

BILL ANALYSIS

H.B. 108
By: Phillips
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law places the county clerk in a fiduciary capacity that is outside the scope of the duties of the clerk.

H.B. 108 removes the county clerk as a person eligible to be appointed as a receiver for certain mineral interests.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 108 amends the Civil Practice and Remedies Code to remove the county clerk and the clerk's successors from the list of persons that a district court may appoint in certain actions as receiver for the mineral interest or leasehold interest under a mineral lease owned by a nonresident or absent defendant. The bill removes the county clerk from the list of persons that a district court may appoint in certain actions as receiver for the royalty interest owned by a nonresident or absent defendant.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.