

## **BILL ANALYSIS**

Senate Research Center  
77R6286 PAM-D

H.B. 1402  
By: Cook (Armbrister)  
Natural Resources  
4/25/2001  
Engrossed

### **DIGEST AND PURPOSE**

Currently, there is no process regarding title to sovereign lands sold or disposed of to private persons in cases where a patent was never issued from the state or the republic passing legal title to land. H.B. 1402 authorizes the School Land Board to approve the release of the state's interest in land in certain circumstances.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of the General Land Office in SECTION 1 (Section 11.085, Natural Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 11D, Natural Resources Code, by adding Sections 11.084 and 11.085, to read as follows:

Sec. 11.084. SCHOOL LAND BOARD APPROVAL OF PATENT FOR INTEREST IN LAND RELEASED BY STATE. (a) Authorizes the School Land Board (board) to approve a tract of land for patenting to release all or part of the state's interest in land, excluding mineral rights, if the board finds that certain conditions exist.

(b) Provides that this section does not apply to certain lands.

(c) Prohibits this section from being used for certain purposes.

Sec. 11.085. PROCEDURE FOR APPLYING FOR PATENT FOR INTEREST IN LAND RELEASED BY STATE. (a) Authorizes a person claiming title to land to apply for a patent under Section 11.084 by filing with the commissioner of the General Land Office (commissioner) an application on a form prescribed by the commissioner. Requires the claimant to attach to the application all documentation necessary to support the claimant's request for a patent.

(b) Requires the land office to review the claimant's application to determine whether the claimant substantially meets the criteria for issuance of a patent under Section 11.084.

(c) Requires the commissioner, if the land office determines that the application is complete for consideration by the board, to convene the board to determine whether a patent is to be issued under Section 11.084.

(d) Authorizes the commissioner to adopt rules as necessary to administer Section 11.084 and this section.

SECTION 2. Effective date: Provides that the effective date of this Act is contingent on the approval of

the constitutional amendment proposed by the 77th Legislature, Regular Session, 2001, providing that the legislature is authorized to settle land title disputes between the state and a private party, takes effect. Provides that this Act has no effect if that amendment is not approved.