

1-1 By: Raymond, et al. (Senate Sponsor - Hinojosa) H.J.R. No. 102
1-2 (In the Senate - Received from the House May 12, 2009;
1-3 May 13, 2009, read first time and referred to Committee on Natural
1-4 Resources; May 23, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 23, 2009, sent to printer.)

1-6 HOUSE JOINT RESOLUTION

1-7 proposing a constitutional amendment to protect the right of the
1-8 public to access and use public beaches.

1-9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Article I, Texas Constitution, is amended by
1-11 adding Section 33 to read as follows:

1-12 Sec. 33. (a) In this section, "public beach" means a
1-13 state-owned beach bordering on the seaward shore of the Gulf of
1-14 Mexico, extending from mean low tide to the landward boundary of
1-15 state-owned submerged land, and any larger area extending from the
1-16 line of mean low tide to the line of vegetation bordering on the
1-17 Gulf of Mexico to which the public has acquired a right of use or
1-18 easement to or over the area by prescription or dedication or has
1-19 established and retained a right by virtue of continuous right in
1-20 the public under Texas common law.

1-21 (b) The public, individually and collectively, has an
1-22 unrestricted right to use and a right of ingress to and egress from
1-23 a public beach. The right granted by this subsection is dedicated
1-24 as a permanent easement in favor of the public.

1-25 (c) The legislature may enact laws to protect the right of
1-26 the public to access and use a public beach and to protect the
1-27 public beach easement from interference and encroachments.

1-28 (d) This section does not create a private right of
1-29 enforcement.

1-30 SECTION 2. This proposed constitutional amendment shall be
1-31 submitted to the voters at an election to be held November 3, 2009.
1-32 The ballot shall be printed to provide for voting for or against the
1-33 proposition: "The constitutional amendment to protect the right of
1-34 the public, individually and collectively, to access and use the
1-35 public beaches bordering the seaward shore of the Gulf of Mexico."

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