

By: Zaffirini

S.B. No. 71

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain state real property to the City of San Marcos.

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

SECTION 1. (a) Subject to Section 2 of this Act, not later than January 1, 2018, the State of Texas shall transfer by deed without warranty of title to the City of San Marcos all real property owned by the State of Texas in the bed and along the banks of the San Marcos River located within the city limits of the City of San Marcos as those limits exist on the effective date of this Act.

(b) Before the real property described by Subsection (a) of this section may be transferred, a survey of the real property must be conducted by or under the direction of the General Land Office.

(c) Consideration for the transfer authorized by Subsection (a) of this section shall be in the form of an agreement between the State of Texas and the City of San Marcos that requires the City of San Marcos to primarily promote a public purpose of the state by providing protection of health and general welfare, providing recreation, beautification, and civic improvement, and providing police protection in the bed and along the banks of the San Marcos River within the city limits of the City of San Marcos.

(d) The City of San Marcos shall reimburse the General Land Office for the fees and expenses incurred by the General Land Office

1 in connection with the transfer of the real property under this Act.

2 SECTION 2. (a) Ownership of the property automatically  
3 reverts to the State of Texas if the City of San Marcos:

4 (1) fails to promote a public purpose of the state as  
5 described by Section 1(c) of this Act; or

6 (2) sells all or any part of the property.

7 (b) The state reserves:

8 (1) the state's interest in all oil, gas, and other  
9 minerals in and under the real property described by Section 1 of  
10 this Act;

11 (2) the state's right to remove from the real property  
12 described by Section 1 of this Act any oil, gas, and other minerals  
13 in and under the real property; and

14 (3) the state's right to grant a lease held by the  
15 state before a conveyance of real property described by Section 1 of  
16 this Act relating to the removal of oil, gas, and other minerals in  
17 and under the real property.

18 (c) Sections [31.1571](#) and [31.158](#), Natural Resources Code, do  
19 not apply to the transfer of real property authorized by this Act.

20 SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section [39](#), Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2017.