

1-1 By: Hughes (Senate Sponsor - Eltife) H.B. No. 1679
1-2 (In the Senate - Received from the House April 30, 2007;
1-3 May 2, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 16, 2007, reported favorably by the following vote:
1-5 Yeas 10, Nays 0; May 16, 2007, sent to printer.)

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

1-8 relating to the General Land Office's determination as to the
1-9 existence of vacant public school land.

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

1-11 SECTION 1. Section 51.176(a), Natural Resources Code, is
1-12 amended to read as follows:

1-13 (a) To purchase or lease land claimed to be vacant, a person
1-14 must file a vacancy application on a form prescribed by the
1-15 commissioner. A completed application must include:

1-16 (1) a description of the land claimed to be vacant that
1-17 is sufficient to locate the land on the ground;

1-18 (2) a written statement indicating whether the
1-19 applicant seeks to purchase the land claimed to be vacant or obtain
1-20 a mineral lease on the land or both purchase the land and obtain a
1-21 mineral lease on the land;

1-22 (3) a list, in a format prescribed by the
1-23 commissioner, containing the name and last known mailing address of
1-24 each necessary party whose name appears in the records described by
1-25 Section 51.172(4)(C);

1-26 (4) an affidavit executed by the applicant affirming
1-27 that the applicant conducted a diligent search of all the records
1-28 described by Section 51.172(4)(C) in preparing the list required by
1-29 Subdivision (3);

1-30 (5) if applicable, a statement of the basis for and
1-31 documentary proof for an assertion of good-faith-claimant status;

1-32 (6) at the applicant's discretion:

1-33 (A) a survey report, including:

1-34 (i) the field notes describing the land and
1-35 the lines and corners surveyed; and

1-36 (ii) a plat depicting the results of the
1-37 survey; or

1-38 (B) an abstract of title to any land that adjoins
1-39 the land claimed to be vacant; and

1-40 (7) any other information required by the
1-41 commissioner.

1-42 SECTION 2. Section 51.180(b), Natural Resources Code, is
1-43 amended to read as follows:

1-44 (b) If the applicant fails to provide sufficient evidence,
1-45 as determined by the commissioner, the commissioner shall, not
1-46 later than the 30th day after the application commencement date,
1-47 appoint an attorney ad litem to:

1-48 (1) identify all necessary parties; and

1-49 (2) represent the interests of any necessary party
1-50 [~~identified under Section 51.176(a)(3)~~] that has not been located.

1-51 SECTION 3. The change in law made by this Act applies only
1-52 to a vacancy application filed on or after the effective date of
1-53 this Act. A vacancy application filed before the effective date of
1-54 this Act is governed by the law in effect immediately before the
1-55 effective date of this Act, and that law is continued in effect for
1-56 that purpose.

1-57 SECTION 4. This Act takes effect September 1, 2007.

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