

By: Hinojosa of Nueces

S.B. No. 2188

A BILL TO BE ENTITLED

AN ACT

relating to space flight activities.

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

SECTION 1. Subchapter A, Chapter 482, Government Code, is amended by adding Section 482.002 to read as follows:

Sec. 482.002. JURISDICTION OVER SPACE FLIGHT ACTIVITIES.

(a) In this section, "space flight activities" has the meaning assigned by Section 100A.001, Civil Practice and Remedies Code.

(b) Space flight activities are subject to the exclusive jurisdiction of the federal government and this state. Except as provided by Section 61.132, Natural Resources Code, a county, municipality, or other political subdivision may not enact or enforce any measure that bans, limits, or otherwise regulates space flight activities.

SECTION 2. Section 61.132, Natural Resources Code, is amended to read as follows:

Sec. 61.132. CLOSING OF BEACHES FOR SPACE FLIGHT ACTIVITIES. (a) In this section, "spaceport" has the meaning assigned by Section 507.001, Local Government Code.

(a-1) This section applies only to:

(1) a county that:

(A) borders ~~bordering on~~ the Gulf of Mexico or its tidewater limits; and

(B) ~~that~~ contains a launch site the

1 construction and operation of which have been approved in a record  
2 of decision or finding of no significant impact issued by the  
3 Federal Aviation Administration following the preparation of an  
4 environmental assessment or environmental impact statement by that  
5 administration; and

6 (2) a municipality with a population of less than  
7 150,000 that:

8 (A) is located in a county described by  
9 Subdivision (1);

10 (B) contains a spaceport; and

11 (C) has a beach access and use plan adopted and  
12 certified under Section 61.015.

13 (b) A person planning to conduct space flight activities  
14 between Monday at 8 a.m. and Friday at 12 noon ~~[a launch]~~ in a county  
15 to which this section applies must submit ~~[to the commissioners~~  
16 ~~court]~~ proposed primary and backup ~~[launch]~~ dates for the space  
17 flight activities to:

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

20 (2) if Subdivision (1) is not applicable, the  
21 commissioners court ~~[the launch]~~.

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

26 (c) To protect the public health, safety, and welfare, the  
27 governing body of a municipality, the mayor of a municipality

1 acting under authority delegated by ordinance, or the commissioners  
2 court, as applicable, under Subsection (b) or the commissioners  
3 court under Subsection (b-1) by ordinance or order may temporarily  
4 close a beach in reasonable proximity to the [launch] site of space  
5 flight activities or access points to the beach in the county on a  
6 primary or backup [launch] date for space flight activities,  
7 subject to Subsections [Subsection] (d), (e), and (h).

8 (d) The governing body of a municipality, the mayor of a  
9 municipality, or the commissioners court may not close a beach or  
10 access points to the beach for space flight activities on a [primary  
11 launch] date consisting of any of the following days without the  
12 approval of the land office:

- 13 (1) the Saturday or Sunday preceding Memorial Day;  
14 (2) Memorial Day;  
15 (3) July 4;  
16 (4) Labor Day; or  
17 (5) a Saturday or Sunday that is after Memorial Day but  
18 before Labor Day.

19 (e) When closing a beach or access point under this section,  
20 the governing body of a municipality, the mayor of a municipality,  
21 and the [The] commissioners court must comply with:

22 (1) the beach closure restrictions described in the  
23 Federal Aviation Administration's environmental evaluation of the  
24 site;

25 (2) the municipality's and county's beach access and  
26 use plans [plan] adopted and certified under Section 61.015; and

27 (3) any applicable dune protection plan adopted and

certified under Chapter 63 [~~when closing a beach or access point under this section~~].

(f) The land office may:

(1) approve or deny a beach or access point closure request under Subsection (d);

(2) 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; and

(3) adopt rules to govern beach and access point closures made under this section.

(g) A person planning to conduct space flight activities shall 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) 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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.