

BILL ANALYSIS

Senate Research Center
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S.B. 1762
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1762 calls for the establishment and operation of a statewide public building mapping information system for the purpose of storing information related to public buildings in an electronic format that will be readily accessible to first responders in the event of an emergency.

The bill includes provisions for: the creation of the system, including specific parameters of information that the system should contain; the designation of an agency to administer and oversee the system; the establishment of a working group to provide guidance and oversight of the system; a specific exemption of the system from public disclosure laws to keep critical infrastructure details out of the wrong hands; and the authorization for voluntary participation in the system for private, tribal, or federal buildings, though not at state expense.

The Texas Building Procurement Commission (TBPC) is given authority to create an advisory committee of stakeholders to make recommendations regarding standards and information transmittal. TBPC is authorized to pursue federal funds for the program and develop grants for the mapping of all state and local government buildings.

S.B. 1762 does not require a state or local government agency to map a building unless funding is provided by the agency administering the program. In addition, the bill provides that if a local government is already utilizing a similar system, it will not be required to transition to the state system unless the state can provide funds for that transition.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Building and Procurement Commission in SECTION 1 (Section 2152.155, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2152, Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. PUBLIC BUILDING MAPPING INFORMATION SYSTEM

Sec. 2152.151. DEFINITIONS. Defines "committee," "first responder," maps and other information," "public agency," and "public building."

Sec. 2152.152. INFORMATION SYSTEM. (a) Requires the Texas Building and Procurement Commission (TBPC), with the advice of the Public Building Mapping Information System Committee (committee), to establish and operate a statewide public building mapping information system for the purpose of storing information related to public buildings in an electronic format that will be readily accessible to first responders in the event of an emergency.

(b) Requires TBPC, subject to available funding and with the advice of the committee, to develop a plan to create or obtain, as appropriate, certain information relating to public buildings for the purpose of storing the information in the public building mapping information system.

Sec. 2152.153. SOFTWARE STANDARDS AND FORMAT REQUIREMENTS. Requires TBPC to develop software standards and format requirements for the creation and storage of maps and other information relating to public buildings by all public agencies. Authorizes TBPC to refuse to accept for storage in the system any submitted maps and other information that do not comply with the software standards or format required by TBPC.

Sec. 2152.154. SUBMISSION OF INFORMATION. (a) Requires each public agency that creates or stores maps and other information related to a public building to submit the maps and information to TBPC for storage in the public building mapping information system.

(b) Authorizes a private entity that creates or stores maps and other information related to a public building to voluntarily provide the maps and information to TBPC for storage in the public building mapping information system.

Sec. 2152.155. COMMITTEE. (a) Provides that the committee is an advisory entity administered by TBPC.

(b) Authorizes TBPC to adopt rules necessary for the operation of the committee.

(c) Sets forth the provisions for the composition of the committee.

(d) Requires the committee to develop recommendations for TBPC with respect to the public building information mapping system.

Sec. 2152.156. AVAILABILITY OF INFORMATION. Requires TBPC, with the advice of the committee, to develop procedures for the release of information in the public building mapping system to first responders in the event of an emergency.

Sec. 2152.157. ACCESS TO INFORMATION. Provides that this subchapter does not apply to the extent that it interferes with the ability of a public agency to control and maintain access to information in an information system other than the public building mapping information system.

Sec. 2152.158. FUNDING. Requires TBPC to apply for federal funding available for purposes related to this subchapter. Requires TBPC, if a federal grant is obtained, to use the grant for certain purposes.

Sec. 2152.159. EXCEPTION FROM PUBLIC INFORMATION LAW. Exempts information received and maintained by TBPC under this subchapter from being disclosed under the public information law, Chapter 552.

Sec. 2152.160. LOCAL GOVERNMENT IMMUNITY. Provides that a local government and its employees are immune from civil liability from any act or omission relating to the creation and use of the public building mapping information system under this subchapter, unless the act or omission was grossly negligent or done in bad faith.

SECTION 2. Provides that, notwithstanding Subchapter D, Chapter 2152, Government Code, as added by this Act, a public agency is not required to store maps and other information related to public buildings owned or occupied by the agency unless all related costs are provided to the public agency specifically for that purpose by the Texas Building and Procurement Commission or another entity.

SECTION 3. (a) Provides that, not later than December 1, 2005, the Texas Building and Procurement Commission shall develop software standards and format requirements in accordance with Section 2152.153, Government Code, as added by this Act.

(b) Provides that a public agency is not required to comply with Section 2152.153, Government Code, as added by this Act, until the software standards and format requirements are developed by TBPC in accordance with this section.

SECTION 4. Provides that if, before the establishment of the public building mapping information system under Subchapter D, Chapter 2152, Government Code, as added by this Act, a local government establishes an independent building mapping system or creates or stores maps and other information related to a public building using software standards and format requirements other than those established under Section 2152.153, Government Code, as added by this Act, the local government may continue to use its independent building mapping system and unique software standards and format until the Texas Building and Procurement Commission provides funding necessary to modify the local government's information system to achieve compatibility with the standards and format requirements established by TBPC under Section 2152.153, Government Code, as added by this Act.

SECTION 5. Effective date: upon passage or September 1, 2005.