

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2 bequest was originally made, the commissioner together with the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.