

BILL ANALYSIS

Senate Research Center
81R6199 ACP-F

H.B. 2457
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Natural Resources
4/15/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Subchapter C (Maintenance of the Public Beaches), Chapter 61 (Use and Maintenance of Public Beaches), Natural Resources Code, allocates responsibility for cleaning of the public beach areas of this state that are subject to the access rights of the public as defined in the Open Beaches Act in Subchapter B (Access to Public Beaches), Chapter 61, Natural Resources Code. Current law in Sections 61.065 (Duty of Cities) and 61.066 (Duty of County), Natural Resources Code, provides for the duty and responsibility of cities and counties to clean and maintain public beaches within their respective jurisdiction. Subchapter C also provides for reimbursement by the state of a portion of the expenses incurred by local governments for cleaning and maintaining the beaches. In addition, Section 61.067 (Duty of State), Natural Resources Code, imposes on the state the duty and responsibility to clean and maintain all public beaches located within state parks designated by the Texas Parks and Wildlife Department.

Hurricane Ike left an enormous amount of debris on public beaches in the counties of Matagorda, Brazoria, Galveston, Chambers, and Jefferson. The local governments have been overwhelmed in addressing the cost of debris removal from the beach and other areas. In addition, the local governments have been required to address other critical infrastructure needs as well as the needs of storm victims. Although the federal disaster declaration will eventually result in reimbursement by the Federal Emergency Management Agency (FEMA) for the cost of debris removal from the beach, local governments have had difficulty in bearing the responsibility for up-front costs.

H.B. 2457 requires the General Land Office (GLO), notwithstanding Sections 61.065 and 61.066, to clean, maintain, and clear debris from a public beach that is located in an area designated as a threatened area in a declaration of a state of disaster issued under Section 418.014 (Declaration of State of Disaster), Government Code. This will allow the GLO to assume this responsibility and obtain reimbursement directly from FEMA in the event of a disaster declaration.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.067, Natural Resources Code, by adding Subsection (a-1), to require the General Land Office (GLO), notwithstanding Sections 61.065 (Duty of Cities) and 61.066 (Duty of County), to clean, maintain, and clear debris from a public beach that is located in an area designated as a threatened area in a declaration of a state of disaster issued under Section 418.014 (Declaration of State of Disaster), Government Code. Provides that the duty of GLO under this subsection is limited to debris related to the event that is the subject of the disaster declaration.

SECTION 2. Amends Section 61.082(a), Natural Resources Code, to prohibit the provisions of this subchapter, except as provided by Section 61.067(a-1), from being construed to interfere with local initiative and responsibility in the cleaning, maintenance, and supervision of public beaches.

SECTION 3. Effective date: upon passage or September 1, 2009.