

BILL ANALYSIS

C.S.H.B. 2387
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The state Coastal Erosion Planning and Response Act (CEPRA) authorizes the Commissioner of the General Land Office to undertake coastal erosion studies, demonstration projects, and response projects in coordination with state and federal agencies, local governments, and other qualified project partners. Current law does not allow the use of CEPRA funds for the acquisition of real property. Some property owners are reluctant to accept reimbursement for removal and relocation expenses for structures on the beach without compensation for the real property upon which the structure is located that has become subject to the public beach easement due to erosion.

In areas of the coast where erosion response projects are needed to protect critical public infrastructure, the existence of structures on the beach has prevented or delayed the undertaking of erosion response projects such as beach nourishment or shore protection due to lengthy unresolved litigation related to the structures.

C.S.H.B. 2387 authorizes the use of CEPRA funds for the purchase of property located on a public beach and the acquisition of such property for the construction, reconstruction, maintenance, widening, or extension of erosion response projects. The bill authorizes the commissioner to undertake one or more erosion response projects without requiring a qualified project partner to pay a portion of the shared project costs if the total cost of the projects without a cost share requirement does not exceed one-half of the total amount appropriated to the General Land Office for coastal erosion planning and response.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2387 amends the Natural Resources Code to authorize the use of Coastal Erosion Planning and Response Act (CEPRA) funds for the purchase of property located on a public beach and the acquisition of such property for the construction, reconstruction, maintenance, widening, or extension of erosion response projects.

C.S.H.B. 2387 amends the Natural Resources Code to remove language establishing that no money in the coastal erosion response account may be used by the General Land Office for coastal erosion studies, demonstration projects, and response projects pursuant to storm damage mitigation, post-storm damage assessment, and debris removal to purchase real property or reimburse a property owner for the purchase of real property. The bill includes the purchase of property located on a public beach, and the acquisition of property necessary for the construction, reconstruction, maintenance, widening, or extension of an erosion response project, among the projects for which the Commissioner of the General Land Office may determine the percentage of the shared project cost a qualified project partner must pay, notwithstanding provisions relating to costs the project partner is required to pay.

C.S.H.B. 2387 authorizes the commissioner to undertake more than one erosion response project each biennium that does not require a qualified project partner to pay a portion of the shared project cost if the total cost of projects that do not have a cost share requirement does not exceed

one-half of the total amount appropriated to the land office for coastal erosion planning and response. The bill grants this authorization to the commissioner notwithstanding provisions that set out the terms of agreement between the office and a project partner and provisions that prohibit the construction or funding of a hard structure on or landward of a public beach. The bill removes language that limits such authorization to one large-scale beach nourishment project on a public beach if the cost does not exceed one-third of the total appropriated amount.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2387 differs from the original by removing from the item relating to an acquisition of property, in a list of items to be addressed in studies and projects that the Commissioner of the General Land Office is required to undertake, the specification that the acquisition be by eminent domain.