

BILL ANALYSIS

H.B. 887
By: Seaman
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas coast suffers from one of the highest rate of coastal erosion in the country. The need for healthy, full beaches is necessary for maintaining wildlife, protecting homes along the shore, and the encouragement of tourism, which many coastal communities depend upon for their tax base. In light of this problem, the Texas Legislature enacted the Coastal Erosion and Response Act (CEPRA) in 1999 in an effort to assist the General Land Office (GLO) in protection of the state's coastal areas. However when private property is eroded, the landowner cannot restore the property to its original boundaries. Once land becomes submerged, it becomes state-owned land.

The purpose of H.B. 887 is to establish provisions relating to the restoration by a bay front property owner affected by coastal erosion.

RULEMAKING AUTHORITY

It is the opinion of the committee that rulemaking authority is expressly granted to the General Land Office in SECTION 3 (Natural Resources Code) of this bill.

ANALYSIS

SECTION 1. *Amends Section 33.605(a), Natural Resources Code, as follows:*

Makes conforming changes.

SECTION 2. *Amends Subchapter H, Chapter 33, Natural Resources Code, by adding Section 33.613, as follows:*

Makes the new section applicable to land that on December 31, 1955, was privately owned and not submerged or owned by the School Land Board **and** fronts on a bay and not the Gulf of Mexico.

Authorizes the owner of property immediately landward of a public beach or submerged land that has been affected by coastal erosion to 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 record of each county in which the affected land is located.

Requires the use of only private resources for the restoration of affected land.

States that after restoration the owner owns the restored land in fee simple, subject to the common law rights of the public and the rights of a public school land lessee holding a lease on the property.

Authorizes the owner, in accordance with GLO rules, to build bulkheads on the restored land to prevent further erosion of that land.

Requires the chief appraiser to include on the applicable tax rolls, in the year after restoration, the restored land and any bulkhead built on restored land.

SECTION 3. Requires the GLO to adopt rules for the administration and regulation of the restoration of land affected by coastal erosion.

SECTION 4. Effective Date.

EFFECTIVE DATE

September 1, 2005.