

By: Rios Ybarra

H.B. No. 1213

Substitute the following for H.B. No. 1213:

By: Farrar

C.S.H.B. No. 1213

A BILL TO BE ENTITLED

AN ACT

relating to the promulgation by the commissioner of the General Land Office of rules authorizing the use on a public beach of a golf cart for the transportation of a person with a physical disability.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.011(d), Natural Resources Code, is amended to read as follows:

(d) The commissioner shall promulgate rules, consistent with the policies established in this section, on the following matters only:

(1) acquisition by local governments or other appropriate entities or public dedication of access ways sufficient to provide adequate public ingress and egress to and from the beach within the area described in Subdivision (6);

(2) protection of the public easement from erosion or reduction caused by development or other activities on adjacent land and beach cleanup and maintenance;

(3) local government prohibitions of vehicular traffic on public beaches, provision of off-beach parking, the use on a public beach of a golf cart, as defined by Section 502.001, Transportation Code, for the transportation of a person with a physical disability, and other minimum measures needed to mitigate for any adverse effect on public access and dune areas;

(4) imposition of beach access, user, or parking fees

1 and reasonable exercises of the police power by local governments
2 with respect to public beaches;

3 (5) contents and certification of beach access and use
4 plans and standards for local government review of construction on
5 land adjacent to and landward of public beaches, including
6 procedures for expedited review of beach access and use plans under
7 Section 61.015;

8 (6) construction on land adjacent to and landward of
9 public beaches and lying in the area either up to the first public
10 road generally parallel to the beach or to any closer public road
11 not parallel to the beach, or to within 1,000 feet of mean high
12 tide, whichever is greater, that affects or may affect public
13 access to and use of public beaches;

14 (7) the temporary suspension under Section 61.0185 of
15 enforcement of the prohibition against encroachments on and
16 interferences with the public beach easement and the ability of a
17 property owner to make repairs to a house while a suspension is in
18 effect;

19 (8) the determination of the line of vegetation or
20 natural line of vegetation;

21 (9) the factors to be considered in determining
22 whether a structure, improvement, obstruction, barrier, or hazard
23 on the public beach:

24 (A) constitutes an imminent hazard to safety,
25 health, or public welfare; or

26 (B) substantially interferes with the free and
27 unrestricted right of the public to enter or leave the public beach

1 or traverse any part of the public beach; and

2 (10) the procedures for determining whether a
3 structure is not insurable property for purposes of Section
4 2210.004, Insurance Code, because of the factors listed in
5 Subsection (h) of that section.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.