

By: Janek

S.B. No. 740

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

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

(a) The provisions of this subchapter do not prevent any of the following governmental entities from erecting or maintaining any groin, seawall, barrier, pass, channel, jetty, or other structure as an aid to navigation, protection of the shore, 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.