

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 4, 2013

TO: Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB325** by Dutton (Relating to the boundaries of public beaches.), **Committee Report 1st House, Substituted**

The fiscal implications of the bill cannot be determined at this time. The bill could increase costs to the General Land Office in its responsibilities to clean, maintain, and clear debris from public beaches in an indeterminate amount.

The bill would change the definition of "public beach" as it is applied in Chapter 61 of the Natural Resources Code, to exempt the doctrine of avulsion from the determination of the boundary of a public beach.. The bill also would change language regarding public beaches in Parks and Wildlife Code, Section 21.111, language referencing beaches in Health and Safety Code, Section 365.033, and the definition of "beach" in Transportation Code, Chapter 729. To take effect, the bill would require passage and adoption of a constitutional amendment establishing the boundaries of public beaches, such as House Joint Resolution 54, or similar legislation.

Passage of the bill and related joint resolution would result in additional areas meeting the standard of "public beach" along the state's coastline. Because the General Land Office (GLO) is required to clean, maintain, and clear debris from public beaches following disaster declarations, the GLO's cleanup costs in future storms could increase as a result of the bill's passage. These additional costs are not quantifiable at this time and would depend on a number of unknown variables, including, but not limited to the following: (1) whether a storm hits the Texas coastline; (2) the area that might be affected by such a storm; (3) how powerful such a storm might be; (4) how populated the area affected would be; (5) the number of structures that would end up on public beaches that the GLO would be required to remove or cleanup; and (6) the portion of cleanup costs from a disaster for which the U.S. Federal Emergency Management Agency would not provide reimbursement.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. Because the definition of "public beaches" refers specifically to "state-owned land," the bill's impact on local governments is not expected to be significant.

Source Agencies: 305 General Land Office and Veterans' Land Board, 802 Parks and Wildlife Department

LBB Staff: UP, SZ, ZS, TL, TB