

## **BILL ANALYSIS**

H.B. 2819  
By: Ritter  
Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, the School Land Board (SLB) and the Commissioner of the Texas General Land Office (commissioner) are authorized to manage the state-owned coastal and submerged lands dedicated to the Permanent School Fund (PSF) under Sections 4 and 5, Article VII, Texas Constitution. These lands consist of millions of acres, including the gulf coast beaches and bays, and submerged lands extending 10.3 miles out from the shoreline. The SLB and the commissioner are able to authorize the use of these state lands for a variety of private and commercial purposes, including conservation and ecological projects, public and private piers, docks, channels, and wharves, oil and gas exploration and production, pipeline and roadway rights of way, commercial development, and sustainable energy development.

The passage of the Coastal Public Lands Management Act of 1973 consolidated the coastal management authority and the related powers, duties, and responsibilities of the commissioner and the SLB into Chapter 33, Natural Resources Code. Since that time, the processes and procedures necessary to accomplish the goals of this authority have evolved as the public's need and desire to conduct activities on these lands has developed.

The drafters of the original statute and the subsequent amendments did not foresee the various requests that are required to be processed and evaluated each year by the Texas General Land Office (GLO) and the SLB. These requests often present situations that do not fit squarely into one of the categories of uses specifically addressed by the current statute. There is some inconsistency between provisions that appear to be on the same subject, creating confusion during implementation. There are also provisions and requirements related to some of the uses set out in the statute that are no longer necessary or applicable.

The purpose of H.B. 2819 is to authorize the SLB to evaluate applications to use coastal public lands and issue the appropriate authorization for uses that are determined to be in the best interest of the state. This bill also updates and clarifies provisions in Chapter 33, Natural Resources Code, to reflect other changes in law.

### **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**

NOTE. All references in this Bill Analysis to Chapters, Subchapters, Sections, Subsections, provisions of law, or any other reference to law, refer to provisions in Chapter 33, Natural Resources Code.

SECTION 1. *Amends Sections 33.002, 33.012, 33.063, and 33.102, Natural Resources Code, as follows:*

Section 33.002 is amended to recognize that the appropriate staff of the GLO (instead of the planning division and other staff of the GLO), should assist the SLB regarding certain responsibilities and duties with respect to the management of the surface estate in coastal public land. This change is made to conform with the change made to Section 33.012. Makes other conforming changes.

Section 33.012 is amended to require the appropriate (instead of the planning division and other) staff of the GLO to assist the SLB in the discharge of its responsibilities and duties under Chapter 33.

Section 33.063 is amended to authorize the SLB to prescribe reasonable filing fees and fees for granting other interests in or rights to use coastal public land (instead of just fees for leases, easements, and permits).

Section 33.102 is amended to require the application to acquire rights in coastal public lands to include any information the board considers necessary to process the application, including information necessary to evaluate the purpose for which the land is to be used. Deletes existing language listing certain information that is required to be included in the application to acquire rights in coastal public land.

SECTION 2. *Amends Section 33.103(a), Natural Resources Code, as follows:*

Authorize the SLB to grant any other interest (instead of just leases, easements, certain permits, and channel easements) in coastal public land for any purpose if the SLB determines that the grant is in the best interest of the state, subject to Section 33.001(g). Makes other conforming changes.

SECTION 3. *Amends Sections 33.104 and 33.105, Natural Resources Code, as follows:*

The amended Section 33.104 contains a new heading, as follows: DETERMINATION OF TERMS OF GRANT; CONSUMMATION OF TRANSACTION.

The amended Section 33.104 requires the SLB, if the SLB approves the application (instead of if it is granted), to determine the terms (instead of reasonable term), conditions, and consideration for the grant of an interest in or right to use coastal public land, and that the SLB is authorized to consummate the transaction. Deletes existing language requiring the SLB to circulate an application for review and comment to the member agencies of the Interagency Natural Resources Council or its successor upon receiving the application. Deletes existing language requiring the SLB to determine whether the proposed application should be granted not less than 30 days nor more than 90 days after the application is received.

The amended Section 33.104 contains a new heading, as follows: PERSONS TO WHOM INTEREST IN LAND MAY BE GRANTED.

The amended Section 33.104 authorizes the SLB to grant, rather than lease, to any person (instead of just certain listed entities) an interest in coastal public land if the SLB determines that the grant is in the best interest of the state.

SECTION 4. Amends Section 33.605(a) by deleting a reference to the repealed Section 33.613.

SECTION 5. *Repeals the following language and provisions in the Natural Resources Code:*

Section 33.014 (Disposition of Money for Grants of Certain Interests); Section 33.110(b) (regarding contract and franchise agreements); and Section 33.613 (Property Rights; Restoration by Beachfront Owner of Private Property Affected by Coastal Erosion).

SECTION 6. Effective Date.

**EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.