

## **BILL ANALYSIS**

Senate Research Center  
77R4787 PAM-D

H.J.R. 53  
By: Cook (Armbrister)  
Natural Resources  
4/25/2001  
Engrossed

### **DIGEST AND PURPOSE**

When sovereign land is sold or disposed of to private persons and a patent is not issued from the state or the republic passing the legal title, the legal title remains with the sovereign entity. The private owner of the land is often unaware that a title without a patent is ineffective and is without legal recourse to acquire the patent because the lands of public domain are now constitutionally dedicated to the Permanent School Fund (PSF). Under the Texas Constitution, the General Land Office and the School Land Board manage and administer PSF, but do not have the authority to issue the patent because current law requires them to receive the land's fair market value in full before the patent is issued. H.J.R. 53 authorizes the legislature, under specified conditions, to provide for the surrender of interest in land belonging to the State of Texas.

### **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 VII, Texas Constitution, by adding Section 2B, as follows:

Sec. 2B. (a) Authorizes the legislature by law to provide for the release of all or part of the state's interest in land, excluding mineral rights, if:

- (1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;
- (2) the land is not patentable under the law in effect before January 1, 2002; and
- (3) the person claiming title to the land:
  - (A) holds the land under color of title;
  - (B) holds the land under a chain of title that originated on or before January 1, 1952;
  - (C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;
  - (D) has a deed to the land recorded in the appropriate county; and
  - (E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.

(b) Provides that this section does not apply to beach land, submerged or filled land, or islands

or land that has been determined to be state-owned by judicial decree.

(c) Prohibits this section from being used to resolve boundary disputes or change the mineral reservation in an existing patent.

SECTION 2. Requires that this constitutional amendment be put before the voters in an election on November 6, 2001. Requires the ballot be printed to permit a person to vote for or against the proposition and sets forth specific wording to be contained on the ballot.