

## **BILL ANALYSIS**

Senate Research Center  
85R7116 BEE-F

H.B. 3423  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the general land commissioner sends a letter of notification to the county clerk regarding the sale or lease of public school land. The letter includes a description of the sale, the date of the sale, and the name of the purchaser. The clerk is then required to enter the information in this letter into his or her county records.

The "book" system, however, is outdated and does not reflect the current technology, tools, or organizing systems available to clerks. Further, the letters from the commissioner are not recordable documents under Section 12.0011, Property Code, which requires an original signature on a recordable document.

H.B. 3423 updates the law to clarify that the commissioner may send written notice to the clerk regarding the sale or lease of public land, and this information may be recorded without the signature requirement. The bill further directs the clerk to enter the information received from the commissioner into the official public records of the county. These records are available online and increase the flow of communication and transparency with the public, while helping clerks better track the transfer of public school land using current technology.

H.B. 3423 amends current law relating to the recording by a county clerk of certain documents relating to the sale or lease of public school land.

### **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 51.065, Natural Resources Code, as follows:

Sec. 51.065. NOTICE AND RECORD OF SALE. (a) Requires the commissioner of the General Land Office (GLO) to send a written notice of the sale of a tract of public school land to the county clerk of the proper county that includes, rather than notify the county clerk of the proper county of the sale of each tract of land, the name and address of the purchaser and the price of the land. Makes a nonsubstantive change.

(b) Requires the county clerk, after receiving a notice of the, rather than after being informed of any, sale of public school land, to record the notice at no charge in the official public records of the county, rather than to enter in his books opposite the description of the land sold, the name of the purchaser and the date of the sale.

(c) Provides that the notice of sale is a public record, rather than the notice of sale and the book containing the entry are public records.

SECTION 2. Amends Section 51.066(c), Natural Resources Code, as follows:

(c) Requires that one copy of the land award be retained in the GLO, one copy be sent to the purchaser, and once copy be sent to the county clerk of the proper county to be recorded at no charge in the official public records of the county, rather than requires that one copy of the land award be retained in the GLO and the other copy be sent to the purchaser.

SECTION 3. Amends Section 51.176(c), Natural Resources Code, to require that the original copy of the vacancy application be recorded in the official public records of the county, rather than in a book kept for that purpose separate from the deed or real property records.

SECTION 4. Amends Section 12.0011, Property Code, by adding Subsection (e), to provide that this section (Instruments Concerning Property: Original Signature Required for Certain Instruments) does not apply to a notice of sale under Section 51.065, Natural Resources Code, or a land award under Section 51.066 (Land Award), Natural Resources Code.

SECTION 5. Makes application of Sections 51.065 and 51.066, Natural Resources Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2017.