

1-1 By: Uresti S.C.R. No. 30
 1-2 (In the Senate - Filed March 13, 2013; March 20, 2013, read
 1-3 first time and referred to Committee on Jurisprudence;
 1-4 April 8, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 8, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	

1-16 COMMITTEE SUBSTITUTE FOR S.C.R. No. 30 By: Rodriguez

1-17 SENATE CONCURRENT RESOLUTION

1-18 WHEREAS, The State of Texas, on behalf of the permanent
 1-19 school fund, acting by and through Jerry E. Patterson, commissioner
 1-20 of the General Land Office and chairman of the School Land Board,
 1-21 alleges that:

1-22 (1) the permanent school fund owns approximately 157
 1-23 acres of mineral classified lands, identified as Survey 5 1/2 ("the
 1-24 permanent school fund property") located in Pecos County, Texas,
 1-25 and exercises sole and exclusive management and control of the
 1-26 lands set aside and appropriated to or acquired by the permanent
 1-27 school fund, which was created and is governed by Sections 2, 4, and
 1-28 5, Article VII, Texas Constitution;

1-29 (2) the State of Texas, through the board of regents of
 1-30 The University of Texas System ("the board"), owns university
 1-31 blocks 23, 24, and 26 ("university lands") located in Pecos County,
 1-32 Texas, and exercises sole and exclusive management and control of
 1-33 the lands set aside and appropriated to or acquired by the permanent
 1-34 university fund, which was created and is governed by Sections 10,
 1-35 11, 15, and 18, Article VII, Texas Constitution;

1-36 (3) during the year 2008, the board began removing a
 1-37 fence located on or about the true boundary of the university lands
 1-38 and began constructing a new fence west of the true boundary of the
 1-39 university lands, staked a new fence line west of the true boundary
 1-40 of the university lands, and stated that the location of the new
 1-41 fence was based on a survey performed by Frank F. Friend, the field
 1-42 notes of which were filed in the General Land Office in 1939;

1-43 (4) the university lands were originally surveyed in
 1-44 1879 by R. M. Thomson, and Friend later resurveyed the university
 1-45 lands in 1936, purportedly under the authority of Section 66.41,
 1-46 Education Code, which called for lands to be resurveyed when it was
 1-47 impracticable to establish lines and corners as originally
 1-48 surveyed;

1-49 (5) the Friend survey placed the western boundary of
 1-50 the university lands west of the original R. M. Thomson line,
 1-51 established in 1879;

1-52 (6) the university lands in conflict are subject to
 1-53 lease for oil and gas exploration, and any attempt by the board to
 1-54 lease the tracts as described in the Friend resurvey could
 1-55 wrongfully include 157 acres of permanent school fund minerals,
 1-56 creating problems for the permanent school fund and any potential
 1-57 lessees; now, therefore, be it

1-58 RESOLVED by the Legislature of the State of Texas, which
 1-59 takes no position on this issue, That the State of Texas, on behalf
 1-60 of the permanent school fund, acting by and through Jerry E.

2-1 Patterson, commissioner of the General Land Office and chairman of
2-2 the School Land Board, is granted permission to sue the State of
2-3 Texas and the board of regents of The University of Texas System
2-4 subject to Chapter 107, Civil Practices and Remedies Code; and, be
2-5 it further

2-6 RESOLVED, That the permanent school fund may not seek
2-7 recovery of monetary damages from the state, but may only seek a
2-8 determination of the boundary of the permanent school fund property
2-9 and a determination of the permanent school fund's rights through a
2-10 court order that fixes and determines the true boundary between the
2-11 university lands and the permanent school fund property; and, be it
2-12 further

2-13 RESOLVED, That the suit authorized by this resolution may be
2-14 brought in Travis County; and, be it further

2-15 RESOLVED, That the relief awarded in the suit authorized by
2-16 this resolution is limited to the relief authorized under Chapter
2-17 37, Civil Practice and Remedies Code; and, be it further

2-18 RESOLVED, That the secretary of the board of regents of The
2-19 University of Texas System be served process as provided by
2-20 Subdivision (3), Subsection (a), Section 107.002, Civil Practice
2-21 and Remedies Code.

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