

SECOND REGULAR SESSION

HOUSE BILL NO. 1956

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOHRMAN.

5407H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 67.1850, RSMo, and to enact in lieu thereof two new sections relating to geographic records.

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

Section A. Section 67.1850, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 67.1850 and 67.1852, to read as follows:

67.1850. 1. As used in [this section] **sections 67.1850 to 67.1852**, the following terms mean:

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

(2) **"Computer-assisted mass appraisal (CAMA) system", a system that incorporates computer-supported statistical analyses, such as multiple regression analysis and adaptive estimation procedure, to assist the county assessor in estimating value and its associated data including, but not limited to, all information collected in the process of executing an assessment and equalization maintenance plan as set forth in section 137.115;**

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

(4) **"County assessor", a county assessor of all second, third, and fourth class counties, and all first class counties without a charter form of government and the assessing officer of the city of St. Louis;**

[~~(3)~~] **(5)** "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;

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.

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

20 [(4)] (6) "Municipality", any city located in any county.

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

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

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

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

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

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

56 6. The provisions of this section shall not hinder the daily or routine collection of data
57 from the geographical information system by real estate brokers and agents, **multiple listing**
58 **services and their authorized data contractors**, title collectors, developers, surveyors, utility
59 companies, banks, news media, **licensed and certified real estate appraisers**, or mortgage
60 companies, nor shall the provisions allow for the charging of fees for the collection of such data
61 exceeding that allowed pursuant to section 610.026. The provisions of this section, however,
62 shall allow a community maintaining a geographical information system to license and establish
63 costs for the use of the system's computer program and computer software, and may also
64 establish costs for the use of computer programs and computer software that provide access to
65 information aggregated with geographic information system information.

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

67.1852. 1. Data gathered for use in a CAMA system, unless properly made a
2 **closed record as provided by section 610.021, shall be available to the public. Access to the**
3 **data in a method by which an individual or business entity derives a special benefit from**
4 **such access shall not be permitted.**

5 **2. Data collected or assimilated for use in a CAMA system disclosed in any form**
6 **shall be provided for a reasonable fee, as established by section 610.026. The cost of the**
7 **data shall not exceed a reasonable fee representing the cost to the county assessor of time,**
8 **equipment, and personnel in the production of the data.**

9 **3. In order to maintain the integrity of the data collected or assimilated for use in**
10 **a CAMA system, such data shall not be disclosed in a form which may be read or**
11 **manipulated by computer, absent a license agreement between the county assessor and the**
12 **person requesting the data. The total cost of licensing the data contained in a CAMA**
13 **system shall not exceed the cost, as established by section 610.026, of the:**

14 (1) Cost to the county assessor of time, equipment, and personnel in the production
15 of the data contained in a CAMA system or production of the CAMA system; and

16 (2) Cost to the county assessor of the creation, purchase, or other acquisition of the
17 data contained in a CAMA system or of the CAMA system.

18 **4. The provisions of this section shall not hinder the daily or routine collection of**
19 **data contained in a CAMA system by real estate brokers and agents, title collectors,**
20 **developers, multiple listing services and their authorized data contractors, surveyors,**
21 **utility companies, banks, news media, licensed and certified real estate appraisers, or**
22 **mortgage companies, nor shall the provisions allow for the charging of fees for the**
23 **collection of such data exceeding those allowed under section 610.026. The provisions of**
24 **this section shall allow a county assessor maintaining a CAMA system to license and**
25 **establish costs for the use of the system’s computer program and computer software, and**
26 **may also establish costs for the use of computer programs and computer software that**
27 **provide access to the data contained in a CAMA system.**

28 **5. A county assessor distributing data contained in a CAMA system or distributing**
29 **a CAMA system shall not be liable for any damages which may arise from any error which**
30 **may exist in the CAMA system or its associated data.**

✓