

BILL ANALYSIS

Senate Research Center
82R5662 YDB-D

S.B. 442
By: Wentworth
Open Government
3/29/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some governmental entities create or host documents, computer files, or Internet websites that contain geospatial data, maps, or information about a service involving geospatial data or maps. When this geospatial data product represents property boundaries that are not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor, the information is sometimes misinterpreted or assumed to be suitable for legal, engineering, or surveying purposes. This legislation will help to ensure that the public is not misled by such geospatial data.

S.B. 442 requires a governmental entity to include a notice on each geospatial data product that is created or hosted by the governmental entity, appears to represent property boundaries, and was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor. The bill also sets forth the language of the notice.

As proposed, S.B. 442 amends current law relating to notice by a governmental entity regarding certain geospatial data products.

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 2051, Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. GEOSPATIAL DATA PRODUCTS

Sec. 2051.101. DEFINITIONS. Defines, in this subchapter, "geospatial data product," "governmental entity," and "registered professional land surveyor."

Sec. 2051.102. NOTICE REQUIRED. (a) Requires a governmental entity to include a notice as provided by this subchapter on each geospatial data product that:

- (1) is created or hosted by the governmental entity;
- (2) appears to represent property boundaries; and
- (3) was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor.

(b) Sets forth required language for the notice required under Subsection (a).

(c) Authorizes the notice required under Subsection (a) to:

(1) include language further defining the limits of liability of a geospatial data product producer;

(2) apply to geospatial data product that contains more than one map; or

(3) for a notice that applies to a geospatial data product that is or is on an Internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Sec. 2051.103. EXEMPTION. Provides that a governmental entity is not required to include the notice required under Section 2051.102 on a geospatial data product that:

(1) does not contain a legal description, a property boundary monument, or the distance and direction of a property line; or

(2) is prepared only for use as evidence in a legal proceeding.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.