

1-1 By: Smith of Harris (Senate Sponsor - Wentworth) H.B. No. 1147
1-2 (In the Senate - Received from the House April 18, 2011;
1-3 April 20, 2011, read first time and referred to Select Committee on
1-4 Open Government; April 28, 2011, reported favorably by the
1-5 following vote: Yeas 4, Nays 0; April 28, 2011, sent to printer.)

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

1-8 relating to notice by a governmental entity regarding certain
1-9 geospatial data products.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 2051, Government Code, is amended by
1-12 adding Subchapter D to read as follows:

1-13 SUBCHAPTER D. GEOSPATIAL DATA PRODUCTS

1-14 Sec. 2051.101. DEFINITIONS. In this subchapter:

1-15 (1) "Geospatial data product" means a document,
1-16 computer file, or Internet website that contains:

1-17 (A) geospatial data;

1-18 (B) a map; or

1-19 (C) information about a service involving
1-20 geospatial data or a map.

1-21 (2) "Governmental entity" has the meaning assigned by
1-22 Section 2051.041.

1-23 (3) "Registered professional land surveyor" has the
1-24 meaning assigned by Section 1071.002, Occupations Code.

1-25 Sec. 2051.102. NOTICE REQUIRED. (a) A governmental entity
1-26 shall include a notice as provided by this subchapter on each
1-27 geospatial data product that:

1-28 (1) is created or hosted by the governmental entity;

1-29 (2) appears to represent property boundaries; and

1-30 (3) was not produced using information from an
1-31 on-the-ground survey conducted by or under the supervision of a
1-32 registered professional land surveyor or land surveyor authorized
1-33 to perform surveys under laws in effect when the survey was
1-34 conducted.

1-35 (b) The notice required under Subsection (a) must be in
1-36 substantially the following form:

1-37 This product is for informational purposes and may not have
1-38 been prepared for or be suitable for legal, engineering, or
1-39 surveying purposes. It does not represent an on-the-ground survey
1-40 and represents only the approximate relative location of property
1-41 boundaries.

1-42 (c) The notice required under Subsection (a) may:

1-43 (1) include language further defining the limits of
1-44 liability of a geospatial data product producer;

1-45 (2) apply to a geospatial data product that contains
1-46 more than one map; or

1-47 (3) for a notice that applies to a geospatial data
1-48 product that is or is on an Internet website, be included on a
1-49 separate page that requires the person accessing the website to
1-50 agree to the terms of the notice before accessing the geospatial
1-51 data product.

1-52 Sec. 2051.103. EXEMPTION. A governmental entity is not
1-53 required to include the notice required under Section 2051.102 on a
1-54 geospatial data product that:

1-55 (1) does not contain a legal description, a property
1-56 boundary monument, or the distance and direction of a property
1-57 line;

1-58 (2) is prepared only for use as evidence in a legal
1-59 proceeding;

1-60 (3) is filed with the clerk of any court; or

1-61 (4) is filed with the county clerk.

1-62 SECTION 2. For geospatial data products that are printed
1-63 documents, Section 2051.102, Government Code, as added by this Act,
1-64 applies only to a document printed on or after the effective date of

2-1 this Act. A document printed before the effective date of this Act
2-2 is governed by the law in effect on the date the document was
2-3 printed, and the former law is continued in effect for that purpose.
2-4 SECTION 3. This Act takes effect September 1, 2011.

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