

By: Lucio III

H.B. No. 3131

A BILL TO BE ENTITLED

AN ACT

relating to the line of vegetation and authorized development in certain beach areas; authorizing a fee.

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

SECTION 1. Subchapter B, Chapter 61, Natural Resources Code, is amended by adding Section 61.0171 to read as follows:

Sec. 61.0171. LINE OF VEGETATION AND AUTHORIZED DEVELOPMENT IN CERTAIN AREAS. (a) This section applies only to a beach area:

(1) that is north of a municipality located on a barrier island bordering the Gulf of Mexico; and

(2) for which the political subdivision with jurisdiction over the beach area maintains a plan for reducing public expenditures for erosion and storm damage losses under Section 33.607 that includes dune restoration measures and plans for the construction or maintenance of a mostly continuous foredune ridge that meets dune restoration standards approved by the commission.

(b) The line of vegetation in a beach area is 200 feet landward of the line of mean low tide if the beach is bordered by a state park road:

(1) that extends at least five miles north of a municipality;

(2) the right-of-way for which extends at least 100 feet in each direction from the center of the road; and

1 (3) that is located within 1,000 feet of the line of
2 mean low tide.

3 (c) A line of vegetation in a beach area established under
4 this section is the landward boundary of the public beach and of the
5 public easement for all purposes, except that the landward boundary
6 of the beach is subject to rules of the commissioner regarding the
7 restoration of dunes in the public beach easement.

8 (d) A person may construct or maintain a retaining wall on a
9 beach area 255 feet landward of the line of mean low tide if the
10 political subdivision with jurisdiction over the beach area
11 maintains a certified dune protection and beach access and use plan
12 that provides for the payment by an owner or developer of a
13 retaining wall to pay a nonrefundable fee, the revenue from which is
14 to be deposited in a separate dedicated account in the political
15 subdivision's treasury, in an amount approved by the commissioner
16 and sufficient to cover the cost of removing the wall if the
17 commissioner determines that the wall impedes public use of and
18 access to the public beach.

19 (e) Subsection (d) does not authorize a person to construct
20 a seawall.

21 (f) A person may use brick and concrete pavers on a pool
22 deck, sidewalk, patio, driveway, or access drive project bordering
23 a beach area if the political subdivision with jurisdiction over
24 the beach area maintains a certified dune protection and beach
25 access and use plan that provides for the payment by an owner or
26 developer of such a project to pay a nonrefundable fee, the revenue
27 from which is to be deposited in a separate dedicated account in the

1 political subdivision's treasury, in an amount approved by the
2 commissioner and sufficient to cover the cost of removing the
3 project if the commissioner determines that the project impedes
4 public use of and access to the public beach.

5 (g) A person may construct or maintain a swimming pool of a
6 reasonable size relative to the number of people the person expects
7 to use the pool landward of a retaining wall constructed or
8 maintained under Subsection (d) if the political subdivision with
9 jurisdiction over the beach area maintains a certified dune
10 protection and beach access and use plan that provides for the
11 payment by an owner or developer of a pool to pay a nonrefundable
12 fee, the revenue from which is to be deposited in a separate
13 dedicated account in the political subdivision's treasury, in an
14 amount approved by the commissioner and sufficient to cover the
15 cost of removing the pool if the commissioner determines that the
16 pool impedes public use of and access to the public beach.

17 SECTION 2. This Act takes effect September 1, 2013.