

1-1 By: Wentworth S.B. No. 1634
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 12, 2007, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 12, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a court order for a land surveyor to cross land.
1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-10 SECTION 1. The heading to Section 1071.358, Occupations
1-11 Code, is amended to read as follows:

1-12 Sec. 1071.358. COURT ORDER FOR LICENSED STATE LAND SURVEYOR
1-13 [PERMISSION] TO CROSS LAND.

1-14 SECTION 2. Subchapter H, Chapter 1071, Occupations Code, is
1-15 amended by adding Section 1071.3585 to read as follows:

1-16 Sec. 1071.3585. COURT ORDER FOR REGISTERED PROFESSIONAL
1-17 LAND SURVEYOR TO CROSS LAND. (a) A registered professional land
1-18 surveyor engaged in surveying who is denied permission to cross
1-19 land owned by a private party may seek a court order authorizing the
1-20 surveyor to cross the land.

1-21 (b) A registered professional land surveyor may apply for an
1-22 order under this section from the district court. Venue for the
1-23 action is in the county in which the land is located.

1-24 (c) If the registered professional land surveyor holds
1-25 office as a county surveyor and is engaged in surveying in the
1-26 person's official capacity, the county attorney may apply for an
1-27 order under this section.

1-28 (d) The court shall grant the order on proof that:

1-29 (1) the person is a registered professional land
1-30 surveyor acting in the person's official capacity as a county
1-31 surveyor; or

1-32 (2) the person is a registered professional land
1-33 surveyor and the issuance of a court order authorizing the person to
1-34 cross the land is in the public's best interest.

1-35 SECTION 3. This Act takes effect immediately if it receives
1-36 a vote of two-thirds of all the members elected to each house, as
1-37 provided by Section 39, Article III, Texas Constitution. If this
1-38 Act does not receive the vote necessary for immediate effect, this
1-39 Act takes effect September 1, 2007.

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