

BILL ANALYSIS

Senate Research Center
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S.B. 1573
By: Lindsay
Natural Resources
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DIGEST AND PURPOSE

Currently no regulatory mechanism exists at the state or federal level regarding the number of floating cabins allowed in bay areas. As proposed, S.B. 1573 sets forth provisions regarding the regulation of floating cabins.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 (Sections 32.003, 32.052, 32.057, 32.058, 32.060, Parks and Wildlife Code) and SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Parks and Wildlife Code, by adding Chapter 32, as follows:

CHAPTER 32. FLOATING CABINS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 32.001. DEFINITION. Defines “floating cabin.”

Sec. 32.002. APPLICABILITY. Sets forth provision that this chapter applies only to floating cabins located in the salt water of this state.

Sec. 32.003. RULES. Authorizes the Parks and Wildlife Commission (commission) to adopt rules to implement this chapter.

[Sections 32.004-32.050 reserved for expansion]

Sec. 32.0051. GENERAL PROHIBITION ON FLOATING CABINS. (a) Prohibits a person, except as provided by Section 32.061 or 32.062, from owning, floating, or using a floating cabin after February 28, 2002, unless the person holds a permit for that cabin.

(b) Prohibits the Parks and Wildlife Department (department) from issuing an initial permit for a floating cabin on or after March 1, 2002.

Sec. 32.052. ELIGIBILITY FOR PERMIT. (a) Authorizes a person to apply for a floating cabin permit if certain conditions are met.

(b) Requires the commission by rule to define temporary removal and to establish standards for determining whether a floating cabin interferes with navigation or recreational uses or creates environmental problems.

Sec. 32.053. APPLICATION FOR PERMIT. (a) Requires the applicant to apply for a permit

on a form prescribed by the department. Requires the department to issue a floating cabin permit to an applicant who meets certain conditions.

(b) Requires the applicant to sign the application under penalty of perjury.

Sec. 32.054. TERM OF PERMIT. Provides that a floating cabin permit issued under this chapter is valid one year.

Sec. 32.055. PERMIT RENEWAL. (a) Requires a permit holder, to renew a floating cabin permit, to apply in the manner prescribed by commission rule and pay the permit renewal fee.

(b) Provides that the amount of the annual permit fee for a floating cabin permit is \$600 or an amount set by the commission.

Sec. 32.057. IDENTIFICATION OF FLOATING CABIN. Requires the commission by rule to adopt standards used to identify floating cabins that receive a permit under this chapter. Authorizes these identification standards to include certain criteria.

Sec. 32.058. SAFETY. Requires the commission to adopt health and safety rules for floating cabins, including rules relating to certain other criteria.

Sec. 32.059. MOORING. Requires the floating cabin to be permanently moored in a certain procedure.

Sec. 32.060. RELOCATION OF FLOATING CABIN. Authorizes a person who holds a permit to relocate the floating cabin, subject to department approval. Requires the commission by rule to specify criteria for relocation, including consideration of certain other criteria.

Sec. 32.061. REPLACEMENT OF FLOATING CABIN. (a) Authorizes the holder of a permit to replace the floating cabin if the replacement cabin meets certain criteria.

(b) Requires the permit holder, not later than a certain period, to file on a form prescribed by the department a description of the replacement cabin.

Sec. 32.062. TRANSFER OF PERMIT. (a) Authorizes the permit holder to in writing transfer the permit to a new owner of a floating cabin. requires the new owner, not later than a certain period, to perform certain procedures.

(b) Requires the new owner to sign the information provided to the department under Subsections (a)(1) and (2) under penalty of perjury.

[Sections 32.063-32.100 reserved for expansion]

SUBCHAPTER C. ENFORCEMENT AND PENALTIES

Sec. 32.101. DISCIPLINARY ACTION. Authorizes the department to suspend or revoke a person's floating cabin permit or place the permit holder on probation for a violation of this chapter, including a violation described by Section 32.102. Provides that Chapter 2001 (Administrative Procedure), Government Code, applies to a proceeding to suspend or revoke a permit under this chapter.

Sec. 32.102. PERMIT REVOCATION FOR CHANGE IN STATUS OF FLOATING CABIN; HEARING. (a) Requires the department to revoke a permit if certain conditions are met.

(b) Authorizes the permit holder, at the hearing on the revocation, to object to the revocation and show good cause why the permit should not be revoked. Provides that good cause includes certain criteria.

Sec. 32.103. CIVIL PENALTY. Authorizes a court to impose a civil penalty in a certain amount for a violation of this chapter or a rule adopted under this chapter.

Sec. 32.104. REMOVAL OF FLOATING CABIN. Requires the department, under certain conditions, to request removal of the floating cabin not later than a certain period, and require the owner of the floating cabin to be liable for associated costs.

SECTION 2. (a) Effective date: September 1, 2001.

(b) Requires the commission to adopt rules not later than December 1, 2001. Requires the department to begin issuing permits not later than December 15, 2001.

(c) Prohibits the department from enforcing a prohibition before imposed by Chapter 32, Parks and Wildlife Code, as added by this Act, March 1, 2002.