AN ACT

relating to the closure or modification of certain man-made passes
between the Gulf of Mexico and inland bays by the commissioner of
the General Land Office.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 33, Natural Resources
Code, is amended by adding Section 33.613 to read as follows:

Sec. 33.613. CLOSURE OR MODIFICATION OF CERTAIN MAN-MADE
PASSES. (a) Notwithstanding Sections 66.204 and 81.103, Parks and
Wildlife Code, the commissioner may undertake the closure or
modification of a man-made pass or its environs between the Gulf of
Mexico and an inland bay if:

(1) the commissioner determines that the pass causes
or contributes to significant erosion of the shoreline of the
adjacent beach;

(2) the pass is not a public navigational channel
constructed or maintained by the federal government; and

(3) the land office receives legislative
appropriations or other funding for that purpose.

(b) If the closing of a man-made pass under this section
results in a loss of public recreational opportunities, the
commissioner shall develop, in consultation with the Parks and
Wildlife Department and the county and, if applicable, the
municipality in which the pass is located, and approve a plan to
mitigate the loss. In developing the plan, the commissioner is strongly encouraged to assess the feasibility of installing fishing piers, boat ramps, and other facilities that provide public recreational opportunities. The plan must be presented to the public for comment before the commissioner approves it.

SECTION 2. Not later than January 1, 2011, the commissioner of the General Land Office shall submit to the 82nd Legislature a report on the progress of the commissioner in implementing any mitigation plan approved under Subsection (b), Section 33.613, Natural Resources Code, as added by this Act.

SECTION 3. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

SECTION 4. This Act takes effect September 1, 2009.
S.B. No. 2043

David Dewhurst
President of the Senate

I hereby certify that S.B. No. 2043 passed the Senate on April 16, 2009, by the following vote: Yeas 31, Nays 0.

Jim Straub
Speaker of the House

I hereby certify that S.B. No. 2043 passed the House on May 5, 2009, by the following vote: Yeas 144, Nays 1, one present, not voting.

Datey Glenn
Secretary of the Senate

Robert Hanner
Chief Clerk of the House

Approved:

19 MAY '09

Date

Rick Perry
Governor

Filed in the office of the Secretary of State 2 PM O'Clock

MAY 19 2009

Secretary of State