

1-1 By: Wentworth S.B. No. 442
1-2 (In the Senate - Filed January 28, 2011; February 23, 2011,
1-3 read first time and referred to Select Committee on Open
1-4 Government; April 4, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 4, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 442 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to notice by a governmental entity regarding certain
1-11 geospatial data products.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 2051, Government Code, is amended by
1-14 adding Subchapter D to read as follows:

1-15 SUBCHAPTER D. GEOSPATIAL DATA PRODUCTS

1-16 Sec. 2051.101. DEFINITIONS. In this subchapter:

1-17 (1) "Geospatial data product" means a document,
1-18 computer file, or Internet website that contains:

1-19 (A) geospatial data;

1-20 (B) a map; or

1-21 (C) information about a service involving
1-22 geospatial data or a map.

1-23 (2) "Governmental entity" has the meaning assigned by
1-24 Section 2051.041.

1-25 (3) "Registered professional land surveyor" has the
1-26 meaning assigned by Section 1071.002, Occupations Code.

1-27 Sec. 2051.102. NOTICE REQUIRED. (a) A governmental entity
1-28 shall include a notice as provided by this subchapter on each
1-29 geospatial data product that:

1-30 (1) is created or hosted by the governmental entity;

1-31 (2) appears to represent property boundaries; and

1-32 (3) was not produced using information from an
1-33 on-the-ground survey conducted by or under the supervision of a
1-34 registered professional land surveyor or land surveyor authorized
1-35 to perform surveys under laws in effect when the survey was
1-36 conducted.

1-37 (b) The notice required under Subsection (a) must be in
1-38 substantially the following form:

1-39 This product is for informational purposes and may not have
1-40 been prepared for or be suitable for legal, engineering, or
1-41 surveying purposes. It does not represent an on-the-ground survey
1-42 and represents only the approximate relative location of property
1-43 boundaries.

1-44 (c) The notice required under Subsection (a) may:

1-45 (1) include language further defining the limits of
1-46 liability of a geospatial data product producer;

1-47 (2) apply to a geospatial data product that contains
1-48 more than one map; or

1-49 (3) for a notice that applies to a geospatial data
1-50 product that is or is on an Internet website, be included on a
1-51 separate page that requires the person accessing the website to
1-52 agree to the terms of the notice before accessing the geospatial
1-53 data product.

1-54 Sec. 2051.103. EXEMPTION. A governmental entity is not
1-55 required to include the notice required under Section 2051.102 on a
1-56 geospatial data product that:

1-57 (1) does not contain a legal description, a property
1-58 boundary monument, or the distance and direction of a property
1-59 line;

1-60 (2) is prepared only for use as evidence in a legal
1-61 proceeding;

1-62 (3) is filed with the clerk of any court; or

1-63 (4) is filed with the county clerk.

2-1 SECTION 2. For geospatial data products that are printed
2-2 documents, Section 2051.102, Government Code, as added by this Act,
2-3 applies only to a document printed on or after the effective date of
2-4 this Act. A document printed before the effective date of this Act
2-5 is governed by the law in effect on the date the document was
2-6 printed, and the former law is continued in effect for that purpose.
2-7 SECTION 3. This Act takes effect September 1, 2011.

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