

1-1 By: Phillips (Senate Sponsor - Estes) H.B. No. 108
1-2 (In the Senate - Received from the House April 27, 2009;
1-3 May 1, 2009, read first time and referred to Committee on State
1-4 Affairs; May 15, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 15, 2009, sent to printer.)

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

1-8 relating to persons eligible to be appointed as a receiver for
1-9 certain mineral interests.

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

1-11 SECTION 1. Section 64.091(d), Civil Practice and Remedies
1-12 Code, is amended to read as follows:

1-13 (d) In an action under Subsection (b)(1):

1-14 (1) the plaintiff, in the verified petition, must name
1-15 the last known owner or the last record owner of the interest as
1-16 defendant;

1-17 (2) the plaintiff must serve notice on the defendant
1-18 by publication as provided by the Texas Rules of Civil Procedure;

1-19 (3) the court may appoint as receiver the county judge
1-20 and his successors~~[, the county clerk and his successors,]~~ or any
1-21 other resident of the county in which the land is located;

1-22 (4) notwithstanding the Texas Rules of Civil
1-23 Procedure, the applicant is not required to post bond; and

1-24 (5) the receiver is not required to post bond.

1-25 SECTION 2. Section 64.093(d), Civil Practice and Remedies
1-26 Code, is amended to read as follows:

1-27 (d) In an action under Subsection (a):

1-28 (1) the plaintiff, in the petition, must name the last
1-29 known owner or the last record owner of the interest as defendant;

1-30 (2) the plaintiff must serve notice on the defendant
1-31 by publication as provided by the Texas Rules of Civil Procedure;

1-32 (3) the court may appoint as receiver the county
1-33 judge~~[, the county clerk,]~~ or any other resident of the county in
1-34 which the land is located;

1-35 (4) notwithstanding the Texas Rules of Civil
1-36 Procedure, the applicant is not required to post bond; and

1-37 (5) the receiver is not required to post bond.

1-38 SECTION 3. The change in law made by this Act applies only
1-39 to the appointment of a receiver made on or after the effective date
1-40 of this Act. An appointment made before the effective date of this
1-41 Act is governed by the law as it existed immediately before the
1-42 effective date of this Act, and that law is continued in effect for
1-43 that purpose.

1-44 SECTION 4. This Act takes effect immediately if it receives
1-45 a vote of two-thirds of all the members elected to each house, as
1-46 provided by Section 39, Article III, Texas Constitution. If this
1-47 Act does not receive the vote necessary for immediate effect, this
1-48 Act takes effect September 1, 2009.

1-49 * * * * *