

## **BILL ANALYSIS**

Senate Research Center  
78R1475 AJA-D

S.B. 79  
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Jurisprudence  
2/18/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, landowners in rural counties often have a lack of access to the land or do not often visit the property, or fencing may be in poor condition. Squatters and adjacent landowners sometimes begin using the property as their own, causing the true landowner to lose title via adverse possession. As proposed, S.B. 79 amends the Civil Practice and Remedies Code to allow a landowner who may lose property via adverse possession to recover that property so long as he or she can demonstrate clear title to the property and continued payment of ad valorem taxes on said property.

### **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 16B, Civil Practice and Remedies Code, by adding Section 16.0285, as follows:

Sec. 16.0285. **ACTIONS NOT BARRED.** Prohibits an action for the recovery of real property held in peaceable and adverse possession by another from being barred under this chapter at any time if the person bringing the action meets certain requirements.

SECTION 2. Amends Section 16.026(a), Civil Practice and Remedies Code, by including “unless Section 16.0285 applies” referring to the requirements to bring suit.

SECTION 3. Amends Section 16.027, Civil Practice and Remedies Code, by making a conforming change.

SECTION 4. Effective date: September 1, 2003.  
Makes application of this Act prospective.