

SECOND REGULAR SESSION

HOUSE BILL NO. 1540

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN.

3625H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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Section A. Section 67.1850, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1850, to read as follows: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 community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made

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.

18 a closed record, should be available to the public. However, access to the information in a
19 way by which a person could render the investment of the public in a geographical
20 information system a special benefit to that person, and not to the public, should not be
21 permitted.

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

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

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

44 (1) Cost to the community ~~[of time, equipment and personnel]~~ in the production of
45 the 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
52 shall the provisions allow for the charging of fees for the collection of such data exceeding
53 that allowed pursuant to section 610.026 **or the reasonable replacement costs of the**
54 **materials provided, whichever is less.** The provisions of this section, however, shall allow a

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

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

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