

- SUBJECT:** County regulation of beach mobile businesses
- COMMITTEE:** State Recreational Resources — favorable, without amendment
- VOTE:** 7 ayes — Kuempel, Siebert, Hightower, Horn, Rabuck, B. Turner, Woolley
0 nays
2 absent — Black, Oakley
- WITNESSES:** For — Kenneth L. Conway, Cameron County Park System.
Against — None
On — David Sinclair, Texas Parks and Wildlife Department.
- BACKGROUND:** The Natural Resources Code allows the Texas Parks and Wildlife Department (TPWD) to regulate and issue licenses to mobile businesses operating on state beaches outside of incorporated areas. The minimum fee for a permit is set at \$25. When a beach is found to be especially narrow or crowded, TPWD may issue a permit that specifies a location for a permittee to operate a business.
- DIGEST:** HB 2365 would amend the Natural Resources Code to give counties, rather than TPWD, authority to regulate and issue a license to mobile businesses operating on state beaches after determining that a business poses no safety or traffic hazard. Counties would set the fee amount and could use fee revenue to administer the licensing program.
- The \$25 minimum-fee provision would be eliminated, as would the special provisions for location-specific mobile business permits. The maximum term of a license would be extended from one year to two years.
- The bill would specify that at county request TPWD game wardens could assist with enforcement.
- The bill would take immediate effect if approved by two-thirds of the membership of each house.

**SUPPORTERS
SAY:**

The Parks and Wildlife Department can no longer afford to oversee the licensing of mobile beach businesses in unincorporated areas. This administrative responsibility is more appropriately handled at the local level, by counties. More and more mobile businesses (about 60 annually, compared to 20 in previous years) are applying for vendor permits. This poses an administrative burden and is costing the TPWD money. It costs the state \$63 to process an application for a license costing \$25.

Allowing counties to regulate and fund the program of monitoring mobile businesses on state beaches would be more practical and make economical sense. Counties such as Cameron, Nueces and Galveston with public beaches are already familiar with beach and business conditions and could therefore better administer this program.

Counties already act as the point of contact for the TPWD. Since the county is already doing the paperwork and asking the TPWD to simply approve it, the county should be allowed to keep the fee money. The bill would make several improvements in the clarity and efficiency of the law.

**OPPONENTS
SAY:**

No apparent opposition.