

SUBSTITUTE HOUSE BILL 1752

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on State Government (originally sponsored by Representatives Jacobson, Wood, Anderson, Horn and Rasmussen).

Read first time March 5, 1991.

1 AN ACT Relating to geographic information services and products
2 provided by counties and cities; adding a new section to chapter 42.17
3 RCW; creating a new chapter in Title 39 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the intent of this chapter to
6 authorize counties and cities to recover a reasonable portion of costs
7 associated with building and maintaining geographic information
8 systems.

9 NEW SECTION. **Sec. 2.** The definitions set forth in this
10 section apply throughout this chapter.

11 (1) "Geographic information services and products" includes:
12 (a) Electronic manipulation of the geographically linked data
13 contained in public records to tailor the data to individual requests
14 or to develop a product that meets an individual's request;

1 (b) Duplicating all or any portion of geographically linked public
2 records in alternative formats not used by the county or city,
3 providing periodic updates of or duplicating an electronically
4 accessible, geographically linked file or data base;

5 (c) Providing on-line access to an electronically accessible,
6 geographically linked file or data base;

7 (d) Providing geographically linked information that cannot be
8 retrieved or generated by the existing computer programs of a county or
9 city;

10 (e) Providing functional electronic access to the geographically
11 linked information system of the county or city; in this subsection,
12 "functional access" includes the capability for alphanumeric query and
13 printing, graphic query and plotting, nongraphic data input and
14 analysis, and graphic data input and analysis;

15 (f) Providing software developed by a county or city or developed
16 by a contractor or other public agency for a county or city relating to
17 geographically linked data;

18 (g) Generating maps or other standard or customized products from
19 a geographic information system.

20 (2) "Geographic information system" means any system, including but
21 not limited to files, software, and data bases, that is designed for
22 the provision of geographic information.

23 (3) "Geographically linked" means containing any geographical
24 attributes, such as census tracts or block groups, spatial coordinates,
25 addresses, or parcel numbers.

26 NEW SECTION. **Sec. 3.** (1) A county or city may elect to
27 provide geographic information services and products under the
28 provisions of this chapter.

1 (2) Except as provided under section 5(1) of this act, a county or
2 a city may:

3 (a) Establish fee schedules for providing geographic information
4 services and products under this section, not to exceed the actual
5 incremental costs of providing the services and products, and a
6 reasonable portion of the costs associated with building and
7 maintaining the geographic information system of the county or city;
8 and/or

9 (b) Enter into contracts under which the county or city will
10 provide geographic information services and products, subject to such
11 terms and for such consideration as the parties may agree upon.

12 NEW SECTION. **Sec. 4.** Any county or city may enter into a
13 contract for the joint development and/or use of a geographic
14 information system. The contract shall contain such terms and
15 consideration as the parties may agree upon.

16 NEW SECTION. **Sec. 5.** (1) A county or city shall make
17 available for public inspection and copying, for noncommercial
18 purposes, those portions of geographic information services or products
19 that constitute public records. The fees for making this information
20 available shall not exceed those allowed under RCW 42.17.300.

21 (2) Any person who sells, or makes or facilitates any commercial
22 use of, information obtained directly or indirectly from a county or
23 city under this section shall be liable to the county or city for all
24 income derived from the sale or commercial use of the information.

25 (3) No person may transfer information obtained under this section
26 unless the transferee has previously acknowledged in writing the
27 transferee's obligations and potential liability under the provisions
28 of this section. A transferor's failure to obtain this acknowledgement

1 will subject the transferor to liability for all income derived from
2 the sale or commercial use of the information.

3 (4) In addition, a county or city may provide for administrative
4 imposition of a civil penalty for violation of this section in an
5 amount not less than two hundred dollars nor more than ten thousand
6 dollars. Each day of commercial use constitutes a separate violation.

7 (5) Counties and cities may bring legal action to enforce this
8 section and recover amounts due under this section.

9 NEW SECTION. **Sec. 6.** Nothing in this chapter shall be
10 construed to require disclosure of any public record which is exempt
11 from disclosure under chapter 42.17 RCW or other law, or to allow the
12 refusal to disclose any public record which is required to be disclosed
13 under chapter 42.17 RCW or other law.

14 NEW SECTION. **Sec. 7.** This chapter shall not be construed as
15 a limitation on any authority of any county or city, including any
16 power to provide services by contract.

17 NEW SECTION. **Sec. 8.** A new section is added to chapter 42.17 RCW
18 to read as follows:

19 The provisions of RCW 42.17.260(6) and 42.17.300 do not apply to
20 public records made available for public inspection and copying under
21 section 3 of this act.

22 NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act
23 constitute a new chapter in Title 39 RCW.