

By: Hughes

H.B. No. 1679

A BILL TO BE ENTITLED

AN ACT

relating to the General Land Office's determination as to the existence of vacant public school land.

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

SECTION 1. Section 51.176(a), Natural Resources Code, is amended to read as follows:

(a) To purchase or lease land claimed to be vacant, a person must file a vacancy application on a form prescribed by the commissioner. A completed application must include:

(1) a description of the land claimed to be vacant that is sufficient to locate the land on the ground;

(2) a written statement indicating whether the applicant seeks to purchase the land claimed to be vacant or obtain a mineral lease on the land or both purchase the land and obtain a mineral lease on the land;

(3) a list, in a format prescribed by the commissioner, containing the name and last known mailing address of each necessary party whose name appears in the records described by Section 51.172(4)(C);

(4) an affidavit executed by the applicant affirming that the applicant conducted a diligent search of all the records described by Section 51.172(4)(C) in preparing the list required by Subdivision (3);

(5) if applicable, a statement of the basis for and

1 documentary proof for an assertion of good-faith-claimant status;

2 (6) at the applicant's discretion:

3 (A) a survey report, including:

4 (i) the field notes describing the land and  
5 the lines and corners surveyed; and

6 (ii) a plat depicting the results of the  
7 survey; or

8 (B) an abstract of title to any land that adjoins  
9 the land claimed to be vacant; and

10 (7) any other information required by the  
11 commissioner.

12 SECTION 2. Section 51.180(b), Natural Resources Code, is  
13 amended to read as follows:

14 (b) If the applicant fails to provide sufficient evidence,  
15 as determined by the commissioner, the commissioner shall, not  
16 later than the 30th day after the application commencement date,  
17 appoint an attorney ad litem to:

18 (1) identify all necessary parties; and

19 (2) represent the interests of any necessary party  
20 [~~identified under Section 51.176(a)(3)~~] that has not been located.

21 SECTION 3. The change in law made by this Act applies only  
22 to a vacancy application filed on or after the effective date of  
23 this Act. A vacancy application filed before the effective date of  
24 this Act is governed by the law in effect immediately before the  
25 effective date of this Act, and that law is continued in effect for  
26 that purpose.

27 SECTION 4. This Act takes effect September 1, 2007.