

BILL ANALYSIS

H.B. 2073
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Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The state Coastal Erosion Planning and Response Act (CEPRA) directs the Commissioner of the General Land Office to develop a coastal erosion response plan in coordination with state and federal agencies and local governments. The Natural Resources Code authorizes, but does not require, local governments to adopt plans for reducing public expenditures from coastal 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. The Natural Resources Code requires the commissioner to consider a local government's adoption of a building set-back line in determining whether to fund CEPRA projects within that jurisdiction.

H.B. 2073 requires a local government to adopt a plan for reducing public expenditures from coastal erosion and storm damage losses to public and private property. The bill authorizes a local government to include a building set-back line in its coastal erosion response plan, but does not require it to do so.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of the General Land Office in SECTION 2 of this bill.

ANALYSIS

H.B. 2073 amends the Natural Resources Code to require the Commissioner of the General Land Office to consider the plan for reducing public expenditures for erosion and storm damage losses prepared by a local government when it determines whether to approve an expenditure from the coastal erosion response account for a study or project conducted on a site located within the jurisdiction of the local government. The bill removes the requirement that the commissioner consider the building set-back line established by the local government and makes the inclusion of a set-back line in the plan optional.

H.B. 2073 requires, rather than allows, a local government to use not only historical erosion data but also the coastal erosion response plan published by the commissioner to prepare a plan for reducing public expenditures for erosion and storm damage losses to public and private property, including public beaches, and specifies that the plan is a local plan. The bill authorizes the commissioner to adopt rules for the preparation instead of establishment by a local government of a local plan for reducing public expenditures for erosion and storm damage losses to public and private property.

EFFECTIVE DATE

September 1, 2009.