



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 local 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 local 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;

22 (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

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 preparation  
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.

David Newburn

President of the Senate

Jim Strawn

Speaker of the House

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.

Robert Haney

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.

Patsy Spaw

Secretary of the Senate

APPROVED: 12 MAY '09  
Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3pm O'CLOCK

MAY 12 2009  
[Signature]  
Secretary of State