

By: Ritter

H.B. No. 2819

A BILL TO BE ENTITLED

AN ACT

relating to the management of coastal public land.

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

SECTION 1. Sections 33.002, 33.012, 33.063, and 33.102, Natural Resources Code, are amended to read as follows:

Sec. 33.002. PURPOSE. The purpose of this chapter is to implement the policies stated in Section 33.001 [~~of this code~~] by delegating to the board, assisted by the appropriate [~~planning division and other~~] staff of the land office, certain responsibilities and duties with respect to the management of the surface estate in coastal public land.

Sec. 33.012. LAND OFFICE TO ASSIST BOARD. The appropriate [~~planning division and other~~] staff of the land office shall assist the board in the discharge of its responsibilities and duties under this chapter.

Sec. 33.063. FEES. The board may prescribe reasonable filing fees and fees for granting leases, easements, [~~and~~] permits, and other interests in or rights to use coastal public land.

Sec. 33.102. CONTENTS OF APPLICATION. The application to acquire rights in coastal public land shall 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 [+]

[~~(1) an adequate legal description of the land in~~

~~which the rights are sought,~~

~~[(2) a statement of the rights sought,~~

~~[(3) a statement of the purpose or purposes for which
the land is to be used,~~

~~[(4) a description of the nature and extent of the
improvements, if any, which will be made on the land,~~

~~[(5) an estimate of the time within which any
improvements to be made will be completed; and~~

~~[(6) any additional information the board considers
necessary, including, in the case of any application for approval
of construction, modification, repair, or removal of a structure, a
description of all plans for any filling, dumping, dredging, or
excavating to be done].~~

SECTION 2. Section 33.103(a), Natural Resources Code, is amended to read as follows:

(a) The board may grant the following interests in coastal public land for the indicated purposes:

(1) leases for public purposes;

(2) easements for purposes connected with:

(A) ownership of littoral property; or

(B) the operation of a facility operated by an existing channel and dock corporation that was issued articles of incorporation under Chapters 13 and 14, Title 32, Revised Statutes;

(3) permits authorizing limited continued use of previously unauthorized structures on coastal public land not connected with ownership of littoral property; ~~and~~

(4) channel easements to the holder of any surface or

1 mineral interest in coastal public land for purposes necessary or
2 appropriate to the use of the interests; and

3 (5) subject to Section 33.001(g), any other interest
4 in coastal public land for any purpose if the board determines that
5 the grant is in the best interest of the state.

6 SECTION 3. Sections 33.104 and 33.105, Natural Resources
7 Code, are amended to read as follows:

8 Sec. 33.104. DETERMINATION OF TERMS OF GRANT; CONSUMMATION
9 OF TRANSACTION [~~PROCESSING APPLICATION~~]. [~~(a) On receiving an~~
10 ~~application, the board may circulate it for review and comment to~~
11 ~~the member agencies of the Interagency Natural Resources Council or~~
12 ~~its successor.~~

13 [~~(b) The board shall determine whether the proposed~~
14 ~~application should be granted not less than 30 days nor more than 90~~
15 ~~days after the application is received.~~

16 [~~(c)~~] If the board approves the application [~~is granted~~], the
17 board shall determine the terms [~~reasonable term~~], conditions, and
18 consideration for the grant of an interest in or right to use
19 coastal public land and may consummate the transaction.

20 Sec. 33.105. PERSONS TO WHOM INTEREST IN LAND MAY BE GRANTED
21 [~~LEASED~~]. The board may grant to any person an interest in [~~lease~~]
22 coastal public land if the board determines that the grant is in the
23 best interest of the state [~~to:~~

24 [~~(1) the Parks and Wildlife Department or to any~~
25 ~~eligible city or county for public recreational purposes;~~

26 [~~(2) the Parks and Wildlife Department for management~~
27 ~~of estuarine preserves;~~

1 ~~[(3) any nonprofit, tax-exempt environmental~~
2 ~~organization approved by the board for the purpose of managing a~~
3 ~~wildlife refuge, and~~

4 ~~[(4) any scientific or educational organization or~~
5 ~~institution for conducting scientific research].~~

6 SECTION 4. Section 33.605(a), Natural Resources Code, is
7 amended to read as follows:

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

11 SECTION 5. Sections 33.014, 33.110(b), and 33.613, Natural
12 Resources Code, are repealed.

13 SECTION 6. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2007.