

BILL ANALYSIS

Senate Research Center
78R5689 MI-F

S.B. 640
By: West
Natural Resources
3/5/2003
As Filed

DIGEST AND PURPOSE

Currently, the School Land Board (SLB) is not required to be notified of a claim in advance. Due to the lack of advanced notice, SLB is unable to attempt to resolve pending disputes before going to court. As proposed, S.B. 640 requires a littoral owner to give notice of a claim to SLB within 180 days of the incident that promoted the institution of the claim.

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 Section 33.171, Natural Resources Code, by adding Subsections (c) and (d), as follows:

(c) Provides that the state is entitled to receive notice of a claim against the School Land Board (SLB) under this subchapter not later than the 180th day after the date the incident giving rise to the claim occurred. Requires the notice to reasonably describe certain details of SLB actions.

(d) Provides the notice requirement of Subsection (c) is a jurisdictional prerequisite to the institution of suit under this section regardless of actual notice, express or implied, to SLB or the state

SECTION 2. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.