

BILL ANALYSIS

S.B. 442
By: Wentworth
Technology
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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. S.B. 442 attempts to ensure that the public is not misled by such geospatial data by requiring a governmental entity to include a notice prescribed 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

S.B. 442 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.

S.B. 442 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.