

By: Christian

H.B. No. 4025

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the filing of a suit to remove a house located on a public beach because of a change in the boundary of the beach resulting from a meteorological event.

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

SECTION 1. Section 61.018, Natural Resources Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), any ~~Any~~ county attorney, district attorney, or criminal district attorney, or the attorney general at the request of the commissioner, shall file in a district court of Travis County, or in the county in which the property is located, a suit to obtain either a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove or prevent any improvement, maintenance, obstruction, barrier, or other encroachment on a public beach, or to prohibit any unlawful restraint on the public's right of access to and use of a public beach or other activity that violates this chapter.

(a-1) A county attorney, district attorney, or criminal district attorney or the attorney general may not file a suit under Subsection (a) to obtain a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove a house from a public beach if:

1 (1) the line of vegetation establishing the boundary
2 of the public beach has moved as a result of a meteorological event;

3 (2) the house was located landward of the natural line
4 of vegetation before the meteorological event; and

5 (3) a portion of the house continues to be located
6 landward of the line of vegetation.

7 SECTION 2. The changes in law made by this Act apply to a
8 meteorological event regardless of whether the event occurred
9 before, on, or after the effective date of this Act.

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