

BILL ANALYSIS

Senate Research Center

C.S.S.B. 641
By: West
Natural Resources
3/12/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, a court may dismiss the legal meaning of state land records in disputes involving the littoral boundaries of state-owned land. C.S.S.B. 641 creates a presumption that documents of record, including maps and surveys, in the archives of the General Land Office accurately depict boundaries of patents, grants, and titles emanating from the state.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 18B, Civil Practice and Remedies Code, by adding Section 18.033, as follows:

Sec. 18.033. STATE LAND RECORDS. (a) Provides that in a dispute involving the littoral boundaries of state-owned land, certain documents placed of record in the archives of the General Land Office are presumed to accurately depict the boundaries described in those documents.

(b) Provides that this presumption applies only to those surveys conducted by a surveyor duly appointed, elected, licensed, or registered and qualified.

(c) Authorizes the presumption to be overcome only on a showing of clear and convincing evidence that the boundary as described and depicted in the archives of the General Land Office is erroneous.

SECTION 2. (a) Effective date: upon passage or September 1, 2003.

(b) Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

Differs from original by striking "licensed state land surveyor or county surveyor" and substituting "surveyor duly appointed, elected, licensed or registered and qualified" in SECTION 1, Sec. 18.033(b), of the bill.