

By: Wentworth

S.B. No. 1634

A BILL TO BE ENTITLED

AN ACT

relating to a court order for a land surveyor to cross land.

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

SECTION 1. The heading to Section 1071.358, Occupations Code, is amended to read as follows:

Sec. 1071.358. COURT ORDER FOR LICENSED STATE LAND SURVEYOR [~~PERMISSION~~] TO CROSS LAND.

SECTION 2. Subchapter H, Chapter 1071, Occupations Code, is amended by adding Section 1071.3585 to read as follows:

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

(b) A registered professional land surveyor may apply for an order under this section from the district court. Venue for the action is in the county in which the land is located.

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

(d) The court shall grant the order on proof that:

(1) the person is a registered professional land surveyor acting in the person's official capacity as a county

1 surveyor; or

2 (2) the person is a registered professional land
3 surveyor and the issuance of a court order authorizing the person to
4 cross the land is in the public's best interest.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.