

BILL ANALYSIS

H.B. 708
By: Bonnen
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The School Land Board (SLB) is responsible for management of the public lands dedicated to the Permanent School Fund (PSF), including the submerged lands underlying the Gulf of Mexico and the coastal bays along the Texas coast. Chapter 33, Texas Natural Resources Code, provides the statutory basis for the SLB's management of those lands. Section 33.119 authorizes the SLB to “issue permits for limited continued use of previously unauthorized structures on coastal public land....”

Commonly known as “cabin permits,” these permits are limited to the number of structures (cabins) in existence on August 27, 1973. The SLB may not grant a permit that authorizes continued use of a cabin that is located within 1,000 feet of: (i) privately- owned shoreline property, without the written consent of the property owner; (ii) any federal or state wildlife sanctuary or refuge, or (iii) any federal, state, county, or city park bordering on coastal public land. This prohibition has become problematic because cabins built before the adoption of this legislation have not been removed nor have their locations been shown to be objectionable. Both federal and state agencies, including the U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department, have expressed interest in acquiring the use of cabins for law enforcement, research, education and outreach efforts. The cabins would also be available for public use.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 708 amends the Natural Resources Code. The word “residential” is added to §33.124(1) in order to change the prohibition on School Land Board permits within 1,000 feet of “privately owned littoral property” to “privately owned littoral residential property”.

Sections 33.124(2) and (3) are deleted to eliminate the prohibition against School Land Board permits for cabins within 1,000 feet of a federal or state wildlife sanctuary or refuge; or any federal, state, county, or city park bordering on coastal public land.

EFFECTIVE DATE

Provides that the Act will take effect immediately if it receives a vote of two-thirds of all members elected to each house. If not, the Act will take effect on September 1, 2005.