

BILL ANALYSIS

H.J.R. 102
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Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Texas Natural Resources Code provides for the public's right to free and unrestricted access to state-owned beaches along the Gulf Coast. Some have argued that this right should be guaranteed by the Texas Constitution.

H.J.R. 102 would add the public's right to unrestricted access to state-owned beaches to the Texas Constitution.

RULEMAKING AUTHORITY

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

ANALYSIS

H.J.R. 102 proposes an amendment to the Texas Constitution to clarify that the public, individually and collectively, has an unrestricted right to use and a right of ingress to and egress from a public beach, and to establish that this right is dedicated as a permanent easement in favor of the public. The resolution authorizes the legislature to enact laws to protect the right of the public to access and use a public beach and to protect the public beach easement from interference and encroachments. The resolution establishes that its provisions do not create a private right of enforcement.

H.J.R. 102 defines "public beach" and sets forth the required language for the ballot.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2009.