

## **BILL ANALYSIS**

S.B. 2043  
By: Williams  
Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Rollover Pass on the Bolivar Peninsula in Galveston County is a man-made waterway between the Gulf of Mexico and an inland bay that was constructed in the 1950s. 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.

S.B. 2043 authorizes the commissioner of the General Land Office to undertake the closure or modification of a man-made pass or its environs 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 such a 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 and with a requirement that the commissioner report on the progress towards implementing any such plan.

### **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**

S.B. 2043 amends the Natural Resources Code to authorize the commissioner of the General Land Office, if the land office receives legislative appropriations or other funding, to close or modify any man-made pass or its environs 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.

S.B. 2043 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. The bill provides that in developing such a plan, the commissioner is strongly encouraged to assess the feasibility of installing fishing piers, boat ramps, and other facilities that provide public recreational opportunities. The bill requires, not later than January 1, 2011, the commissioner of the General Land Office to submit to the 82nd Legislature a report on the progress of the commissioner in implementing any such mitigation plan.

S.B. 2043 states that no appropriation is made by the Act, and that the Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

### **EFFECTIVE DATE**

September 1, 2009.

S.B. 2043 81(R)