

BILL ANALYSIS

C.S.H.B. 3986
By: Bonnen
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Rollover Pass on the Bolivar Peninsula in Galveston County is a man-made waterway that was constructed in the 1950s between the Gulf of Mexico and an inland bay. Because of certain factors, including a high erosion rate due to the existence of the waterway, many people believe that Rollover Pass should be closed.

C.S.H.B. 3986 authorizes the commissioner of the General Land Office to close any man-made pass between the Gulf of Mexico and an inland bay if the commissioner determines that the man-made pass causes or contributes to significant erosion to the adjacent beach shoreline, the pass is not a public navigational channel constructed or maintained by the federal government, and the General Land Office receives funding for that purpose. If such closing of a man-made pass results in a loss of public recreational opportunities, the commissioner is required to develop and approve a plan in consultation with certain state and local entities to mitigate the loss, with the opportunity for public comment.

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. 3986 amends the Natural Resources Code to authorize the commissioner of the General Land Office, if the General Land Office receives legislative appropriations or other funding, to close any man-made pass between the Gulf of Mexico and an inland bay if the commissioner determines that the pass causes or contributes to significant erosion of the shoreline of the adjacent beach and the pass is not a public navigational channel constructed or maintained by the federal government.

C.S.H.B. 3986 requires the commissioner, if the closing of a man-made pass results in a loss of public recreational opportunities, to develop, in consultation with the Texas Parks and Wildlife Department and the county and, if applicable, the municipality in which the pass is located, and approve a plan to mitigate the loss. The bill requires the plan to be presented to the public for comment before the commissioner approves it.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

The committee substitute differs from the original by adding a condition to the commissioner of the General Land Office's authorization to close a man-made pass between the Gulf of Mexico and an inland bay that the pass is not a public navigational channel constructed or maintained by the federal government. The committee substitute adds a provision not in the original that requires the commissioner to develop and approve a plan in consultation with the Texas Parks and Wildlife Department and the county and, if applicable, the municipality in which the pass is located, to mitigate a loss of public recreational opportunities resulting from the closing of a man-made pass and requires such a plan to be presented to the public for comment before the commissioner approves it. The substitute makes nonsubstantive changes to the original.