

1-1 By: Bonnen (Senate Sponsor - Huffman) H.B. No. 1445  
1-2 (In the Senate - Received from the House April 22, 2009;  
1-3 May 1, 2009, read first time and referred to Committee on Natural  
1-4 Resources; May 7, 2009, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 7, 2009, sent to printer.)

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

1-8 relating to the authority of certain political subdivisions to  
1-9 erect or maintain shore protection structures and the location of  
1-10 the line of vegetation in relation to those structures.

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

1-12 SECTION 1. Section 61.017, Natural Resources Code, is  
1-13 amended by adding Subsections (e) and (f) to read as follows:

1-14 (e) In an area of public beach where a shore protection  
1-15 structure constructed as provided by Section 61.022(a)(6)  
1-16 interrupts the natural line of vegetation for a distance of at least  
1-17 1,000 feet, the line of vegetation is along the seaward side of the  
1-18 shore protection structure for the distance marked by that  
1-19 structure. A line of vegetation established under this subsection  
1-20 is the landward boundary of the public beach and of the public  
1-21 easement for all purposes, provided that before or concurrently  
1-22 with the construction of the structure:

1-23 (1) a perpetual easement has been granted in favor of  
1-24 the public affording pedestrian, noncommercial use along and over  
1-25 the entire length of the structure and an adjacent sidewalk by the  
1-26 general public; and

1-27 (2) the subdivision that constructed the shore  
1-28 protection structure has provided a public parking area of  
1-29 sufficient acreage to provide at least one parking space for each 15  
1-30 linear feet of the structure, located so that ingress and egress  
1-31 ways are not more than one-half mile apart.

1-32 (f) Before a subdivision of this state begins construction  
1-33 of a shore protection structure described by Subsection (e), the  
1-34 subdivision must conduct and obtain the commissioner's approval of  
1-35 a coastal boundary survey under Section 33.136. The state retains  
1-36 fee title to all land described by Section 11.012 that is occupied  
1-37 by or affected by the placement of the structure.

1-38 SECTION 2. Section 61.022, Natural Resources Code, is  
1-39 amended by amending Subsection (a) and adding Subsection (a-1) to  
1-40 read as follows:

1-41 (a) The provisions of this subchapter do not prevent any of  
1-42 the following governmental entities from erecting or maintaining  
1-43 any groin, seawall, barrier, pass, channel, jetty, or other  
1-44 structure as an aid to navigation, protection of the shore,  
1-45 fishing, safety, or other lawful purpose authorized by the  
1-46 constitution or laws of this state or the United States:

1-47 (1) an agency, department, institution, subdivision,  
1-48 or instrumentality of the federal government;

1-49 (2) an agency, department, institution, or  
1-50 instrumentality of this state;

1-51 (3) a county;

1-52 (4) a municipality; ~~or~~

1-53 (5) a subdivision of this state, other than a county or  
1-54 municipality, acting in partnership with the county or municipality  
1-55 in which the structure is located; or

1-56 (6) a subdivision of this state, acting with the  
1-57 approval of the commissioner, if the structure is a shore  
1-58 protection structure that:

1-59 (A) is designed to protect public  
1-60 infrastructure, including a state or county highway or bridge;

1-61 (B) is located on land that:

1-62 (i) is state-owned submerged land or was  
1-63 acquired for the project by a subdivision of this state; and

1-64 (ii) is located in or adjacent to the mouth

2-1 of a natural inlet from the Gulf of Mexico; and  
2-2 (C) extends at least 1,000 feet along the  
2-3 shoreline.

2-4 (a-1) In granting approval of a shore protection structure  
2-5 under Subsection (a)(6) of this section, the commissioner may  
2-6 specify requirements for the design and location of the structure  
2-7 or any public parking area required by Section 61.017(e).

2-8 SECTION 3. This Act takes effect immediately if it receives  
2-9 a vote of two-thirds of all the members elected to each house, as  
2-10 provided by Section 39, Article III, Texas Constitution. If this  
2-11 Act does not receive the vote necessary for immediate effect, this  
2-12 Act takes effect September 1, 2009.

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