

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 23, 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 and the nature of the state's interest in public beaches.), **As Introduced**

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 define a public beach as an area either public or private extending from mean low tide to the line of vegetation, which may shift over time as a result of avulsive events or other natural forces. The bill would remove language which stipulates that the beach includes areas over which the public has acquired a right of use or easement to or from the area that has retained a right of virtue of continuous right in the public since time immemorial, and it would remove from the definition of "public beach" language that exempts beaches not accessible by public road or ferry. 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 45, 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. Such areas would include those that would meet the definition of "public beach" following a storm and areas that currently do not qualify as public beaches due to the lack of public road or public ferry access. 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