

BILL ANALYSIS

Senate Research Center

S.B. 1560
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S/C on Agriculture & Coastal Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Coastal erosion has plagued the Texas coast for years. The pressing need to find a permanent, dedicated source of funding for the Coastal Erosion Planning and Response Act (CEPRA) has prompted serious concern in the Texas Legislature.

As proposed, S.B. 1560 dedicates the interest earned on the coastal protection fund to the coastal erosion response account (which funds CEPRA), which will also support the Texas Coastal Management Program. The coastal erosion response account itself, which is a general revenue account under current law, is created in this bill as a separate account in the coastal protection fund. The bill also authorizes the use of coastal erosion response account funds to aid in the enforcement of the Open Beaches Act and the Dune Protection Act through the removal and relocation of structures on the public beaches.

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 Section 33.603, Natural Resources Code, by amending Subsections (b) and (e), as follows:

(b) Requires the coastal erosion studies and projects to address removal and relocation of structures from public beaches. Makes a nonsubstantive change.

(e) Requires a qualified project partner to pay, among other costs, a share of the reasonable costs, as determined by the Commissioner of the General Land Office (commissioner), for removal of debris or structures, or relocation of structures from the public beach. Makes nonsubstantive changes.

SECTION 2. Amends Section 33.604, Natural Resources Code, by amending Subsections (a) and (b), as follows:

(a) Provides that the coastal erosion response account is an account in the coastal protection fund established in Section 40.151, rather than in the general revenue fund, and authorizes the fund to be appropriated for implementing Subchapter F (Coastal Coordination) in addition to implementing this subchapter.

(b) Includes interest accruing to the coastal protection fund in the coastal erosion response account. Makes a nonsubstantive change.

SECTION 3. Amends Section 33.605, Natural Resources Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes the use of money in the coastal erosion response account for any action to implement the coastal management plan authorized under Subchapter F and any action to implement and enforce Chapters 61 (Use and Maintenance of Public Beaches) and 63 (Dunes).

(c) Authorizes the commissioner to seek recovery to the use of the account certain sums expended from the account, in a suit for enforcement, with certain exceptions.

SECTION 4. Amends Section 40.151, Natural Resources Code, by amending Subsections (a) and (b), as follows:

(a) Sets forth as a purpose of this subchapter providing immediately available funds for implementation of the coastal management program. Makes a nonsubstantive change.

(b) Provides as one of the permitted uses of the coastal protection fund (fund) carrying out the purposes of Subchapter F, Chapter 33. Requires all money credited to the coastal erosion response account pursuant to Section 33.604 to be credited to the fund. Prohibits the fund from exceeding \$50 million, exclusive of the amount in the coastal erosion response account. Makes a nonsubstantive change.

SECTION 5. Amends Section 40.152, Natural Resources Code, by amending Subsection (a) and adding Subsection (c) as follows.

(a) Authorizes money in the fund to be disbursed for the purpose of costs necessary to administer the coastal management program under Subchapter F, Chapter 33. Deletes the annual cap on funds expended for certain erosion response projects and for costs necessary to administer the coastal management program.

(c) Provides that \$2 million is appropriated from the fund to the General Land Office, subject to this section, for certain administrative costs for a two-year period beginning September 1, 2005.

SECTION 6. Amends Section 40.155, Natural Resources Code, to exclude the amount in the coastal erosion response account in the determination of the unencumbered balance of the fund. Makes conforming changes.

SECTION 7. EFFECTIVE DATE. Effective date: upon passage or September 1, 2005.