

By: Seaman

H.B. No. 394

A BILL TO BE ENTITLED

AN ACT

relating to the restoration by the landowner of private property affected by coastal erosion.

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

SECTION 1. Section 33.605(a), Natural Resources Code, is amended to read as follows:

(a) Money in the account may be used for any action authorized by this subchapter, except for a restoration project authorized by Section 33.613.

SECTION 2. Subchapter H, Chapter 33, Natural Resources Code, is amended by adding Section 33.613 to read as follows:

Sec. 33.613. PROPERTY RIGHTS: RESTORATION BY BEACHFRONT OWNER OF PRIVATE PROPERTY AFFECTED BY COASTAL EROSION. (a) This section applies only to land that:

(1) on December 31, 1955, was privately owned and not submerged or owned by the School Land Board; and

(2) fronts on a bay and not the Gulf of Mexico.

(b) In accordance with land office rules, the owner of property immediately landward of a public beach or submerged land, including state mineral lands, that has been affected by coastal erosion may restore the affected land to its original boundaries as evidenced in a residential subdivision plat for residential lots of one acre or less filed in the real property records of each county in which the affected land is located. The owner may use only

1 private resources and money for restoration authorized by this
2 section. After restoration the owner owns the restored land in fee
3 simple, subject to:

4 (1) the common law rights of the public in public
5 beaches as affirmed by Subchapter B, Chapter 61; and

6 (2) the rights of a public school land lessee holding a
7 lease on the property on the date this section takes effect.

8 (c) In accordance with land office rules, the owner may
9 build bulkheads on the restored land to prevent further erosion of
10 the restored land.

11 (d) A chief of an appraisal district shall include on the
12 applicable tax rolls, in the year after restoration, land restored
13 under this section and any bulkhead built on the restored land.

14 (e) The land office shall adopt reasonable rules to govern
15 the restoration of land under this section, including rules that:

16 (1) prescribe the type and quality of materials that
17 may be used to backfill or build a bulkhead;

18 (2) require maintenance of backfill and bulkheads;

19 (3) authorize land office maintenance or removal of
20 abandoned or dilapidated structures; and

21 (4) establish penalties for the violation of this
22 section or rules adopted under this section.

23 (f) State money may not be used to restore land under this
24 section.

25 SECTION 3. (a) This Act takes effect September 1, 2003.

26 (b) Not later than December 1, 2003, the General Land Office
27 shall adopt rules for the administration and regulation of the

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1 restoration of land affected by coastal erosion as authorized by
2 Section 33.613, Natural Resources Code, as added by this Act.