

1-1 By: Oliveira, Lucio III, Anderson H.B. No. 2623
 1-2 (Senate Sponsor - Lucio)
 1-3 (In the Senate - Received from the House April 29, 2013;
 1-4 April 29, 2013, read first time and referred to Committee on
 1-5 Administration; May 8, 2013, reported favorably by the following
 1-6 vote: Yeas 4, Nays 0; May 8, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9			X	
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14			X	
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the authority of certain counties and the General Land
 1-19 Office to temporarily close a beach or beach access point.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 61.001, Natural Resources Code, is
 1-22 amended by adding Subdivision (4-a) to read as follows:

1-23 (4-a) "Launch" and "space flight activities" have the
 1-24 meanings assigned by Section 100A.001, Civil Practice and Remedies
 1-25 Code.

1-26 SECTION 2. Section 61.011(d), Natural Resources Code, is
 1-27 amended to read as follows:

1-28 (d) The commissioner shall promulgate rules, consistent
 1-29 with the policies established in this section, on the following
 1-30 matters only:

1-31 (1) acquisition by local governments or other
 1-32 appropriate entities or public dedication of access ways sufficient
 1-33 to provide adequate public ingress and egress to and from the beach
 1-34 within the area described in Subdivision (6);

1-35 (2) protection of the public easement from erosion or
 1-36 reduction caused by development or other activities on adjacent
 1-37 land and beach cleanup and maintenance;

1-38 (3) local government prohibitions of vehicular
 1-39 traffic on public beaches, provision of off-beach parking, the use
 1-40 on a public beach of a golf cart, as defined by Section 502.001,
 1-41 Transportation Code, for the transportation of a person with a
 1-42 physical disability, and other minimum measures needed to mitigate
 1-43 for any adverse effect on public access and dune areas;

1-44 (4) imposition of beach access, user, or parking fees
 1-45 and reasonable exercises of the police power by local governments
 1-46 with respect to public beaches;

1-47 (5) contents and certification of beach access and use
 1-48 plans and standards for local government review of construction on
 1-49 land adjacent to and landward of public beaches, including
 1-50 procedures for expedited review of beach access and use plans under
 1-51 Section 61.015;

1-52 (6) construction on land adjacent to and landward of
 1-53 public beaches and lying in the area either up to the first public
 1-54 road generally parallel to the beach or to any closer public road
 1-55 not parallel to the beach, or to within 1,000 feet of mean high
 1-56 tide, whichever is greater, that affects or may affect public
 1-57 access to and use of public beaches;

1-58 (7) the temporary suspension under Section 61.0185 of
 1-59 enforcement of the prohibition against encroachments on and
 1-60 interferences with the public beach easement and the ability of a
 1-61 property owner to make repairs to a house while a suspension is in

2-1 effect;

2-2 (8) the determination of the line of vegetation or

2-3 natural line of vegetation;

2-4 (9) the factors to be considered in determining

2-5 whether a structure, improvement, obstruction, barrier, or hazard

2-6 on the public beach:

2-7 (A) constitutes an imminent hazard to safety,

2-8 health, or public welfare; or

2-9 (B) substantially interferes with the free and

2-10 unrestricted right of the public to enter or leave the public beach

2-11 or traverse any part of the public beach; ~~and~~

2-12 (10) the procedures for determining whether a

2-13 structure is not insurable property for purposes of Section

2-14 2210.004, Insurance Code, because of the factors listed in

2-15 Subsection (h) of that section; and

2-16 (11) the closure of beaches for space flight

2-17 activities.

2-18 SECTION 3. Subchapter D, Chapter 61, Natural Resources

2-19 Code, is amended by adding Section 61.132 to read as follows:

2-20 Sec. 61.132. CLOSING OF BEACHES FOR SPACE FLIGHT

2-21 ACTIVITIES. (a) This section applies only to a county bordering on

2-22 the Gulf of Mexico or its tidewater limits that contains a launch

2-23 site the construction and operation of which have been approved in a

2-24 record of decision issued by the Federal Aviation Administration

2-25 following the preparation of an environmental impact statement by

2-26 that administration.

2-27 (b) A person planning to conduct a launch in a county to

2-28 which this section applies must submit to the commissioners court

2-29 proposed primary and backup launch dates for the launch.

2-30 (c) To protect the public health, safety, and welfare, the

2-31 commissioners court by order may temporarily close a beach in

2-32 reasonable proximity to the launch site or access points to the

2-33 beach in the county on a primary or backup launch date, subject to

2-34 Subsection (d).

2-35 (d) The commissioners court may not close a beach or access

2-36 points to the beach on a primary launch date consisting of any of

2-37 the following days without the approval of the land office:

- 2-38 (1) the Saturday or Sunday preceding Memorial Day;
- 2-39 (2) Memorial Day;
- 2-40 (3) July 4;
- 2-41 (4) Labor Day; or
- 2-42 (5) a Saturday or Sunday that is after Memorial Day but
- 2-43 before Labor Day.

2-44 (e) The commissioners court must comply with the county's

2-45 beach access and use plan adopted and certified under Section

2-46 61.015 and dune protection plan adopted and certified under Chapter

2-47 63 when closing a beach or access point under this section.

2-48 (f) The land office may:

- 2-49 (1) approve or deny a beach or access point closure
- 2-50 request under Subsection (d);
- 2-51 (2) enter into a memorandum of agreement with the
- 2-52 commissioners court of a county to which this section applies to
- 2-53 govern beach and access point closures made under this section; and
- 2-54 (3) adopt rules to govern beach and access point
- 2-55 closures made under this section.

2-56 SECTION 4. This Act takes effect immediately if it receives

2-57 a vote of two-thirds of all the members elected to each house, as

2-58 provided by Section 39, Article III, Texas Constitution. If this

2-59 Act does not receive the vote necessary for immediate effect, this

2-60 Act takes effect September 1, 2013.

2-61 * * * * *