure  
19 under Subsection (a)(6), the commissioner may specify requirements  
20 for the design and location of the structure.

21 SECTION 3. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2005.