

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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 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, 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 shall be presumed to accurately depict the boundary between adjacent upland owners and the state-owned submerged lands.

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

(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.

1 If this Act does not receive the vote necessary for immediate
2 effect, this Act takes effect September 1, 2003.

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

David Newkum
President of the Senate

Tom Caradine
Speaker of the House

I hereby certify that S.B. No. 641 passed the Senate on
April 14, 2003, by the following vote: Yeas 29, Nays 0; and that
the Senate concurred in House amendment on May 9, 2003, by a
viva-voce vote. _____

Patricia Graw
Secretary of the Senate

I hereby certify that S.B. No. 641 passed the House, with
amendment, on May 1, 2003, by a non-record vote. _____

Robert Haney
Chief Clerk of the House

Approved:

27 MAY '03
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:52 AM O'CLOCK

Ann Shea
Secretary of State
MAY 28 2003