

BILL ANALYSIS

Senate Research Center
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H.B. 2623
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Administration
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Federal Aviation Administration (FAA) has the power to authorize certain space flight launch operations from a private site, such as the proposed vertical launch site in the Boca Chica area near Brownsville, Texas. Interested parties assert that the development of such launch sites provides a significant and direct economic impact on the surrounding communities by providing jobs and other economic opportunities. The parties note that, for safety reasons, areas within a certain radius of a launch site must be closed before a launch, potentially including areas of state-owned beaches. Current law provides for restricted access to certain areas, including beaches, to preserve safety, health, and the public welfare and to hold certain events. H.B. 2623 seeks to provide for the protection of the public health, safety, and welfare on dates when an FAA-approved launch is to take place.

H.B. 2623 amends current law relating to the authority of certain counties and the General Land Office to temporarily close a beach or beach access point.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Commissioner of the General Land Office is modified in SECTION 2 (Section 61.011, Natural Resources Code) of this bill.

Rulemaking authority is expressly granted to the General Land Office in SECTION 3 (Section 61.132) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.001, Natural Resources Code, by adding Subdivision (4-a) to define "launch" and "space flight activities."

SECTION 2. Amends Section 61.011(d), Natural Resources Code, as follows:

(d) Requires the Commissioner of the General Land Office (GLO) to promulgate rules, consistent with the policies established in this section, on the following matters only:

(1)-(10) Makes no change to these subdivisions; and

(11) the closure of beaches for space flight activities.

SECTION 3. Amends Subchapter D, Chapter 61, Natural Resources Code, by adding Section 61.132, as follows:

Sec. 61.132. CLOSING OF BEACHES FOR SPACE FLIGHT ACTIVITIES. (a) Provides that this section applies only to a county bordering on the Gulf of Mexico or its tidewater limits that contains a launch site the construction and operation of which have been approved in a record of decision issued by the Federal Aviation Administration following the preparation of an environmental impact statement by that administration.

(b) Requires a person planning to conduct a launch in a county to which this section applies to submit to the commissioners court proposed primary and backup launch dates for the launch.

(c) Authorizes the commissioners court, to protect the public health, safety, and welfare, by order to temporarily close a beach in reasonable proximity to the launch site or access points to the beach in the county on a primary or backup launch date, subject to Subsection (d).

(d) Prohibits the commissioners court from closing a beach or access points to the beach on a primary launch date consisting of any of the following days without the approval of the land office the Saturday or Sunday preceding Memorial Day; Memorial Day; July 4; Labor Day; or a Saturday or Sunday that is after Memorial Day but before Labor Day.

(e) Requires the commissioners court to comply with the county's beach access and use plan adopted and certified under Section 61.015 (Beach Access and Use Plans) and dune protection plan adopted and certified under Chapter 63 (Dunes) when closing a beach or access point under this section.

(f) Authorizes GLO to:

- (1) approve or deny a beach or access point closure request under Subsection (d);
- (2) enter into a memorandum of agreement with the commissioners court of a county to which this section applies to govern beach and access point closures made under this section; and
- (3) adopt rules to govern beach and access point closures made under this section.

SECTION 4. Effective date: upon passage or September 1, 2013.