

By: Raymond

H.J.R. No. 102

A JOINT RESOLUTION

1 proposing a constitutional amendment to protect the right of the
2 public to access and use public beaches.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article I, Texas Constitution, is amended by
5 adding Section 33 to read as follows:

6 Sec. 33. (a) In this section, "public beach" means a
7 state-owned beach bordering on the seaward shore of the Gulf of
8 Mexico, extending from mean low tide to the landward boundary of
9 state-owned submerged land, and any larger area extending from the
10 line of mean low tide to the line of vegetation bordering on the
11 Gulf of Mexico to which the public has acquired a right of use or
12 easement to or over the area by prescription or dedication or has
13 established and retained a right by virtue of continuous right in
14 the public under Texas common law.

15 (b) The public, individually and collectively, has an
16 unrestricted right to use and a right of ingress to and egress from
17 a public beach. The right granted by this subsection is dedicated
18 as a permanent easement in favor of the public.

19 (c) The legislature may enact laws to protect the right of
20 the public to access and use a public beach and to protect the
21 public beach easement from interference and encroachments.

22 (d) This section does not create a private right of
23 enforcement.

24 SECTION 2. This proposed constitutional amendment shall be

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1 submitted to the voters at an election to be held November 3, 2009.
2 The ballot shall be printed to provide for voting for or against the
3 proposition: "The constitutional amendment to protect the right of
4 the public, individually and collectively, to access and use the
5 public beaches bordering the seaward shore of the Gulf of Mexico."