

AN ACT

relating to the closure or modification of certain man-made passes between the Gulf of Mexico and inland bays by the commissioner of the General Land Office.

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

SECTION 1. Subchapter H, Chapter 33, Natural Resources Code, is amended by adding Section 33.613 to read as follows:

Sec. 33.613. CLOSURE OR MODIFICATION OF CERTAIN MAN-MADE PASSES. (a) Notwithstanding Sections 66.204 and 81.103, Parks and Wildlife Code, the commissioner may undertake the closure or modification of a man-made pass or its environs between the Gulf of Mexico and an inland bay if:

(1) the commissioner determines that the pass causes or contributes to significant erosion of the shoreline of the adjacent beach;

(2) the pass is not a public navigational channel constructed or maintained by the federal government; and

(3) the land office receives legislative appropriations or other funding for that purpose.

(b) If the closing of a man-made pass under this section results in a loss of public recreational opportunities, the commissioner shall develop, in consultation with the Parks and Wildlife Department and the county and, if applicable, the municipality in which the pass is located, and approve a plan to

1 mitigate the loss. In developing the plan, the commissioner is  
2 strongly encouraged to assess the feasibility of installing fishing  
3 piers, boat ramps, and other facilities that provide public  
4 recreational opportunities. The plan must be presented to the  
5 public for comment before the commissioner approves it.

6 SECTION 2. Not later than January 1, 2011, the commissioner  
7 of the General Land Office shall submit to the 82nd Legislature a  
8 report on the progress of the commissioner in implementing any  
9 mitigation plan approved under Subsection (b), Section 33.613,  
10 Natural Resources Code, as added by this Act.

11 SECTION 3. This Act does not make an appropriation. This  
12 Act takes effect only if a specific appropriation for the  
13 implementation of the Act is provided in a general appropriations  
14 act of the 81st Legislature.

15 SECTION 4. This Act takes effect September 1, 2009.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2043 passed the Senate on April 16, 2009, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2043 passed the House on May 5, 2009, by the following vote: Yeas 144, Nays 1, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor