

1-1 By: West S.B. No. 641
1-2 (In the Senate - Filed February 21, 2003; February 27, 2003,
1-3 read first time and referred to Committee on Natural Resources;
1-4 March 17, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; March 17, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 641 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to presumptions for state land records.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Subchapter B, Chapter 18, Civil Practice and
1-13 Remedies Code, is amended by adding Section 18.033 to read as
1-14 follows:
1-15 Sec. 18.033. STATE LAND RECORDS. (a) In a dispute
1-16 involving the littoral boundaries of state-owned land, the
1-17 documents, including maps and surveys, placed of record in the
1-18 archives of the General Land Office are presumed to accurately
1-19 depict the boundaries described in those documents.
1-20 (b) This presumption applies only to those surveys
1-21 conducted by a surveyor duly appointed, elected, licensed, or
1-22 registered, and qualified.
1-23 (c) This presumption may be overcome only on a showing of
1-24 clear and convincing evidence that the boundary as described and
1-25 depicted in the archives of the General Land Office is erroneous.
1-26 SECTION 2. (a) This Act takes effect immediately if it
1-27 receives a vote of two-thirds of all the members elected to each
1-28 house, as provided by Section 39, Article III, Texas Constitution.
1-29 If this Act does not receive the vote necessary for immediate
1-30 effect, this Act takes effect September 1, 2003.
1-31 (b) The change in law made by Section 18.033, Civil Practice
1-32 and Remedies Code, as added by this Act, applies only to an action
1-33 that is instituted on or after the effective date of this Act.

1-34 * * * * *