

BILL ANALYSIS

Senate Research Center

S.B. 641
By: West
Natural Resources
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Enrolled

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

Sec. 18.033. STATE LAND RECORDS. (a) Requires the maps, surveys, and property descriptions filed in the General Land Office in connection with any conveyance by the state or any predecessor government by patent, deed, lease, or other authorized forms of grant, in a dispute between the State of Texas and an upland owner of property fronting on the Gulf of Mexico and the arms of the Gulf of Mexico within the boundaries of the State of Texas, to be presumed to accurately depict the boundary adjacent upland owners and the state-owned submerged lands.

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