

PUBLIC COMMENTS

HB 4172

HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE

Hearing Date: April 6, 2021 8:00 AM

Nicolette Nelson

Self - Partnership Strategies Associate

Houston, TX

Dear Judiciary & Civil Jurisprudence Committee,

I write in strong support of the HB 4172 pertaining to the burden of proof on establishing an area subject to public beach easement. As the granddaughter of Henry P. Porretto, Jr. and the daughter of Sonya Porretto, I've witnessed first hand the ramifications of Section 61.020 of the Natural Resource Code with the beach property our family has owned since the 1950s in Galveston, Texas. My grandfather spent the last years of his life proving his property boundaries that he operated, maintained, and owned for the public's use for a majority of his life; however, he never saw the resolve in the Supreme Court of Texas before his passing. My mother had to take over his burden of proving what property was ours and subject to which applicable laws, codes, and regulations. Our family through two generations has sunk over 20 years of efforts and millions of dollars in legal fees into the protection and preservation of private property rights. A third generation needing to step in would be a true travesty.

In order to avoid other families having to experience the detriment caused by these existing prima facie evidence determinations, there must be a change. Otherwise, the small business owners, families, and working individuals are unduly burdened against more powerful, resourced, and biased entities. In short, more harm is irreparably caused to those with the least protection and need it most.

Sincerely,

Nicolette Nelson

Andrew Hardee

Self - Financial Analyst

Houston, TX

I would like to encourage the passing of this bill (HB-4172). The court adjudication requirements to determine a boundary in contention leads to incidences such as the Porretto case, which extended for years and exhausted time, financial, and human resources that could've been allocated towards more beneficial projects. There needs to be greater protection for the private property owners subject to these guidelines as they are put into positions such as the Porrettos to defend and fight against those with an abundance of resources.

Anita Garten

Self -- economic consultant (retired)

Houston, TX

As owners of several properties on the West End of Galveston Island, my husband and I join District 6 City Council member Marie Robb and the City of Galveston in supporting this bill proposed by State Representative Middleton. We hope that you will join us and approve this bill, which supports Galveston beachfront property owners.

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Alexander Nelson
Self, Graduate Student
Galveston, TX

As a proud Texan living on the coast my family has been adversely affected by arbitrary actions which currently allow officials to act as they interpret. This allows for inconsistencies which cause cascading effects which ultimately bend and, in some cases, break the law. Arbitrary actions committed by officials have created systems in which the government acts against the people, the taxpayers, and property owners instead of for them. These systems are at the core, corrupt when sanctioned by entities who use sovereign immunity as a safeguard for their activities. My family has proudly owned property on the coast for over 60 years. When people play with lines in the sand it has negative impacts on these property owners. The undue burden placed on them can cost lives both financially and physically for simply protecting ones property rights. As an Aggie and a Texan I believe that we should uphold the sanctity of private property rights, and those of others, at no matter the cost simply as a duty. I believe this bill will create consistency in the application of law and will avoid the impacts that have unjustly burdened the Porretto family, my family, as well as preventing these types of troubling actions from happening to others. This bill introduced by Mayes Middleton moves the ball closer to preserving and protecting the rights of coastal property owners as well as property owners throughout Texas by a consistent application of the law. I believe it should move forward in the steps to become sensible legislation. These effects are completely avoidable if there is consistency and boundaries governing our leaders in regards to private property rights. Thank you and God Bless Texas.

Kerry Grimes
Property Owners Association of Kahala Beach, Inc (President)
AUSTIN, TX

Support and encourage bill be approved!

Lloyd Martin
Self
Galveston, TX

I am in favor of HB 4172

Sydney Marvin
Self
Houston, TX

Sydney Marvin
3707 Jardin St.
Houston, Texas 77005

April 5, 2021

Dear Judiciary and Civil Jurisprudence Committee,

I am strongly in support of HB 4172 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 a native Texas, who doesn't plan on leaving the state any time soon, I think it is extremely important to protect our private property owners. Property owners should not be constantly forced to prove their ownership and legal rights to their land. The need to repeatedly present their burden of proof allows for the opportunity of corruption. Additionally, there are public parks on Galveston Island beaches that require payment to enter the park. This is no different than how a private beach would operate.

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Committee, please consider the basic rights of property owners when voting for HB 4172. Texans should not be subject to constant administrative and suit actions to keep what is rightfully theirs.

Sincerely,

Sydney Marvin

Sonya PORRETTO

Self

Galveston, TX

I have prepared a statement of my overwhelming support on behalf of today's Bill - 4172 introduced and authored by Representative Mayes Middleton. My intent was to appear before members of the State of Texas Judiciary Committee this morning and because of reasons this Bill is not available for me and many others to exercise the minimal protections of our constitutional right - I cannot be there today.

It takes great courage for Mayes Middleton to propose a very simple resolve and remedy to a very long and contentious problem that exists in the State of Texas. He found a tiny piece of gold that could provide an enormous amount of wasted tax dollars, litigation and funding that could benefit those that are in more need if you allow this Bill to move forward.

The majority of the issues pertaining to this matter are more about a fight for resources and politics while the core issues are lost and resulted in many other negative impacts and funding without oversight, accountability, baselines and measures; abuse. There are devastating compounded negative impacts that most have not even seen the surface of - Mayes is beginning to see this storm brewing and attempting to curtail it by merely passing this Bill; Bill 4172.

Underprivileged are excluded in this society and if a quarter of the wasted unaccounted for and questionable funding pertaining to coastal issues went to our communities, schools, teachers and families who are currently fighting for opportunities to survive day to day injustices, I believe society as we know it would be a better place for our children and their future.

My late father was deprived of his existence and rights, eventually he passed away because of the overwhelming stress pertaining to these issues regarding our family's 70-year-old historical private owned "accreting" "dry" and "stable" beachfront and shoreline properties and businesses operating along the original seawall on the beach. He was forced to Burden the Proof of our legally and rightfully owned and operated business and shared with the public without being a burden on any local, state and federal resources or benefits for 4 generations.

No one at the capital can pass on responsibility or remove their part in this travesty if this bill is not passed. In April 2000, my late father asked me to hold his power of attorney over these properties and the protection of them because he somehow knew when he filed a police report for trespassers all the sudden on his land he operated on the day before. It was an unknown stress of betrayal and constitutional rights violations most will never feel and worse, his own state offered no access to remedy or resolve or clean up - he was publicly challenged and told "sue us." I feel this same stress right now today. Have you felt the humility, violations and helplessness when a government, entity or individual come to your home town from an office in Austin, and make rules or determinations based on opinion or photos without

Anne Thompson

Self. Retired

Galveston, TX

I support.