

By: Zaffirini

S.B. No. 1784

A BILL TO BE ENTITLED

AN ACT

relating to establishing the Texas Landowner Ombudsman office in the General Land Office.

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

SECTION 1. Chapter 31, Natural Resources Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. TEXAS LANDOWNER OMBUDSMAN OFFICE

Sec. 31.501. DEFINITIONS. In this subchapter:

(1) "Office" means the landowner ombudsman office created under this subchapter.

(2) "Ombudsman" means the individual who has been appointed under this subchapter as the landowner ombudsman.

Sec. 31.502. ESTABLISHMENT; PURPOSE. The commissioner shall establish a landowner ombudsman office within the General Land Office for the purpose of protecting and promoting the rights of landowners.

Sec. 31.503. INDEPENDENCE. The ombudsman in the performance of the ombudsman's duties and powers under this subchapter acts independently of the commissioner and any other state official.

Sec. 31.504. QUALIFICATION; APPOINTMENT; TERM. (a) The ombudsman must be an attorney with expertise in property law.

(b) The governor shall appoint the ombudsman for a term of two years.

1 (c) An ombudsman may not serve more than three terms in that
2 capacity.

3 Sec. 31.505. RULES. The ombudsman shall adopt rules to
4 implement this subchapter.

5 Sec. 31.506. PROMOTION OF AWARENESS OF OFFICE. The
6 ombudsman shall promote awareness to the public of:

- 7 (1) how the office may be contacted;
- 8 (2) the purpose of the office; and
- 9 (3) the services the office provides.

10 Sec. 31.507. DUTIES AND POWERS OF OFFICE. The office shall:

11 (1) develop and maintain legal expertise regarding
12 landowners' property rights relating to:

13 (A) the taking of property by a governmental or
14 private entity through the use of the entity's eminent domain
15 authority;

16 (B) surface ownership and mineral ownership;

17 (C) surface water and groundwater;

18 (D) environmental regulation;

19 (E) land use and enjoyment;

20 (F) trespass; and

21 (G) ingress and egress;

22 (2) review complaints and inquiries from landowners
23 regarding property rights;

24 (3) advise landowners on issues involving property
25 rights and of the services available from governmental agencies and
26 other entities that may be of further assistance;

27 (4) provide information to the public and governmental

1 entities about property rights and responsibilities under the law
2 through seminars, publications, or other appropriate means; and
3 (5) record all contacts by landowners with regard to
4 property rights to determine general concerns of landowners.

5 Sec. 31.512. REPORT. On or before January 1 of each year,
6 the ombudsman shall submit to the governor, the lieutenant
7 governor, and each member of the legislature a report that
8 describes, for the one-year period preceding the report:

9 (1) the activities of the ombudsman;

10 (2) the types of and number of complaints and
11 inquiries submitted to the ombudsman;

12 (3) any recommendation the ombudsman has relating to
13 the office; and

14 (4) any legislative proposals relating to landowners'
15 property rights.

16 SECTION 2. Not later than January 1, 2014, the land
17 commissioner of the General Land Office shall establish the
18 property rights ombudsman office under Subchapter J, Chapter 31,
19 Natural Resources Code, as added by this Act, and the governor shall
20 appoint the property rights ombudsman.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2013.