

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 388

92ND GENERAL ASSEMBLY

1490L.01T

2003

AN ACT

To repeal section 67.1850, RSMo, and to enact in lieu thereof one new section relating to the creation of a geographical information system in certain municipalities.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 67.1850, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1850, to read as follows:

67.1850. 1. As used in this section, the following terms mean:

(1) "Community", any municipality or county as defined in this section;

(2) "County", any county of the first classification without a charter form of government [and a population of at least two hundred thousand inhabitants and containing a city with a population of at least one hundred forty-four thousand but not more than three hundred thousand inhabitants];

(3) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:

(a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;

(b) Transforms such information and data into intelligence and subsequently retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;

(4) "Municipality", any city with a population of at least [one hundred forty-four thousand but not more than three hundred] **sixty** thousand inhabitants and located in a county of the first classification without a charter form of government [and a population of at least two hundred thousand inhabitants].

2. The development of geographical information systems has not been undertaken in any

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

19 large-scale and useful way by private enterprise. The use of modern technology can enhance the
20 planning and decision-making processes of communities. The development of geographical
21 information systems is a time-consuming and expensive activity. In the interest of maintaining
22 community governments open and accessible to the public, information gathered by communities
23 for use in a geographical information system, unless properly made a closed record, should be
24 available to the public. However, access to the information in a way by which a person could
25 render the investment of the public in a geographical information system a special benefit to that
26 person, and not to the public, should not be permitted.

27 3. Any community as defined in this section may create a geographical information
28 system for the community. The scope of the geographical information system shall be
29 determined by the governing body of the community. The method of creation, maintenance, use
30 and distribution of the geographical information system shall be determined by the governing
31 body of the community. A community shall not mandate the use of this system or allocate the
32 costs of the system to nonusers.

33 4. The information collected or assimilated by a community for use in a geographical
34 information system shall not be withheld from the public, unless otherwise properly made a
35 closed record of the community as provided by section 610.021, RSMo. The information
36 collected or assimilated by a community for use in a geographical information system need not
37 be disclosed in a form which may be read or manipulated by computer, absent a license
38 agreement between the community and the person requesting the information.

39 5. Information collected or assimilated by a community for use in a geographical
40 information system and disclosed in any form, other than in a form which may be read or
41 manipulated by computer, shall be provided for a reasonable fee, as established by section
42 610.026, RSMo. A community maintaining a geographical information system shall make maps
43 and other products of the system available to the public. The cost of the map or other product
44 shall not exceed a reasonable fee representing the cost to the community of time, equipment and
45 personnel in the production of the map or other product. A community may license the use of
46 a geographical information system. The total cost of licensing a geographical information system
47 may not exceed the cost, as established by section 610.026, RSMo, of the:

48 (1) Cost to the community of time, equipment and personnel in the production of the
49 information in a geographical information system or the production of the geographical
50 information system; and

51 (2) Cost to the community of the creation, purchase, or other acquisition of the
52 information in a geographical information system or of the geographical information system.

53 6. The provisions of this section shall not hinder the daily or routine collection of data[,
54 as defined in section 569.093, RSMo,] from the geographical information system by real estate

55 brokers and agents, title collectors, developers, surveyors, utility companies, banks, news media
56 or mortgage companies, nor shall the provisions allow for the charging of fees for the collection
57 of such data exceeding that allowed pursuant to section 610.026, RSMo. The provisions of this
58 section, however, shall allow a community maintaining a geographical information system to
59 license and establish costs for the use of the system's computer program and computer software[,
60 as defined in section 569.093, RSMo].

61 7. A community distributing information used in a geographical information system or
62 distributing a geographical information system shall not be liable for any damages which may
63 arise from any error which may exist in the information or the geographical information system.