

By: Oliveira

H.B. No. 2623

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties and the General Land Office to temporarily close a beach or a beach access point.

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

SECTION 1. The heading to Section 240.902, Local Government Code, is amended to read as follows:

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

SECTION 2. Subchapter Z, Chapter 240, Local Government Code, is amended by adding Section 240.903 to read as follows:

Sec. 240.903. CLOSING OF GULF BEACHES FOR SPACE FLIGHT ACTIVITIES. (a) In this section:

(1) "Beach" has the meaning assigned by Section 61.012, Natural Resources Code.

(2) "Launch" and "space flight activities" have the meanings assigned by Section 100A.001, Civil Practice and Remedies Code.

(b) 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) A person may not conduct a launch unless:

(1) 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

1 General Land Office:

2 (A) not later than the 14th day before the
3 proposed primary launch date if the proposed primary launch date is
4 not on a day described by Subsection (d); or

5 (B) not later than the 28th day before the
6 proposed primary launch date if the proposed primary launch date is
7 on a day described by Subsection (d);

8 (2) the commissioners court approves a primary and
9 backup launch date for the launch; and

10 (3) the launch takes place on the approved primary or
11 backup launch date.

12 (d) The commissioners court may not approve a primary launch
13 date consisting of any of the following days without the approval of
14 the General Land Office:

15 (1) the Saturday or Sunday preceding Memorial Day;

16 (2) Memorial Day;

17 (3) July 4;

18 (4) Labor Day;

19 (5) a Saturday after Memorial Day but before Labor
20 Day; or

21 (6) a Sunday after Memorial Day but before Labor Day.

22 (e) The commissioners court shall submit a written request
23 to approve a primary launch date on a day described by Subsection
24 (d) to the General Land Office not later than the 14th day before
25 the proposed primary launch date. The request must include a
26 justification for conducting the launch on the specified date.

27 (f) The General Land Office shall approve a request

1 submitted under Subsection (e) if the office determines that there
2 is a reasonable justification for conducting the launch on the
3 specified date. Grounds for making such a determination include:

4 (1) technical requirements;

5 (2) significant adverse business consequences of not
6 conducting the launch on the specified date; or

7 (3) regulatory requirements.

8 (g) The General Land Office must approve or deny a request
9 submitted under Subsection (e) not later than the third day after
10 the date the office receives the request. If the General Land
11 Office does not respond to the request on or before the third day
12 after the date the office receives the request, the office is
13 considered to have approved the request.

14 (h) The commissioners court may approve a backup launch date
15 of any day without the approval of the General Land Office.

16 (i) To protect the public health, safety, and welfare, the
17 commissioners court by order may temporarily close a beach in
18 reasonable proximity to the launch site or access points to the
19 beach in the county on a primary or backup launch date approved
20 under this section.

21 (j) The commissioners court must comply with the county's
22 beach access and use plan adopted and certified under Section
23 61.015, Natural Resources Code, and dune protection plan adopted
24 and certified under Chapter 63, Natural Resources Code, when
25 closing a beach or access point under this section.

26 (k) The commissioners court may enter into a memorandum of
27 understanding with the General Land Office as necessary to comply

1 with the requirements of this section.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.