

BILL ANALYSIS

Senate Research Center
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S.B. 751
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the School Land Board (board) and the Commissioner of the General Land Office (GLO) (commissioner) are authorized to manage the state-owned coastal and submerged lands dedicated to the Permanent School Fund under Sections 4 and 5, Article VII, Texas Constitution. These lands consist of millions of acres, including the gulf coast beaches and bays, and submerged lands extending 10.3 miles out from the shoreline. The board and GLO is authorized to authorize the use of these state lands for a variety of private and commercial purposes, including conservation and ecological projects, public and private piers, docks, channels, and wharves, oil and gas exploration and production, pipeline and roadway rights of way, commercial development, and sustainable energy development.

The passage of the Coastal Public Lands Management Act of 1973 consolidated the coastal management authority and the related powers, duties, and responsibilities of the commissioner and the board into Chapter 33, Natural Resources Code. Since that time, the processes and procedures necessary to accomplish the goals of this authority have evolved as the public's need and desire to conduct activities on these lands has developed.

The drafters of the original statute and the subsequent amendments did not foresee the various requests that are required to be processed and evaluated each year by GLO and the board. These requests often present situations that do not fit squarely into one of the categories of uses specifically addressed by the current statute. There is some inconsistency between provisions that appear to be on the same subject, creating confusion during implementation. There are also provisions and requirements related to some of the uses set out in the statute that are no longer necessary or applicable.

As proposed, S.B. 751 authorizes the board to evaluate applications to use coastal public lands and issue the appropriate authorization for uses that are determined to be in the best interest of the state. This bill also updates and clarifies provisions in Chapter 33, Natural Resources Code, to reflect other changes in law.

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 Sections 33.002, 33.012, 33.063, and 33.102, Natural Resources Code, as follows:

Sec. 33.002. PURPOSE. Provides that the purpose of this chapter (Management of Coastal Public Land) is to implement the policies stated in Section 33.001 by delegating to the School Land Board (board), assisted by the appropriate staff of the land office, rather than the planning division and other staff of the land office, certain responsibilities and duties with respect to the management of the surface estate in coastal public land. Makes a nonsubstantive change.

Sec. 33.012. LAND OFFICE TO ASSIST BOARD. Makes a conforming change.

Sec. 33.063. FEES. Authorizes the board to prescribe reasonable filing fees and fees for granting other interests in or rights to use coastal public land.

Sec. 33.102. CONTENTS OF APPLICATION. Requires the application to acquire rights in coastal public lands to include any information the board considers necessary to process the application, including information necessary to evaluate the purpose for which the land is to be used. Deletes existing text providing certain information that is required to be included in the application to acquire rights in coastal public land.

SECTION 2. Amends Section 33.103(a), Natural Resources Code, to authorize the board to grant any other interest in coastal public land for any purpose if the board determines that the grant is in the best interest of the state, subject to Section 33.001(g) (regarding alienating the surface estate in coastal public land).

SECTION 3. Amends Sections 33.104 and 33.105, Natural Resources Code, as follows:

Sec. 33.104. New heading: DETERMINATION OF TERMS OF GRANT; CONSUMMATION OF TRANSACTION. Provides that the board, if the board approves the application, rather than if it is granted, is required to determine the terms, rather than reasonable term, conditions, and consideration for the grant of an interest in or right to use coastal public land, and that the board is authorized to consummate the transaction. Deletes existing text requiring the board to circulate an application for review and comment to the member agencies of the Interagency Natural Resources Council or its successor upon receiving the application. Deletes existing text requiring the board to determine whether the proposed application should be granted not less than 30 days nor more than 90 days after the application is received.

Sec. 33.105. New heading: PERSONS TO WHOM INTEREST IN LAND MAY BE GRANTED. Authorizes the board to grant, rather than lease, to any person, rather than only to certain entities, an interest in coastal public land if the board determines that the grant is in the best interest of the state.

SECTION 4. Amends Section 33.605(a), Natural Resources Code, to delete the existing exception that money in the coastal erosion response account is not authorized to be used for a restoration project authorized by Section 33.613.

SECTION 5. Repealers: Section 33.014 (Disposition of Money for Grants of Certain Interests), Natural Resources Code;

Section 33.110(b) (regarding contract and franchise agreements), Natural Resources Code; and

Section 33.613 (Property Rights; Restoration by Beachfront Owner of Private Property Affected by Coastal Erosion), Natural Resources Code.

SECTION 6. Effective date: upon passage or September 1, 2007.