

By: Garcia

H.B. No. 2894

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of an owner of adjacent land to restore
3 certain state land that has been affected by coastal erosion and
4 purchase the restored land.

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

6 SECTION 1. Sections 33.613(b), (c), and (d), Natural
7 Resources Code, are amended to read as follows:

8 (b) In accordance with land office rules, the owner of
9 property immediately landward of a public beach or submerged land,
10 including state mineral lands, that has been affected by coastal
11 erosion may [~~shall~~] restore the affected land to its original
12 boundaries as evidenced in a residential subdivision plat for
13 residential lots of one acre or less filed in the real property
14 records of each county in which the affected land is located. The
15 owner shall use only private resources and money for restoration
16 authorized by this section. After restoration the owner has a
17 preference right to purchase the restored land before the land is
18 made available for sale to any other person. An owner who exercises
19 a preference right under this section may purchase the restored
20 land for the market value of the land before the restoration. If
21 the owner purchases the restored land, the owner owns the
22 [~~restored~~] land in fee simple, subject to:

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

1 (2) the rights of a public school land lessee holding a
2 lease on the property on September 1, 2007 [~~2005~~].

3 (c) In accordance with land office rules, the owner may
4 [~~shall~~] build bulkheads on the restored land to prevent further
5 erosion of the restored land.

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

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

11 (2) require maintenance of backfill and bulkheads;

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

14 (4) require consideration of any adverse effects on
15 adjacent property owners; [~~and~~]

16 (5) grant an owner of property who restores land a
17 preference right to purchase the land as provided by this section;
18 and

19 (6) establish penalties for the violation of this
20 section or rules adopted under this section.

21 SECTION 2. Not later than December 1, 2007, the General Land
22 Office shall adopt rules under Section 33.613, Natural Resources
23 Code, as amended by this Act.

24 SECTION 3. This Act takes effect September 1, 2007.