

BILL ANALYSIS

Senate Research Center
77R8401 PAM-D

H.J.R. 52
By: Cook (Armbrister)
Natural Resources
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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. 52 proposes a constitutional amendment to provide for the surrender of any claim of the State of Texas to interest in certain lands in the A.P. Nance Survey in Bastrop County.

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 2A, Article VII, Texas Constitution, as follows:

Sec. 2A. (a) Makes a nonsubstantive change.

(b) Provides that the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to certain lands, excluding the minerals, in the A.B. Nance Survey, Bastrop County.

(c) Provides that title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Provides that title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Provides that any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation is prohibited from being refunded.

(d) Requires the General Land Office to issue a patent to the holder of record title to each tract described by Subsection (b). Requires the patent to be issued in the same manner as other patents except that no filing fee or patent fee may be required.

(e) Requires a patent issued under Subsection (d) to include a provision reserving all mineral interest in the land to the state.

(f) Provides that this section is self-executing.

SECTION 2. Requires the proposed amendment to be submitted to the voters at an election to be held

November 6, 2001. Requires the ballot to be printed to provide for voting for or against a certain proposition.