

By: Phillips

H.B. No. 108

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to persons eligible to be appointed as a receiver for  
3 certain mineral interests.

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

5 SECTION 1. Section 64.091(d), Civil Practice and Remedies  
6 Code, is amended to read as follows:

7 (d) In an action under Subsection (b)(1):

8 (1) the plaintiff, in the verified petition, must name  
9 the last known owner or the last record owner of the interest as  
10 defendant;

11 (2) the plaintiff must serve notice on the defendant  
12 by publication as provided by the Texas Rules of Civil Procedure;

13 (3) the court may appoint as receiver the county judge  
14 and his successors [~~the county clerk and his successors~~] or any  
15 other resident of the county in which the land is located;

16 (4) notwithstanding the Texas Rules of Civil  
17 Procedure, the applicant is not required to post bond; and

18 (5) the receiver is not required to post bond.

19 SECTION 2. Section 64.093(d), Civil Practice and Remedies  
20 Code, is amended to read as follows:

21 (d) In an action under Subsection (a):

22 (1) the plaintiff, in the petition, must name the last  
23 known owner or the last record owner of the interest as defendant;

24 (2) the plaintiff must serve notice on the defendant

1 by publication as provided by the Texas Rules of Civil Procedure;

2 (3) the court may appoint as receiver the county  
3 judge [~~, the county clerk,~~] or any other resident of the county in  
4 which the land is located;

5 (4) notwithstanding the Texas Rules of Civil  
6 Procedure, the applicant is not required to post bond; and

7 (5) the receiver is not required to post bond.

8 SECTION 3. The change in law made by this Act applies only  
9 to the appointment of a receiver made on or after the effective date  
10 of this Act. An appointment made before the effective date of this  
11 Act is governed by the law as it existed immediately before the  
12 effective date of this Act, and that law is continued in effect for  
13 that purpose.

14 SECTION 4. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2009.