

Amend HB 3459 (house committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS accordingly:

SECTION _____. (a) Section 61.001(8), Natural Resources Code, is amended to read as follows:

(8) "Public beach" means any beach area, whether publicly or privately owned, extending inland from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico to which the public has acquired the right of use or easement to or over the area by prescription, dedication, presumption, or has retained a right by virtue of continuous right in the public since time immemorial, as recognized in law and custom. This definition does not include a beach that is not accessible by a public road or public ferry as provided in Section 61.021 of this code. The doctrine of avulsion does not apply to the determination of the boundary of a public beach.

(b) Section 61.011(a), Natural Resources Code, is amended to read as follows:

(a) It is declared and affirmed to be the public policy of this state that the public, individually and collectively, shall have the free and unrestricted right of ingress and egress to and from the state-owned beaches bordering on the seaward shore of the Gulf of Mexico, or if the public has acquired a right of use or easement to or over an area by prescription, dedication, or has retained a right by virtue of continuous right in the public, the public shall have the free and unrestricted right of ingress and egress to the larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico. The doctrine of avulsion does not apply to the determination of the boundary of the area to which the public has a right of ingress and egress.

(c) Section 61.012, Natural Resources Code, is amended to read as follows:

Sec. 61.012. DEFINITION. In this subchapter, "beach" means state-owned beaches to which the public has the right of ingress and egress bordering on the seaward shore of the Gulf of Mexico or any larger area extending from the line of mean low tide to the line of

vegetation bordering on the Gulf of Mexico if the public has acquired a right of use or easement to or over the area by prescription, dedication, or has retained a right by virtue of continuous right in the public. The doctrine of avulsion does not apply to the determination of the boundary of a beach.

(d) Section 61.013(c), Natural Resources Code, is amended to read as follows:

(c) For purposes of this section, "public beach" shall mean any beach bordering on the Gulf of Mexico that extends inland from the line of mean low tide to the natural line of vegetation bordering on the seaward shore of the Gulf of Mexico, or such larger contiguous area to which the public has acquired a right of use or easement to or over by prescription, dedication, or estoppel, or has retained a right by virtue of continuous right in the public since time immemorial as recognized by law or custom. This definition does not include a beach that is not accessible by a public road or public ferry as provided in Section 61.021 of this code. The doctrine of avulsion does not apply to the determination of the boundary of a public beach.

(e) Section 61.014(a), Natural Resources Code, is amended to read as follows:

(a) As used in this section, "public beach" means the area extending from the line of mean low tide of the Gulf of Mexico to the line of vegetation bordering on the Gulf of Mexico, or to a line 200 feet inland from the line of mean low tide, whichever is nearer the line of mean low tide, if the public has acquired a right of use or easement to or over the area by prescription, dedication, or has retained a right by virtue of continuous right in the public. The doctrine of avulsion does not apply to the determination of the boundary of a public beach.

(f) Section 61.062, Natural Resources Code, is amended to read as follows:

Sec. 61.062. PUBLIC POLICY. It is the public policy of this state that the public, individually and collectively, shall have the free and unrestricted right of ingress and egress to and from the state-owned beaches bordering on the seaward shore of the Gulf of Mexico if the public has acquired a right of use or easement to or

over the area by prescription, dedication, or continuous use. This creates a responsibility for the state, in its position as trustee for the public, to assist local governments in the cleaning of beach areas which are subject to the access rights of the public as defined in Subchapter B of this chapter. The doctrine of avulsion does not apply to the determination of the boundary of the area to which the public has a right of ingress and egress.

(g) Section 61.161, Natural Resources Code, is amended to read as follows:

Sec. 61.161. PUBLIC POLICY. It is the public policy of this state that the state-owned beaches bordering on the seaward shore of the Gulf of Mexico, and any larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico, if the public has acquired a right of use or easement to or over the area by the prescription or dedication or has retained a right by virtue of continuous right in the public, shall be used primarily for recreational purposes, and any use which substantially interferes with the enjoyment of the beach area by the public shall constitute an offense against the public policy of the state. The doctrine of avulsion does not apply to the determination of the boundary of the beach area subject to public use. Nothing in this subchapter prevents any agency, department, political subdivision, or municipal corporation of this state from exercising its lawful authority under any law of this state to regulate safety conditions on any beach area subject to public use.

(h) Section 61.162(a), Natural Resources Code, is amended to read as follows:

(a) The legislature finds that the operation and maintenance of business establishments at fixed or permanent locations on the public beaches of this state bordering on the seaward shore of the Gulf of Mexico constitute a potential public health hazard and a substantial interference with the free and unrestricted rights of ingress and egress of the public, both individually and collectively, to and from the state-owned beaches bordering on the seaward shore of the Gulf of Mexico or any larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico if the public has

acquired a right of use or easement to or over the area by prescription, dedication, or has retained a right by virtue of continuous right in the public. The doctrine of avulsion does not apply to the determination of the boundary of a public beach.

(i) Section 365.033(b), Health and Safety Code, is amended to read as follows:

(b) In this section, "beach" means an area in which the public has acquired a right of use or an easement and that borders on the seaward shore of the Gulf of Mexico or extends from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico. The doctrine of avulsion does not apply to the determination of the boundary of a beach.

(j) Section 21.111(c), Parks and Wildlife Code, is amended to read as follows:

(c) If any state park site includes a public beach as defined by Section 61.001, Natural Resources Code [~~on the seaward shore of the Gulf of Mexico, extending from the line of mean low tide to the line of vegetation, over which the public has acquired a right of use or easement to or over the area by prescription or dedication or has retained a right by virtue of continuous right in the public~~], no entrance or gate fee may be charged to persons desiring to enter or to leave the public beach area, so long as the persons do not enter any other portion of the park for which an entrance or gate fee is charged.

(k) Section 729.001(b), Transportation Code, is amended to read as follows:

(b) In this section, "public beach" has the meaning assigned by Section 61.008, Natural Resources Code [~~means a beach bordering on the Gulf of Mexico that extends inland from the line of mean low tide to the natural line of vegetation bordering on the seaward shore of the Gulf of Mexico, or the larger contiguous area to which the public has acquired a right of use or easement to or over by prescription, dedication, or estoppel, or has retained a right by virtue of continuous right in the public since time immemorial as recognized by law or custom~~].

(l) This section takes effect on the date on which the constitutional amendment proposed by the 83rd Legislature, Regular

Session, 2013, establishing the boundaries of public beaches takes effect. If that amendment is not approved by the voters, this section has no effect.

(2) On page 6, line 7, strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".