**BILL ANALYSIS**

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| Senate Research Center | S.B. 2188 |
| 89R17099 KRM-F | By: Hinojosa, Adam |
|  | Natural Resources |
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|  | As Filed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 2188 seeks to amend current law to extend the authority to temporarily close a beach or beach access point for spaceflight activities to cities containing a spaceport located within certain counties. Current law only allows the county commissioners court to temporarily close a beach or beach access point for spaceflight activities. This legislation would allow certain cities to restrict beach access on weekdays (other than Friday afternoons), while the county would retain sole authority to restrict access on Friday afternoon and weekends.

This is simply an administrative change and does not increase the number of beach closures or closure hours.

As proposed, S.B. 2188 amends current law relating to space flight activities.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 482, Government Code, by adding Section 482.002, as follows:

Sec. 482.002. JURISDICTION OVER SPACE FLIGHT ACTIVITIES. (a) Defines "space flight activities."

(b) Provides that space flight activities are subject to the exclusive jurisdiction of the federal government and this state. Prohibits a county, municipality, or other political subdivision, except as provided by Section 61.132 (Closing of Beaches for Space Flight Activities), Natural Resources Code, from enacting or enforcing any measure that bans, limits, or otherwise regulates space flight activities.

SECTION 2. Amends Section 61.132, Natural Resources Code, as follows:

Sec. 61.132. CLOSING OF BEACHES FOR SPACE FLIGHT ACTIVITIES. (a) Defines "spaceport."

(a-1) Provides that this section applies only to:

1. a county that borders the Gulf of Mexico or its tidewater limits and contains a launch site the construction and operation of which have been approved in a record of decision or finding of no significant impact issued by the Federal Aviation Administration following the preparation of an environmental assessment or environmental impact statement by that administration; and

(2) a municipality with a population of less than 150,000 that is located in a county described by Subdivision (1), contains a spaceport, and has a beach access and use plan adopted and certified under Section 61.015 (Beach Access and Use Plans).

Makes nonsubstantive changes to this subsection.

(b) Requires a person planning to conduct space flight activities between Monday at 8 a.m. and Friday at 12 noon in a county to which this section applies to submit proposed primary and backup dates for the space flight activities to:

(1) the governing body of a municipality to which this section applies; or

(2) if Subdivision (1) is not applicable, the commissioners court.

Deletes existing text requiring a person planning to conduct a launch in a county to which this section applies to submit to the commissioners court proposed primary or backup launch dates for the launch.

(b-1) Requires a person planning to conduct space flight activities between Friday at 12 noon and Monday at 8 a.m. in a county to which this section applies to submit to the commissioners court proposed primary and backup dates for the space flight activities.

(c) Authorizes the governing body of a municipality or the commissioners court, as applicable, under Subsection (b) or the commissioners court under Subsection (b-1), to protect the public health, safety, and welfare, by ordinance or order, to temporarily close a beach in reasonable proximity to the site of space flight activities or access points to the beach in the county on a primary or backup date for space flight activities, subject to Subsections (d), (e), and (h). Makes conforming and nonsubstantive changes.

(d) Prohibits the governing body of a municipality or the commissioners court from closing a beach or access points to the beach for space flight activities on a date consisting of certain days, rather than a primary launch date, without the approval of the General Land Office (GLO).

(e) Requires the governing body of a municipality and the commissioners court, when closing a beach or access point under this section, to comply with the beach closure restrictions described in the Federal Aviation Administration's environmental evaluation of the site, the municipality's and county's beach access and use plans adopted and certified under Section 61.015, and any applicable dune protection plan adopted and certified under Chapter 63 (Dunes).

Deletes existing text requiring the commissioners court to comply with the county's beach access and use plan adopted and certified under Section 61.015 and dune protection plan adopted and certified under Chapter 63 when closing a beach or access point under this section. Makes nonsubstantive changes.

(f) Authorizes GLO to perform certain actions, including enter into a memorandum of agreement with the governing body of a municipality or the commissioners court of a county to which this section applies to govern beach and access point closures made under this section.

(g) Requires a person planning to conduct space flight activities to provide notice to the public of any closure of a beach or access points to the beach not less than 48 hours before the closure.

(h) Provides that if an ordinance adopted by the governing body of a municipality under Subsection (c) conflicts with an order adopted by the commissioners court under that subsection, the municipal ordinance prevails.

SECTION 3. Effective date: upon passage or September 1, 2025.