

BILL ANALYSIS

Senate Research Center
83R4407 JXC-D

S.B. 1574
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Federal Aviation Administration (FAA) has the power to authorize certain 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. S.B. 1572 seeks to provide for the protection of the public health, safety, and welfare on dates when an FAA-approved launch is to take place.

As proposed, S.B. 1574 amends current law relating to the authority of certain counties and the General Land Office to temporarily close a beach or a beach access point.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 240.902, Local Government Code, to read as follows:

Sec. 240.902. CLOSING OF GULF BEACHES FOR NONPROFIT EVENTS.

SECTION 2. Amends Subchapter Z, Chapter 240, Local Government Code, by adding Section 240.903, as follows:

Sec. 240.903. CLOSING OF GULF BEACHES FOR SPACE FLIGHT ACTIVITIES.
(a) Defines, in this section, "beach," "launch," and "space flight activities."

(b) Provides that this section applies only to a county bordering on the Gulf of Mexico or its tidewater limits in which the Federal Aviation Administration has approved a launch site for space flight activities.

(c) Prohibits a person from conducting a launch unless the person submits to the commissioners court a written request to approve a proposed primary and backup launch date for the launch and provides a copy of the request to the General Land Office (GLO) not later than the 14th day before the proposed primary launch date if the proposed primary launch date is not on a day described by Subsection (d) or not later than the 28th day before the proposed primary launch date if the proposed primary launch date is on a day described by Subsection (d); the commissioners court approves a primary and backup launch date for the launch; and the launch takes place on the approved primary or backup launch date.

(d) Prohibits the commissioners court from approving a primary launch date consisting of any of the following days without the approval of GLO: the Saturday or Sunday preceding Memorial Day; Memorial Day; July 4; Labor Day; a Saturday after Memorial Day but before Labor Day; or a Sunday after Memorial Day but before Labor Day.

(e) Requires the commissioners court to submit a written request to approve a primary launch date on a day described by Subsection (d) to GLO not later than the 14th day before the proposed primary launch date. Requires that the request include a justification for conducting the launch on the specified date.

(f) Requires GLO to approve a request submitted under Subsection (e) if GLO determines that there is a reasonable justification for conducting the launch on the specified date. Provides that grounds for making such a determination include technical requirements; significant adverse business consequences of not conducting the launch on the specified date; or regulatory requirements.

(g) Requires GLO to approve or deny a request submitted under Subsection (e) not later than the third day after the date GLO receives the request. Provides that, if GLO does not respond to the request on or before the third day after the date GLO receives the request, GLO is considered to have approved the request.

(h) Authorizes the commissioners court to approve a backup launch date of any day without the approval of GLO.

(i) 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 approved under this section.

(j) 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), Natural Resources Code, and dune protection plan adopted and certified under Chapter 63 (Dunes), Natural Resources Code, when closing a beach or access point under this section.

(k) Authorizes the commissioners court to enter into a memorandum of understanding with GLO as necessary to comply with the requirements of this section.

SECTION 3. Effective date: upon passage or September 1, 2013.