

By: Turner

H.B. No. 1106

A BILL TO BE ENTITLED

AN ACT

relating to presumptions for state land records.

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

SECTION 1. Subchapter B, Chapter 18, Civil Practice and Remedies Code, is amended by adding Section 18.033 to read as follows:

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

(b) This presumption applies only to those surveys conducted by a licensed state land surveyor or county surveyor.

(c) This presumption may 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) This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

(b) The change in law made by Section 18.033, Civil Practice and Remedies Code, as added by this Act, applies only to an action that is instituted on or after the effective date of this Act.