

Amend SB 1044 on third reading as follows:

(1) Between SECTIONS 1 and 2 of the bill (house committee printing, page 2, between lines 6 and 7), insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. 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 __. 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 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 shall 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 shall use only private resources and money for restoration authorized by this section. After restoration the owner owns the restored land in fee simple, subject to:

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

(2) the rights of a public school land lessee holding a lease on the property on September 1, 2005.

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

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

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

(2) require maintenance of backfill and bulkheads;

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

(4) require consideration of any adverse effects on adjacent property owners; and

(5) establish penalties for the violation of this section or rules adopted under this section.

(e) State money may not be used to restore land under this section.

(2) In SECTION 2 of the bill, in added Subdivision (4), Section 33.651, Natural Resource Code (house committee printing, page 2, lines 22-26), strike Paragraphs (A) and (B) and substitute the following:

(A) acquiring fee title to property or a right of public access to a public beach;

(B) constructing or maintaining public roads, parking, or other facilities in aid of public access to or use of a public beach; or

(C) requiring a landowner, as prescribed by land office rules, to restore land affected by coastal erosion to its original boundaries.

(3) Immediately before the last SECTION of the bill, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. Not later than December 1, 2005, the General Land Office shall adopt rules for the administration and regulation of the restoration of land affected by coastal erosion as authorized by Section 33.613, Natural Resources Code, as added by this Act.