

BILL ANALYSIS

C.S.H.B. 1147
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Technology
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Appraisal districts and other governmental entities often provide geospatial data products to the public that appear to represent property boundaries but that in reality are not the direct result of an on-the-ground survey conducted by a registered professional land surveyor. C.S.H.B. 1147 attempts to prevent the public from being misled about the nature of information provided by a geospatial data product or service by requiring a governmental entity to provide a notice, in a form specified by the bill, on certain geospatial data products created or hosted by the governmental entity.

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

C.S.H.B. 1147 amends the Government Code to require 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 or land surveyor authorized to perform surveys under laws in effect when the survey was conducted. The bill requires the notice to be in substantially a specified form and to include statements that the product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes and that the product does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The bill authorizes the required notice to include language further defining the limits of liability of a geospatial data product producer; to apply to a geospatial data product that contains more than one map; or, for a notice that applies to a geospatial data product that is an Internet website or is on an Internet website, to 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.

C.S.H.B. 1147 exempts a governmental entity from the bill's notice requirements if the geospatial data product does not contain a legal description, a property boundary monument, or the distance and direction of a property line; if the product is prepared only for use as evidence in a legal proceeding; or if the product is filed with the clerk of any court or with the county clerk. The bill defines "geospatial data product" to mean a document, computer file, or Internet website that contains geospatial data, a map, or information about a service involving geospatial data or a map. The bill provides for the meaning of "governmental entity" by reference and for the meaning of "registered professional land surveyor" by reference to the Occupations Code.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1147, in provisions requiring a governmental entity to include a notice on each geospatial data product that meets certain conditions, contains a provision not included in the original adding the condition that the product was not produced using information from an on-the-ground survey conducted by or under the supervision of a land surveyor authorized to perform surveys under laws in effect when the survey was conducted. The substitute differs from the original by exempting a governmental entity from the notice requirements for a geospatial data product if the product does not contain, in addition to certain other information, the distance and direction of a property line, whereas the original exempts the entity if the product does not contain the distance and bearing of a property line. The substitute contains a provision not included in the original exempting a governmental entity from the notice requirements if the geospatial data product is filed with the clerk of any court or with the county clerk.