

By: Lucio

S.B. No. 804

A BILL TO BE ENTITLED

AN ACT

relating to the use of golf carts on beaches.

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

SECTION 1. Subsection (d), Section 61.011, 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, use of motorized golf cart vehicles on the beach by disabled persons, 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 and reasonable exercises of the police power by local governments with respect to public beaches;

(5) contents and certification of beach access and use

1 plans and standards for local government review of construction on
2 land adjacent to and landward of public beaches, including
3 procedures for expedited review of beach access and use plans under
4 Section 61.015;

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

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

16 (8) the determination of the line of vegetation or
17 natural line of vegetation;

18 (9) the factors to be considered in determining
19 whether a structure, improvement, obstruction, barrier, or hazard
20 on the public beach:

21 (A) constitutes an imminent hazard to safety,
22 health, or public welfare; or

23 (B) substantially interferes with the free and
24 unrestricted right of the public to enter or leave the public beach
25 or traverse any part of the public beach; and

26 (10) the procedures for determining whether a
27 structure is not insurable property for purposes of Section

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1 2210.004, Insurance Code, because of the factors listed in
2 Subsection (h) of that section.

3 SECTION 2. This Act takes effect September 1, 2009.