

## **BILL ANALYSIS**

Senate Research Center  
81R5986 TRH-F

H.B. 2073  
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Natural Resources  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Coastal Erosion Planning and Response Act (CEPRA) in Section 33.602, Natural Resources Code, directs the commissioner of the General Land Office (commissioner) to develop a coastal erosion response plan in coordination with state and federal agencies and local governments. Current law in Section 33.607(e), Natural Resources Code, allows local governments to adopt plans on a voluntary basis for reducing public expenditures from erosion and storm damage losses to public and private property, including public beaches, by establishing and implementing a building set-back line that will accommodate a shoreline retreat. In addition, under Section 33.605(b), Natural Resources Code, the commissioner may consider the local government's adoption of a building set-back line in determining whether to fund CEPRA projects within the jurisdiction.

Hurricane Ike demonstrated the need for more comprehensive planning at the local level for erosion response planning.

H.B. 2073 amends the Natural Resources Code, to require local governments to adopt plans for reducing public expenditures from erosion and storm damage losses to public and private property. H.B. 2073 authorizes local governments to include a building set-back line in an erosion response plan and authorizes them to consider other alternative approaches. H.B. 2073 amends the Natural Resources Code, to require the commissioner to consider the plan of a local government for reducing public expenditures for erosion and storm damage losses in making funding determinations under CEPRA.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of the General Land Office is modified in SECTION 2 (Section 33.607, Natural Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 33.605(b), Natural Resources Code, to require the commissioner of the General Land Office (commissioner), in determining whether to approve an expenditure for a study or project, to consider the plan for reducing public expenditures for erosion and storm damage losses prepared by the local government under Section 33.607 (Coastal Erosion Public Awareness and Education) if the site to be studied or project to be conducted will be located within the jurisdiction of a local government subject to Chapter 61 (Use and Maintenance of Public Beaches) or Chapter 63 (Dunes). Deletes existing text requiring the commissioner, in determining whether to approve an expenditure for a study or project, to consider the building set-back line established by the local government under Section 33.607 if the site to be studied or project to be conducted will be located within the jurisdiction of a local government subject to Chapter 61 or 63.

SECTION 2. Amends Sections 33.607(e)-(g), Natural Resources Code, as follows:

- (e) Requires, rather than authorizes, a local government subject to Chapter 61 or 63 to use historical erosion data and the coastal erosion response plan published by the commissioner under Section 33.602 (Coastal Erosion Duties and Authority) to prepare a local plan for reducing public expenditures for erosion and storm damage losses to public and private property, including public beaches, rather than authorizing a local government subject to Chapter 61 or 63 to use historical erosion data to prepare a plan for

reducing public expenditures for erosion and storm damage losses to public and private property, including public beaches, by establishing and implementing a building set-back line that will accommodate a shoreline retreat. Authorizes a plan prepared under this subsection to include a building set-back line that will accommodate a shoreline retreat.

(f) Authorizes a local plan, rather than a plan, for reducing public expenditures for erosion and storm damage losses to public and private property prepared under Subsection (e), rather than a plan that includes the establishment and implementation of a building set-back line under this section, to establish, preserve, and provide for certain elements.

(g) Authorizes the commissioner to adopt rules for the preparation and implementation by a local government of a local plan for reducing public expenditures for erosion and storm damage losses to public and private property under Subsection (e). Deletes existing text authorizing the commissioner to adopt rules for the establishment and implementation of a building set-back line under this section.

SECTION 3. Effective date: September 1, 2009.