

BILL ANALYSIS

Senate Research Center

S.B. 693
By: Brown
Natural Resources
3-11-97
As Filed

DIGEST

Currently, there are no regulations regarding standing to sue on a restrictive covenant affecting state property. In certain instances, the legislature has issued land patents to political subdivisions of the state to promote a public purpose, such as the construction and operation of public facilities. These patents convey state property to the political subdivision and restrict the use of the property to certain public, but not commercial, uses. In attempting to enforce the public use restrictions of a patent, the courts have ruled that both the Office of Attorney General and the General Land Office lack standing to sue. This bill will grant the commissioner of the General Land Office and the attorney general standing to enforce restrictive covenants affecting state property.

PURPOSE

As proposed, S.B. 693 grants the commissioner of the General Land Office and the attorney general standing to enforce restrictive covenants affecting state property.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 31C, Natural Resources Code, by adding Section 31.068, as follows:

Sec. 31.068. STANDING TO ENFORCE RESTRICTION. Authorizes the commissioner of the General Land Office or the attorney general to bring suit to enforce a restrictive covenant affecting real property owned by the state, including the permanent school fund, or a restriction contained in a legislative act, patent, or other document transferring title to real property from the state to another person.

SECTION 2. Emergency clause.
Effective date: upon passage.