

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 17, 2009

TO: Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1445 by Bonnen (Relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would specify that a shore protection structure that interrupts the natural line of vegetation for a distance of at least 1,000 feet acts as the line of vegetation and therefore establishes the landward boundary of a public beach and of public easement for all purposes. The bill would require a subdivision of the state, before constructing a shore protection structure, to obtain the approval of the Land Commissioner. The bill would also provide that the state retains fee title to all land that is occupied by or affected by the placement of the structure.

The bill also would add to the list of governmental entities authorized to erect or maintain any groin, seawall, barrier, pass, channel, jetty, or other structure as an aid to navigation, protection of the shore, fishing, safety, or other lawful purpose authorized by the Texas Constitution or statutes or U.S. law a subdivision of the state, acting with the approval of the Land Commissioner, if the structure is a shore protection structure that is designed to protect public infrastructure, including a state or county highway or bridge; is located on land that is state-owned submerged land or was acquired for the project by a subdivision of this state, and is located in or adjacent to the mouth of a natural inlet from the Gulf of Mexico; and extends at least 1,000 feet along the shoreline. The Land Commissioner would be authorized to specify requirements for the design and location of such structures.

Any additional workload resulting from the bill's passage is expected to be absorbed by the General Land Office using existing resources.

Local Government Impact

The bill would require a subdivision to conduct a coastal boundary survey and obtain the commissioner's approval prior to the construction of a shore protection structure. Under current law, a county, municipality, or a subdivision is permitted to construct or maintain a shore protection structure. The bill would allow a subdivision that has the approval of the commissioner, and meets the other specifications to construct or maintain a shore protection structure. The fiscal impact to local governmental entities to implement the provisions of the bill is not anticipated to be significant.

Source Agencies: 305 General Land Office and Veterans' Land Board

LBB Staff: JOB, WK, TL, TP