

1-1 By: Leibowitz (Senate Sponsor - Watson) H.B. No. 1138
1-2 (In the Senate - Received from the House March 19, 2007;
1-3 March 29, 2007, read first time and referred to Committee on
1-4 Natural Resources; May 9, 2007, reported favorably by the
1-5 following vote: Yeas 10, Nays 0; May 9, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of the General Land Office to accept
1-9 grants.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 31.065, Natural Resources Code, is
1-12 amended to read as follows:

1-13 Sec. 31.065. AUTHORITY TO ACCEPT GRANTS, GIFTS, DEVISES,
1-14 TRUSTS, AND BEQUESTS. (a) In the absence of any law to the contrary,
1-15 the commissioner may, if he determines it to be in the best interest
1-16 of the state, accept grants, gifts, devise, or bequests, either
1-17 absolutely or in trust, of money or real or personal property on
1-18 behalf of the state. Real property so acquired by the state becomes
1-19 public free school land unless the person making the grant, gift,
1-20 devise, or bequest provides that the real property is to be
1-21 possessed, administered, or used by a particular state agency,
1-22 board, commission, department, or other particular state entity.

1-23 (b) Under Subsection (a) of this section, the commissioner
1-24 may accept a grant, gift, devise, or bequest even if it is
1-25 encumbered, restricted, or subject to a beneficial interest of
1-26 private persons or corporations as long as any current or future use
1-27 or interest in the grant, gift, devise, or bequest is for the
1-28 benefit of the state.

1-29 (c) If the commissioner determines that the real property
1-30 acquired by the state by grant, gift, devise, or bequest is not
1-31 suitable for the purpose for which the grant, gift, devise, or
1-32 bequest was originally made, the commissioner together with the
1-33 agency, board, commission, department, or other state entity
1-34 designated to possess, administer, or use the real property may
1-35 exchange the real property for real property that is suitable for
1-36 such purpose.

1-37 SECTION 2. This Act takes effect immediately if it receives
1-38 a vote of two-thirds of all the members elected to each house, as
1-39 provided by Section 39, Article III, Texas Constitution. If this
1-40 Act does not receive the vote necessary for immediate effect, this
1-41 Act takes effect September 1, 2007.

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