

BILL ANALYSIS

Senate Research Center
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H.B. 708
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S/C on Agriculture & Coastal Resources
4/5/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The School Land Board (board) is responsible for management of the public lands dedicated to the Permanent School Fund (PSF), including the submerged lands underlying the Gulf of Mexico and the coastal bays along the Texas coast. Chapter 33, Texas Natural Resources Code, provides the statutory basis for the board's management of those lands.

Section 33.119 authorizes the board to “issue permits for limited continued use of previously unauthorized structures on coastal public land.”

Commonly known as “cabin permits,” these permits are limited to the number of structures (cabins) in existence on August 27, 1973. The board may not grant a permit that authorizes continued use of a cabin that is located within 1,000 feet of: (i) privately-owned shoreline property, without the written consent of the property owner; (ii) any federal or state wildlife sanctuary or refuge, or (iii) any federal, state, county, or city park bordering on coastal public land.

This prohibition has become problematic because cabins built before the adoption of this legislation have not been removed nor have their locations been shown to be objectionable. Both federal and state agencies, including the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department, have expressed interest in acquiring the use of cabins for law enforcement, research, education and outreach efforts. The cabins would also be available for public use.

As proposed, H.B. 708 removes the prohibition from statute, thus authorizing the board to grant permits for the use of specific government-owned property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.124, Natural Resources Code, to prohibit the school land board (board) from granting a permit which authorizes the continued use of a structure located within 1,000 feet of privately owned littoral residential property, without written consent of the littoral owner. Deletes existing text prohibiting the board from granting a permit authorizing continued use of a structure within 1,000 feet of specific government owned property.

SECTION 2. Effective date: upon passage or September 1, 2005.