

## **BILL ANALYSIS**

S.B. 1634  
By: Wentworth  
Licensing & Administrative Procedures  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Currently, it is an offense under Section 30.05, Penal Code, to trespass on the property of another person, except in certain limited situations. Section 1071.358, Occupations Code, entitles a licensed state land surveyor engaged in his or her official capacity who is denied permission to enter land owned by a private party to seek and obtain a court order to enforce the licensed state surveyor's authority to enter the land. However, that statute only applies to land surveyors engaged in surveying in the interest of the state and does not apply to registered professional land surveyors who are surveying for other purposes, such as locating property boundaries, platting subdivisions, or preparing easement and real property descriptions.

As proposed, S.B. 1634 provides that a registered professional land surveyor may seek and obtain a court order authorizing the surveyor to enter land owned by a private party when the surveyor is acting in his or her official capacity or when the issuance of the court order is in the public's best interest.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends the heading to Section 1071.358, Occupations Code, to read as follows:

Sec. 1071.358. COURT ORDER FOR LICENSED STATE LAND SURVEYOR TO CROSS LAND.

SECTION 2. Amends Subchapter H, Chapter 1071, Occupations Code, by adding Section 1071.3585, as follows:

Sec. 1071.3585. COURT ORDER FOR REGISTERED PROFESSIONAL LAND SURVEYOR TO CROSS LAND. (a) Authorizes a registered professional land surveyor engaged in surveying who is denied permission to cross land owned by a private party to seek a court order authorizing the surveyor to cross the land.

(b) Authorizes a registered professional land surveyor to apply for an order under this section from the district court. Provides that venue for the action is in the county in which the land is located.

(c) Authorizes the county attorney to apply for an order under this section, if the registered professional land surveyor holds office as a county surveyor and is engaged in surveying in the person's official capacity.

(d) Requires the court to grant the order on proof that the person is a registered professional land surveyor acting in the person's official capacity as a county surveyor, or the person is a registered professional land surveyor and the issuance of a court order authorizing the person to cross the land is in the public's best interest.

SECTION 3. Effective date: Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

**EFFECTIVE DATE**

Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

**EXPLANATION OF AMENDMENTS**

The committee amendment changes language on page 1, line 13 from land owned by a private party to land owned by a person or entity.