

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1050  
By: Truan  
Natural Resources  
4-23-97  
Committee Report (Substituted)

### **DIGEST**

In a 1993 case Natland Corp. v. Baker's Port Inc., the Third Court of Appeals held that the State of Texas lost title to 36 acres of Permanent School Fund land after the U.S. Corps of Engineers deposited dredge spoil material on beachfront property and it subsequently migrated into the bay, creating emergent land. Since that time, many landowners seeking to change the character of land from public to private has cited the Natland opinion as broad authority for the proposition that, unless the complainant used self-help, the complainant is entitled to claim emergent or accreted land resulting from artificial activity. This bill will set forth provisions relating to artificial processes and the affect on ownership of coastal public land.

### **PURPOSE**

As proposed, C.S.S.B. 1050 sets forth provisions relating to artificial processes and the effect on ownership of coastal public land.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 33D, Natural Resources Code, by adding Section 33.136, as follows:

Sec. 33.136. PROPERTY RIGHTS: PRESERVATION OF LITTORAL RIGHTS. (a) Prohibits a person, notwithstanding any law to the contrary, from undertaking, within the coastal zone, an action relating to erosion response that will cause or contribute to shoreline alteration before the person has conducted and filed a coastal boundary survey in the same manner as the survey of public land required by Chapter 21 and any applicable rule of the commissioner of the School Land Board (commissioner). Provides that, on filing of the survey, the shoreline depicted on the survey is a fixed line for the purpose of locating a shoreline boundary, subject to erosion landward of that line. Prohibits a coastal boundary survey conducted under this section from being filed until the commissioner gives notice of approval under Subsection (c).

(b) Requires the survey to contain a statement containing certain information.

(c) Requires the commissioner, within 30 days after the date the commissioner approves a coastal boundary survey fixing the location of the shoreline under this section, to provide notice of the commissioner's actions by taking certain actions.

(d) Requires a person who claims title to land as a result of accretion, reliction, or avulsion within the coastal zone in an area where the shoreline was or may have been changed by an action relating to erosion response to prove certain facts in order to prevail in the claim.

(e) Provides that an upland owner who, because of erosion activity undertaken by the commissioner, ceases to hold title to certain land is entitled to continue to exercise all littoral rights possessed by that owner before the date the erosion response activity commenced, including certain rights.

(f) Defines "erosion response."

SECTION 2. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

#### SECTION 1.

Deletes proposed SECTION 1, Sections 33.140 and 33.141, Natural Resources Code, regarding preservation of property and littoral rights and proof of claim.

Adds Section 33.136, Natural Resources Code, regarding coastal erosion response and the preservation of littoral rights.

#### SECTION 2.

Sets forth the effective date and makes application of this Act prospective.

#### SECTION 3.

Emergency clause.