

BILL ANALYSIS

H.B. 2104
By: Lucio III
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that certain statutory provisions relating to the General Land Office require updating to reflect current practices and improvements based on technological or system advancements. H.B. 2104 makes the changes necessary to update those provisions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 2104 amends the Natural Resources Code to replace the requirement that an instrument of conveyance for the grant of an interest in real property owned by the state be signed by the governor if the governor's approval is required with the requirement that the instrument be signed by the governor if the transaction relates to the sale, exchange, or lease of real property that receives no bids meeting the minimum requirements at the appointed time and place for the sale or lease of the property after proper notice has been posted. The bill specifies that the description of public school land with which the description of public school land offered for sale, lease, or commitment to a contract for development must be in accordance may be found in other records in the General Land Office (GLO) as an alternative to being found in the School Land Registry. The bill replaces the requirement that the commissioner of the GLO provide notice of approval of a coastal boundary survey by publication for two consecutive weeks in a newspaper of general circulation in the county or counties in which the land depicted in the survey is located with the requirement to publish such notice for two consecutive weeks on the GLO website.

H.B. 2104 requires payments of principal, interest, and lease rental for public school and asylum land to be accounted for in a similar form but separate from first payments on land. The bill requires the comptroller of public accounts to deposit 90 percent of the payments on land received each month to the probable fund to which the payments belong as indicated by the commissioner and requires the comptroller to hold the remaining 10 percent of the payments in the suspense account until the comptroller receives notice from the commissioner indicating the proper fund for the payments. The bill requires the comptroller, after notice is received, to credit the full amount to the proper fund. The bill requires the commissioner and comptroller to keep an account with each fund according to advices given by them and to retain the advices as permanent records.

H.B. 2104 replaces the requirement that the commissioner publish notice regarding the removal of a facility or structure from land owned by the state for certain reasons if the address of the person who is constructing or who maintains, owns, or possesses the facility or structure is unknown or personal service cannot be obtained in a newspaper with general circulation in the county in which the facility or structure is located two times within 10 consecutive days with the requirement that the commissioner publish such notice on the GLO website and in the Texas Register for 10 consecutive days.

H.B. 2104 removes the requirement that a lessee of state land or minerals who has received an audit deficiency assessment and has waived the right to request a hearing before the commissioner or who is required by final order of the commissioner following a hearing to pay additional oil and gas royalties, and who contends that such assessment is unlawful or that the commissioner may not legally demand or collect such royalties, pay to the commissioner the amount claimed by the commissioner. The bill requires a protest detailing each reason why the lessee contends such royalty is not due to be made to the commissioner within 30 days of the date of receipt of the audit billing notice or of the date of receipt of the final order of the commissioner following a hearing, as applicable.

H.B. 2104 repeals a statutory provision requiring the commissioner to furnish to the School Land Board a list of land areas subject to statutory provisions governing the board.

H.B. 2104 repeals the following provisions of the Natural Resources Code:

- Section 32.102
- Section 52.137(b)
- Section 52.138

EFFECTIVE DATE

September 1, 2015.