

By: Bonnen

H.B. No. 2073

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to plans by local governments in coastal areas for  
3 reducing public expenditures for erosion and storm damage losses to  
4 public and private property.

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

6 SECTION 1. Section 33.605(b), Natural Resources Code, is  
7 amended to read as follows:

8 (b) The commissioner must approve an expenditure from the  
9 account. In determining whether to approve an expenditure for a  
10 study or project, the commissioner shall consider:

11 (1) the amount of money in the account;

12 (2) the feasibility and cost-effectiveness of the  
13 study or project;

14 (3) the locations of other existing or proposed  
15 erosion response projects;

16 (4) the needs in other critical coastal erosion areas;

17 (5) the effect of the study or project on public or  
18 private property; and

19 (6) if the site to be studied or project to be  
20 conducted will be located within the jurisdiction of a local  
21 government subject to Chapter 61 or 63:

22 (A) whether the local government is adequately  
23 administering those chapters; and

24 (B) the plan for reducing public expenditures for

1 erosion and storm damage losses prepared [~~building set-back line~~  
2 ~~established~~] by the local government under Section 33.607.

3 SECTION 2. Sections 33.607(e), (f), and (g), Natural  
4 Resources Code, are amended to read as follows:

5 (e) A local government subject to Chapter 61 or 63 shall  
6 [~~may~~] use historical erosion data and the coastal erosion response  
7 plan published by the commissioner under Section 33.602 to prepare  
8 a local plan for reducing public expenditures for erosion and storm  
9 damage losses to public and private property, including public  
10 beaches. A plan prepared under this subsection may include [~~by~~  
11 ~~establishing and implementing~~] a building set-back line that will  
12 accommodate a shoreline retreat. The local government shall hold a  
13 public educational meeting on the plan before proposing to  
14 implement it through the plans, orders, or ordinances provided by  
15 Chapters 61 and 63.

16 (f) A local plan for reducing public expenditures for  
17 erosion and storm damage losses to public and private property  
18 prepared under Subsection (e) [~~that includes the establishment and~~  
19 ~~implementation of a building set-back line under this section~~] may:

20 (1) preserve and enhance the public's right of access  
21 to and use of the public beach;

22 (2) preserve critical sand dunes for natural storm  
23 protection and conservation purposes;

24 (3) establish a building set-back line no further  
25 landward than the dune protection line established by the local  
26 government under Chapter 63;

27 (4) provide for the prohibition of new construction

1 seaward of the building set-back line; and

2 (5) provide for the acquisition of fee title to or a  
3 lesser interest in property seaward of the building set-back line.

4 (g) The commissioner may adopt rules for the preparation  
5 [~~establishment~~] and implementation by a local government of a local  
6 plan for reducing public expenditures for erosion and storm damage  
7 losses to public and private property under Subsection (e)  
8 [~~building set-back line under this section~~].

9 SECTION 3. This Act takes effect September 1, 2009.