

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 2, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4172 by Middleton (Relating to the burden of proof in a suit or administrative proceeding to establish that an area is subject to the public beach easement.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Natural Resources Code to provide that in a suit or administrative proceeding brought or defended under Chapter 61, Subchapter B (access to public beaches) or whose determination is affected by Subchapter B pertaining to certain beach areas, the burden of proof is on the party seeking to establish the title of the littoral owner does not include the right to prevent the public from using the area for ingress and egress to the sea or there is imposed on the area a common law right or easement in favor of the public for ingress and egress to the sea. The bill would eliminate a subsection provision related to prima facie evidence of the landward boundary of the area subject to certain public easement.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, BH