

SECOND REGULAR SESSION

SENATE BILL NO. 1260

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5215S.011

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.

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Section A. Section 67.1850, RSMo, is repealed and one new section
2 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:

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

3 (2) "County", any county form of government;

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

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

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

12 (4) "Municipality", any city located in any county.

13 2. The development of geographical information systems has not been
14 undertaken in any large-scale and useful way by private enterprise. The use of
15 modern technology can enhance the planning and decision-making processes of
16 communities. The development of geographical information systems is a
17 time-consuming and expensive activity. In the interest of maintaining community
18 governments open and accessible to the public, information gathered by
19 communities for use in a geographical information system, unless properly made
20 a closed record, should be available to the public. However, access to the

21 information in a way by which a person could render the investment of the public
22 in a geographical information system a special benefit to that person, and not to
23 the public, should not be permitted.

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

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

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

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

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

55 6. The provisions of this section shall not hinder the daily or routine
56 collection of data from the geographical information system by real estate brokers

57 and agents, title collectors, developers, surveyors, utility companies, banks, news
58 media or mortgage companies, nor shall the provisions allow for the charging of
59 fees for the collection of such data exceeding that allowed pursuant to section
60 610.026, RSMo. The provisions of this section, however, shall allow a community
61 maintaining a geographical information system to license and establish costs for
62 the use of the system's computer program and computer software, and may also
63 establish costs for the use of computer programs and computer software that
64 provide access to information aggregated with geographic information system
65 information.

66 7. A community distributing information used in a geographical
67 information system or distributing a geographical information system shall not
68 be liable for any damages which may arise from any error which may exist in the
69 information or the geographical information system.

70 8. Any community that establishes and licenses a geographical
71 information system shall, upon request, provide the following
72 information:

73 (1) The costs to the community of time, equipment, and personnel
74 in the production of information in the system as set out in subdivision
75 (1) of subsection 5 of this section;

76 (2) The costs to the community of the creation, purchase, or
77 other acquisition of the information in the system as set out in
78 subdivision (2) of subsection 5 of this section;

79 (3) Any ongoing costs for maintaining the system and the nature
80 of the those costs under subsection 5 of this section.

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