

FIRST REGULAR SESSION

HOUSE BILL NO. 349

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SUTHERLAND (Sponsor), WILSON (119), SMITH (118),
JOHNSON (47) AND SCHLOTTACH (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

0928L.02I

AN ACT

To repeal section 67.1850, RSMo, and to enact in lieu thereof one new section relating to geographical information systems.

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Section A. Section 67.1850, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1850, to read as follows: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

(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 sixty thousand inhabitants and located] in a county [of the first classification without a charter form of government].

2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the

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

16 planning and decision-making processes of communities. The development of geographical
17 information systems is a time-consuming and expensive activity. In the interest of maintaining
18 community governments open and accessible to the public, information gathered by communities
19 for use in a geographical information system, unless properly made a closed record, should be
20 available to the public. However, access to the information in a way by which a person could
21 render the investment of the public in a geographical information system a special benefit to that
22 person, and not to the public, should not be permitted.

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

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

35 5. Information collected or assimilated by a community for use in a geographical
36 information system and disclosed in any form, other than in a form which may be read or
37 manipulated by computer, shall be provided for a reasonable fee, as established by section
38 610.026, RSMo. A community maintaining a geographical information system shall make maps
39 and other products of the system available to the public. The cost of the map or other product
40 shall not exceed a reasonable fee representing the cost to the community of time, equipment and
41 personnel in the production of the map or other product. A community may license the use of
42 a geographical information system. The total cost of licensing a geographical information system
43 may not exceed the cost, as established by section 610.026, RSMo, of the:

44 (1) Cost to the community of time, equipment and personnel in the production of the
45 information in a geographical information system or the production of the geographical
46 information system; and

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

49 6. The provisions of this section shall not hinder the daily or routine collection of data
50 from the geographical information system by real estate brokers and agents, title collectors,
51 developers, surveyors, utility companies, banks, news media or mortgage companies, nor shall

52 the provisions allow for the charging of fees for the collection of such data exceeding that
53 allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow
54 a community maintaining a geographical information system to license and establish costs for
55 the use of the system's computer program and computer software.

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