

## **BILL ANALYSIS**

H.B. 1679  
By: Hughes  
Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Subchapter E, Chapter 51, Natural Resources Code, provides the statutory framework for the Commissioner of the Texas General Land Office (GLO) to determine the existence of a land vacancy. A vacancy is a tract of unsold and unsurveyed public domain that is dedicated to the Permanent School Fund. A vacancy issue arises when surveys conducted raise questions regarding the correct location of survey lines called for in the original patents issued by the state. The surveys or original patents were supposed to adjoin each other; however, if they do not, the gap between the surveys is a vacancy.

The 79th Legislature passed Senate Bill 1103 that amended vacancy provisions in Chapter 51, Natural Resources Code, to assist the GLO in more efficiently and effectively processing vacancy applications. One of these changes provides the vacancy applicant the option of submitting a survey report with the vacancy application rather than pay the additional cost of a commissioner-appointed surveyor.

The purpose of House Bill 1679 is to attempt and ensure uniformity among all survey reports by requiring an applicant to submit field notes and a plat depicting the results of the survey with the survey report, and to clarify the statute to ensure that an ad litem appointed to represent the interested parties can represent all parties who cannot be found.

### **RULEMAKING AUTHORITY**

It is the opinion of the committee that this bill does not expressly delegate any rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. *Amends Section 51.176(a), Natural Resources Code, as follows:*

Requires a person who files a vacancy application to purchase or lease land claimed to be vacant to include in the application, among other things, a survey report containing the field notes describing the land and the lines and the corners surveyed and a plat depicting the results of the survey (instead of just a survey report).

SECTION 2. *Amends Section 51.180(b), Natural Resources Code, as follows:*

Requires that if the applicant fails to provide necessary evidence, as determined by the commissioner, the commissioner of the GLO shall within 30 days of the application commencement date, appoint an attorney ad litem to identify all necessary parties and represent the interests of any necessary party that has not been located (instead of just those parties whose name appears in the records described in Section 51.176(a)(3), Natural Resources Code).

SECTION 3. Provides that the changes in law made by this Act applies only to a vacancy application filed on or after the effective date of this Act. A vacancy application filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. Effective Date.

**EFFECTIVE DATE**

September 1, 2007.