

## **BILL ANALYSIS**

Senate Research Center  
81R9970 TRH-F

H.J.R. 102  
By: Raymond et al. (Hinojosa)  
Natural Resources  
5/15/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Texas Natural Resources Code provides for the public's right to free and unrestricted access to state-owned beaches along the gulf coast. This bill would add the public's right to unrestricted access to state-owned beaches to the Texas Constitution.

H.J.R. 102 proposes a constitutional amendment to protect the right of the public to access and use public beaches.

### **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 Article I, Texas Constitution, by adding Section 33, as follows:

Sec. 33. (a) Defines "public beach."

(b) Provides that the public, individually and collectively, has an unrestricted right to use and a right of ingress to and egress from a public beach. Provides that the right granted by this subsection is dedicated as a permanent easement in favor of the public.

(c) Authorizes 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.

(d) Provides that this section does not create a private right of enforcement.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.