

By: Guillen

H.B. No. 3644

A BILL TO BE ENTITLED

AN ACT

relating to establishing a student grant program administered by the Texas Higher Education Coordinating Board funded by depository interest and earnings on certain unclaimed original land grant mineral proceeds.

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

SECTION 1. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0908 to read as follows:

Sec. 61.0908. STUDENT GRANT PROGRAM FOR CERTAIN HEIRS OF GRANTEES OF ORIGINAL LAND GRANTS. (a) In this section, "original land grant" means an initial conveyance of real property in this state, as evidenced by a certificate, title, or patent from:

(1) the Crown of Spain;

(2) Mexico;

(3) the Republic of Texas; or

(4) this state.

(b) The board shall establish and administer a grant program to increase the participation at institutions of higher education by heirs of grantees of original land grants whose descendency is established by a final, unappealable judgment.

(c) The board by rule shall:

(1) design the program established under Subsection

(b);

(2) prescribe the procedure an heir must use to apply

1 for a grant;

2 (3) prescribe the criteria for awarding a grant; and

3 (4) specify the purposes for which a grant may be used.

4 (d) The comptroller may distribute to the board money
5 appropriated for the purposes of the program in an amount equal to
6 the amount of depository interest and other earnings as provided
7 under Section 74.604(c), Property Code.

8 (e) The board may:

9 (1) solicit and accept gifts and grants from any
10 private or public source for the purposes of this section; and

11 (2) contract with another entity for the
12 administration of the program.

13 (f) The total amount of grants provided under this section
14 may not exceed the amount of money available for the program under
15 this section.

16 SECTION 2. Subchapter D, Chapter 74, Property Code, is
17 amended by adding Section 74.3014 to read as follows:

18 Sec. 74.3014. DELIVERY OF UNCLAIMED MINERAL PROCEEDS. (a)
19 The comptroller shall determine the amount of unclaimed mineral
20 proceeds delivered to the comptroller without the information that
21 the comptroller requires under Section 74.501(c) for a claimant to
22 assert a claim for the mineral proceeds.

23 (b) The comptroller shall annually publish a disclosure of
24 the amount determined under Subsection (a) in a manner determined
25 appropriate by the comptroller, including posting on the
26 comptroller's Internet website or publishing in a newspaper of
27 general circulation in each county in which is located a well the

1 production from which resulted in proceeds included in the amount
2 determined under Subsection (a).

3 SECTION 3. Section 74.601(b), Property Code, is amended to
4 read as follows:

5 (b) Except as provided by Section 74.604, the ~~[The]~~
6 comptroller shall deposit to the credit of the general revenue
7 fund:

8 (1) all funds, including marketable securities,
9 delivered to the comptroller under this chapter or any other
10 statute requiring the delivery of unclaimed property to the
11 comptroller;

12 (2) all proceeds from the sale of any property,
13 including marketable securities, under this chapter;

14 (3) all funds that have escheated to the state under
15 Chapter 71, except that funds relating to escheated real property
16 shall be deposited according to Section 71.202; and

17 (4) any income derived from investments of the
18 unclaimed money.

19 SECTION 4. Section 74.602, Property Code, is amended to
20 read as follows:

21 Sec. 74.602. USE OF MONEY. Except as provided by Section
22 61.0908, Education Code, Section 381.004, Local Government Code,
23 and Section 74.604 of this code, the comptroller shall use the
24 unclaimed money received under this chapter or any other statute
25 requiring the delivery of unclaimed property to the comptroller to
26 pay the claims of persons or states establishing ownership of
27 property in the possession of the comptroller under this chapter or

1 under any other unclaimed property or escheat statute.

2 SECTION 5. Subchapter G, Chapter 74, Property Code, is
3 amended by adding Section 74.604 to read as follows:

4 Sec. 74.604. USE OF CERTAIN UNCLAIMED MINERAL PROCEEDS.

5 (a) The comptroller shall deposit the amount determined under
6 Section 74.3014 to the credit of an account in the general revenue
7 fund. Money in that account may be appropriated only to pay the
8 claims of persons establishing ownership of the mineral proceeds,
9 except as provided by Subsection (b).

10 (b) Interest and other earnings on money in the account are
11 exempt from Sections 404.071(e)-(g), Government Code, and the
12 comptroller shall retain in the account all depository interest and
13 other earnings accruing on the amount in the account. The
14 accumulated interest and other earnings in the account may be
15 appropriated only for distribution to the Texas Higher Education
16 Coordinating Board for use in accordance with Section 61.0908,
17 Education Code.

18 SECTION 6. (a) The changes in law made by this Act apply to
19 unclaimed mineral proceeds in the possession of the comptroller of
20 public accounts on or after the effective date of this Act.

21 (b) The Texas Higher Education Coordinating Board shall
22 ensure that the student grant program described by Section 61.0908,
23 Education Code, as added by this Act, is established not later than
24 January 1, 2016.

25 SECTION 7. This Act takes effect September 1, 2015.