

By: Leibowitz

H.B. No. 1138

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of the General Land Office to accept  
3 grants.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 31.065, Natural Resources Code, is  
6 amended to read as follows:

7 Sec. 31.065. AUTHORITY TO ACCEPT GRANTS, GIFTS, DEVISES,  
8 TRUSTS, AND BEQUESTS. (a) In the absence of any law to the contrary,  
9 the commissioner may, if he determines it to be in the best interest  
10 of the state, accept grants, gifts, devises, or bequests, either  
11 absolutely or in trust, of money or real or personal property on  
12 behalf of the state. Real property so acquired by the state becomes  
13 public free school land unless the person making the grant, gift,  
14 devise, or bequest provides that the real property is to be  
15 possessed, administered, or used by a particular state agency,  
16 board, commission, department, or other particular state entity.

17 (b) Under Subsection (a) of this section, the commissioner  
18 may accept a grant, gift, devise, or bequest even if it is  
19 encumbered, restricted, or subject to a beneficial interest of  
20 private persons or corporations as long as any current or future use  
21 or interest in the grant, gift, devise, or bequest is for the  
22 benefit of the state.

23 (c) If the commissioner determines that the real property  
24 acquired by the state by grant, gift, devise, or bequest is not

1 suitable for the purpose for which the grant, gift, devise, or  
2 bequest was originally made, the commissioner together with the  
3 agency, board, commission, department, or other state entity  
4 designated to possess, administer, or use the real property may  
5 exchange the real property for real property that is suitable for  
6 such purpose.

7 SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2007.