

SECOND REGULAR SESSION

# HOUSE BILL NO. 2451

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE YATES.

Read 1st time March 26, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 67.1850, RSMo, and to enact in lieu thereof one new section relating to licensing of a geographical information system by a community.

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Section A. Section 67.1850, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1850, to read as follows: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

(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 located in any county.

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 planning and decision-making processes of communities. The development of geographical information systems is a time-consuming and expensive activity. In the interest of maintaining

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 community governments open and accessible to the public, information gathered by communities  
17 for use in a geographical information system, unless properly made a closed record, should be  
18 available to the public. However, access to the information in a way by which a person could  
19 render the investment of the public in a geographical information system a special benefit to that  
20 person, and not to the public, should not be permitted.

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

27 [4.] 3. The information collected or assimilated by a community for use in a geographical  
28 information system shall not be withheld from the public, unless otherwise properly made a  
29 closed record of the community as provided by section 610.021, RSMo. The information  
30 collected or assimilated by a community for use in a geographical information system need not  
31 be disclosed in a form which may be read or manipulated by computer[, absent a license  
32 agreement between the community and the person requesting the information].

33 [5.] 4. Information collected or assimilated by a community for use in a geographical  
34 information system and disclosed in any form[, other than in a form which may be read or  
35 manipulated by computer,] shall be provided for a reasonable fee, as established by section  
36 610.026, RSMo. A community maintaining a geographical information system shall make maps  
37 and other products of the system available to the public. The cost of the map or other product  
38 shall not exceed a reasonable fee representing the cost to the community of time, equipment and  
39 personnel in the production of the map or other product. A community may license the use of a  
40 geographical information system. The total cost of licensing a geographical information system  
41 may not exceed the cost, as established by section 610.026, RSMo, of the:

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

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

47 [6.] 5. The provisions of this section shall not hinder the daily or routine collection of  
48 data from the geographical information system by real estate brokers and agents, title collectors,  
49 developers, surveyors, utility companies, banks, news media or mortgage companies, nor shall  
50 the provisions allow for the charging of fees for the collection of such data exceeding that  
51 allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow

52 a community maintaining a geographical information system to license and establish costs for  
53 the use of the system's computer program and computer software, and may also establish costs  
54 for the use of computer programs and computer software that provide access to information  
55 aggregated with geographic information system information.

56 [7.] **6.** A community distributing information used in a geographical information system  
57 or 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.

59 **7. Any community that establishes and licenses a geographical information system**  
60 **shall, upon request, provide the following information:**

61 **(1) The costs to the community of time, equipment, and personnel in the production**  
62 **of information in the system as set out in subdivision (1) of subsection 4 of this section;**

63 **(2) The costs to the community of the creation, purchase, or other acquisition of the**  
64 **information in the system as set out in subdivision (2) of subsection 4 of this section;**

65 **(3) Any ongoing costs for maintaining the system and the nature of the those costs**  
66 **under subsection 4 of this section.**

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