

BILL ANALYSIS

H.B. 2457
By: Eiland
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Natural Resources Code allocates responsibility for cleaning the public beach areas of Texas that are subject to access rights as defined in the Open Beaches Act. Current law provides for the duty and responsibility of municipalities and counties to clean and maintain public beaches within their respective jurisdictions. Current law also provides for reimbursement by the state of a portion of the expenses incurred by local governments for cleaning and maintaining the beaches.

Hurricane Ike left an enormous amount of debris on public beaches in many coastal counties, including Matagorda, Brazoria, Galveston, Chambers, and Jefferson Counties. 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 designates to the General Land Office (GLO) the duty and responsibility to clean, maintain, and clear debris from any public beach that is located within a county or municipality that has been included in a disaster declaration made by the governor, and allows GLO to assume this responsibility and obtain reimbursement directly from FEMA in the event of a disaster declaration.

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

H.B. 2457 amends the Natural Resources Code to require the General Land Office 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, notwithstanding provisions relating to the duties of a city or a county to maintain public beaches. The bill provides that the duty of the General Land Office is limited to debris related to the event that is the subject of the disaster declaration and makes a conforming change.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2009.