

1-1 By: Rios Ybarra (Senate Sponsor - Lucio) H.B. No. 1213
1-2 (In the Senate - Received from the House April 14, 2009;
1-3 April 15, 2009, read first time and referred to Committee on
1-4 Natural Resources; April 28, 2009, reported favorably by the
1-5 following vote: Yeas 10, Nays 0; April 28, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the promulgation by the commissioner of the General
1-9 Land Office of rules authorizing the use on a public beach of a golf
1-10 cart for the transportation of a person with a physical disability.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 61.011(d), Natural Resources Code, is
1-13 amended to read as follows:

1-14 (d) The commissioner shall promulgate rules, consistent
1-15 with the policies established in this section, on the following
1-16 matters only:

1-17 (1) acquisition by local governments or other
1-18 appropriate entities or public dedication of access ways sufficient
1-19 to provide adequate public ingress and egress to and from the beach
1-20 within the area described in Subdivision (6);

1-21 (2) protection of the public easement from erosion or
1-22 reduction caused by development or other activities on adjacent
1-23 land and beach cleanup and maintenance;

1-24 (3) local government prohibitions of vehicular
1-25 traffic on public beaches, provision of off-beach parking, the use
1-26 on a public beach of a golf cart, as defined by Section 502.001,
1-27 Transportation Code, for the transportation of a person with a
1-28 physical disability, and other minimum measures needed to mitigate
1-29 for any adverse effect on public access and dune areas;

1-30 (4) imposition of beach access, user, or parking fees
1-31 and reasonable exercises of the police power by local governments
1-32 with respect to public beaches;

1-33 (5) contents and certification of beach access and use
1-34 plans and standards for local government review of construction on
1-35 land adjacent to and landward of public beaches, including
1-36 procedures for expedited review of beach access and use plans under
1-37 Section 61.015;

1-38 (6) construction on land adjacent to and landward of
1-39 public beaches and lying in the area either up to the first public
1-40 road generally parallel to the beach or to any closer public road
1-41 not parallel to the beach, or to within 1,000 feet of mean high
1-42 tide, whichever is greater, that affects or may affect public
1-43 access to and use of public beaches;

1-44 (7) the temporary suspension under Section 61.0185 of
1-45 enforcement of the prohibition against encroachments on and
1-46 interferences with the public beach easement and the ability of a
1-47 property owner to make repairs to a house while a suspension is in
1-48 effect;

1-49 (8) the determination of the line of vegetation or
1-50 natural line of vegetation;

1-51 (9) the factors to be considered in determining
1-52 whether a structure, improvement, obstruction, barrier, or hazard
1-53 on the public beach:

1-54 (A) constitutes an imminent hazard to safety,
1-55 health, or public welfare; or

1-56 (B) substantially interferes with the free and
1-57 unrestricted right of the public to enter or leave the public beach
1-58 or traverse any part of the public beach; and

1-59 (10) the procedures for determining whether a
1-60 structure is not insurable property for purposes of Section
1-61 2210.004, Insurance Code, because of the factors listed in
1-62 Subsection (h) of that section.

1-63 SECTION 2. This Act takes effect immediately if it receives
1-64 a vote of two-thirds of all the members elected to each house, as

2-1 provided by Section 39, Article III, Texas Constitution. If this
2-2 Act does not receive the vote necessary for immediate effect, this
2-3 Act takes effect September 1, 2009.

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