

BILL ANALYSIS

Senate Research Center
78R5174 SMH-F

S.B. 554
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Natural Resources
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As Filed

DIGEST AND PURPOSE

Current Texas law does not enforce a temporary prohibition to public beaches following meteorological event. However, some coastal stakeholder have recommended that a moratorium on enforcing the Open Beaches Acts should be established to allow more time for the vegetation to recover and provide beachfront owners with greater certainty following a storm. As proposed, S.B. 554 amends the Open Beaches Act to allow the Commissioner of the General Land Office to establish a moratorium of two years for referral of structures for enforcement based on the best available information concerning the establishment of a stable beach vegetation line following a tropical storm or hurricane with the option of extending the moratorium for another two years if the beach and line of vegetation have shown signs of recovery.

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 Chapter 61B, Natural Resources Code, by adding Section 61.0185, as follows:

Sec. 61.0185. TEMPORARY PROHIBITION ON ENFORCEMENT. (a) Provides that the Commissioner of the General Land Office (commissioner) by order may prohibit for a period of two years from the date the order is issued the filing of a suit under Section 61.018 (Enforcement) by the attorney general or any county attorney, district attorney, or criminal district attorney to remove any improvement, obstruction, barrier, or other encroachment from public beach if the commissioner determines that it fails to meet certain requirements.

(b) Authorizes the commissioner by order to extend for a period that does not exceed two additional years a prohibition on filing suit issued under Subsection (a) if on the expiration of the initial two-year period the commissioner determines that the public beach and line of vegetation have shown signs of recovery from the hurricane or tropical storm but have not yet fully recovered.

(c) Requires the commissioner to notify the attorney general and each pertinent county attorney, district attorney, or criminal district attorney of the issuance of an order under this section.

(d) Prohibits the owner of a structure located on the public beach from making any improvements or repairs to the structure or the land on which it is located other than repairs necessary to make the structure habitable, during the period a prohibition on filing suit to remove an encroachment from a public beach is in effect.

SECTION 2. Effective date: September 1, 2003.