

By: Taylor

S.B. No. 1560

A BILL TO BE ENTITLED

AN ACT

1
2 relating to easements used for dune construction and maintenance
3 projects.

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

5 SECTION 1. Subchapter A, Chapter 63, Natural Resources
6 Code, is amended by adding Section 63.004 to read as follows:

7 Sec. 63.004. DUNE PROJECT EASEMENT. (a) For the purposes of
8 this section, "dune project" means a project to construct and
9 maintain a vegetated stabilized dune on a beach for protection
10 against avulsive events.

11 (b) A person who owns property that borders a line of
12 vegetation establishing the boundary of a public beach may grant an
13 easement on the property to this state, a county, or a municipality
14 for the purpose of allowing the governmental entity to construct
15 and maintain a dune project in the easement.

16 (c) A person may not grant an easement under Subsection (b)
17 unless the person simultaneously grants to the public a
18 recreational easement on the portion of the person's property
19 seaward of the seaward boundary of the easement granted under that
20 subsection.

21 (d) An agreement between a person who grants an easement
22 under Subsection (b) and this state, a county, or a municipality may
23 provide that the seaward boundary of the easement may be affected by
24 gradual changes in the line of vegetation but not by changes caused

1 by an avulsive event.

2 SECTION 2. The change in law made by this Act applies only
3 to an easement granted on or after the effective date of this Act.
4 An easement granted before the effective date of this Act is
5 governed by the law in effect on the date the easement was granted,
6 and the former law is continued in effect for that purpose.

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