

BILL ANALYSIS

Senate Research Center
81R15392 TRH-D

H.B. 2387
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Natural Resources
4/20/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The provisions of the Coastal Erosion Planning and Response Act (CEPRA) allow the commissioner of the General Land Office (GLO) to undertake coastal erosion studies, demonstration projects, and response projects in coordination with state and federal agencies, local governments, and other qualified project partners. The commissioner may fund projects to address storm damage mitigation, post-storm damage assessment, and debris removal and relocation of houses from the public beach. Using this authority, the commissioner implemented a voluntary house relocation program in 2006, providing for reimbursement of removal and relocation expenses up to \$50,000. However, current law specifically prohibits the use of CEPRA funds for purchase of real property. Some property owners have been reluctant to accept reimbursement of removal and relocation expenses for houses on the beach without compensation for the real property upon which the house is located that has become subject to the public beach easement due to erosion.

Additionally, structures damaged by storms can also become a health and safety issue for the public due to issues like exposed rebar, damaged pilings and septic tanks, or broken concrete.

If a structure owner does not agree to remove a structure in the public beach easement, the only alternative for the GLO is to sue the homeowner. This process generally takes years and can be quite expensive for the state and the homeowner. It may also prevent health and safety issues from being addressed.

In areas of the coast where erosion response projects are needed to protect critical public infrastructure, the existence of structures on the beach has prevented or delayed the undertaking of erosion response projects such as beach nourishment projects or shore protection projects due to litigation related to the structures.

H.B. 2387 amends current law relating to the authority of GLO to undertake coastal erosion studies and projects in conjunction with qualified project partners.

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 Sections 33.603(b), (d), (f), and (h), Natural Resources Code, as follows:

(b) Requires that the studies and projects address storm damage mitigation, post-storm damage assessment, and debris removal; removal and relocation of structures from public beaches, including the purchase of property located on a public beach; and the acquisition of property necessary for the construction, reconstruction, maintenance, widening, or extension of an erosion response project under this subchapter. Makes nonsubstantive changes.

(d) Provides that, except as provided by Subsections (b)(8) (relating to the construction and retrofitting of dams, jetties, groins, and other impoundment structures) and (14) (relating to structural shoreline protection projects that use innovative technologies designed or engineered to minimize beach scour), rather than (12) (relating to structural

shoreline protection projects), this chapter does not authorize the construction or funding of a hard structure on or landward of a public beach.

(f) Authorizes the commissioner of the General Land Office (GLO) (commissioner) each biennium, notwithstanding Subsections (c) (relating to an agreement between the commissioner and a qualified project partner to undertake a coastal erosion response study project) and (e) (relating to certain payment requirements for a project partner), to undertake at least one erosion response project, rather than one large-scale beach nourishment project on a public beach, without requiring a qualified project partner to pay a portion of the shared project cost if the total cost of the projects that do not have a cost share requirement does not exceed one-half, rather than if the cost of the project does not exceed one-third, of the total amount appropriated to GLO for coastal erosion planning and response.

(h) Authorizes the commissioner, notwithstanding Subsection (e) to determine the percentage of the shared project cost a qualified project partner is required to pay for a project undertaken pursuant to Subsection (b)(11) (relating to storm damage mitigation, post-storm damage assessment, and debris removal), (12) (relating to removal and relocation of structures from public beaches), or (13) (relating to the acquisition by eminent domain of property). Deletes existing text authorizing the commissioner to determine the percentage of the shared project cost a qualified project partner is required to pay for a project undertaken pursuant to Subsection (b)(11) for removal of debris or structures, or relocation structures from the public beach, provided, however, that no money in the account may be used for a project undertaken pursuant to Subsection (b)(11) to purchase real property or reimburse a property owner for the purchase of real property.

SECTION 2. Effective date: September 1, 2009