

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 18, 2009**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR102** by Raymond (Proposing a constitutional amendment to protect the right of the public to access and use public beaches.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would define a public beach as a state-owned beach bordering on the seaward shore of the Gulf of Mexico, extending from mean low tide to the landward boundary of state-owned submerged land, and any larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico to which the public has acquired a right of use or easement to or over the area by prescription or dedication or has established and retained a right by virtue of continuous right in the public under Texas common law. It would provide that the the public has an unrestricted right to use and a right of ingress to and egress from a public beach. It would also authorize 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.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 305 General Land Office and Veterans' Land Board

**LBB Staff:** JOB, SD, TL