

CHAPTER 342

S.B. No. 792

An Act relating to the regulation of vendors on certain public beaches; authorizing fees; amending Section 61.168, Natural Resources Code.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 61.168, Natural Resources Code, is amended to read as follows:

“Section 61.168. GRANTING LICENSE. (a) *Except as provided by Subsection (b) of this section, on [On] finding that the issuance of a license is consistent with recreational needs and the public welfare, and that the mobile business establishment would not create a traffic or safety hazard, and on compliance with this subchapter by the applicant, the department shall grant the license.*

“(b) *Notwithstanding Section 61.169 of this subchapter, on a finding that a beach is too narrow and too crowded to allow a vendor to traverse the beach while doing business, the department shall deny a license under Subsection (a) of this section but may grant a license that permits the applicant to conduct his business on that beach for the purposes set forth therein at the times and for the period and only at the specific location specified in that license. The department is further authorized to charge a license fee for any such license which fee shall be commensurate with the benefit bestowed upon the licensee through the use of the public easement for business purposes.*

“(c) The license shall be valid for one year from the day it is issued.

“(d) [(e)] If the license is not granted, the department shall return the filing fee to the applicant.”

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 1, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 17, 1985, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved: June 10, 1985

Effective: Immediately