1	AN ACT
2	relating to plans by local governments in coastal areas for
3	reducing public expenditures for erosion and storm damage losses to
4	public and private property.
5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
6	SECTION 1. Section 33.605(b), Natural Resources Code, is
7	amended to read as follows:
8	(b) The commissioner must approve an expenditure from the
9	account. In determining whether to approve an expenditure for a

11 (1) the amount of money in the account;

study or project, the commissioner shall consider:

- 12 (2) the feasibility and cost-effectiveness of the
- 13 study or project;

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- 14 (3) the locations of other existing or proposed
- 15 erosion response projects;
- 16 (4) the needs in other critical coastal erosion areas;
- 17 (5) the effect of the study or project on public or
- 18 private property; and
- 19 (6) if the site to be studied or project to be
- 20 conducted will be located within the jurisdiction of a local
- 21 government subject to Chapter 61 or 63:
- (A) whether the local government is adequately
- 23 administering those chapters; and
- 24 (B) the plan for reducing public expenditures for

- 1 erosion and storm damage losses prepared [building set-back-line
- 2 established] by the local government under Section 33.607.
- 3 SECTION 2. Sections 33.607(e), (f), and (g), Natural
- 4 Resources Code, are amended to read as follows:
- 5 (e) A local government subject to Chapter 61 or 63 shall
- 6 [may] use historical erosion data and the coastal erosion response
- 7 plan published by the commissioner under Section 33.602 to prepare
- 8 a <u>local</u> plan for reducing public expenditures for erosion and storm
- 9 damage losses to public and private property, including public
- 10 beaches. A plan prepared under this subsection may include [, by
- 11 establishing and implementing | a building set-back line that will
- 12 accommodate a shoreline retreat. The local government shall hold a
- 13 public educational meeting on the plan before proposing to
- 14 implement it through the plans, orders, or ordinances provided by
- 15 Chapters 61 and 63.
- 16 (f) A <u>local</u> plan for reducing public expenditures for
- 17 erosion and storm damage losses to public and private property
- 18 prepared under Subsection (e) [that includes the establishment and
- 19 implementation of a building set-back line under this section] may:
- 20 (1) preserve and enhance the public's right of access
- 21 to and use of the public beach;
- (2) preserve critical sand dunes for natural storm
- 23 protection and conservation purposes;
- 24 (3) establish a building set-back line no further
- 25 landward than the dune protection line established by the local
- 26 government under Chapter 63;
- 27 (4) provide for the prohibition of new construction

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- 1 seaward of the building set-back line; and
- 2 (5) provide for the acquisition of fee title to or a
- 3 lesser interest in property seaward of the building set-back line.
- 4 (g) The commissioner may adopt rules for the <u>preparation</u>
- 5 [establishment] and implementation by a local government of a local
- 6 plan for reducing public expenditures for erosion and storm damage
- 7 losses to public and private property under Subsection (e)
- 8 [building set-back line under this section].
- 9 SECTION 3. This Act takes effect September 1, 2009.

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President of the Senate

Speaker of the House

H, B. No. 2073

I certify that H.B. No. 2073 was passed by the House on April 8, 2009, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2073 was passed by the Senate on April 30, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the senate

APPROVED:

12 MAY 09

Date

Covernor

FILED IN THE OFFICE OF THE SECRETARY OF STATE

O'CLOCK

O'CLOCK

Secretary of State