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GEOGRAPHIC INFORMATION SYSTEMS (GIS) NETWORK ACCESS

House Bill 4139
Sponsor: Rep. Charles LaSata
**Committee: Local Government and
Urban Policy**

Complete to 2-17-99

A SUMMARY OF HOUSE BILL 4139 AS INTRODUCED 2-3-99

House Bill 4139 would amend the Enhanced Access to Public Records Act, Public Act 462 of 1996, to enable governments within a region to share more easily the data in their comprehensive geographical information systems. Under the act, a public body may provide enhanced access (inspection, purchase, or copying by digital means) to public records, charge a reasonable fee for the access, and charge a reasonable fee for providing access to a geographical information system (a database of regional data, usually rendered in images and maps), or to the output from such a system.

House Bill 4139 would allow a public governmental body to provide access to its map database to a second public body, without charging a fee. In order to receive access to or output from another public body's map database, the receiving public body would have to abide by a written intergovernmental agreement. That agreement would prohibit the transfer of the information to a third party, unless certain criteria specified in the bill were met. Those criteria would set the distribution of fees between the public entities (ensuring that the primary provider of the information received a fair and mutually agreeable portion of the fee that would be charged to the third party requesting the information), and require a statement that explains the public purpose for which the information will be used.

The bill also would permit the receiving public body to charge a third party a reasonable fee, to recover over time the operating expenses. The bill also would specify that these new provisions be liberally construed, in order to facilitate sharing between systems without financial detriment to the partners in the agreement. Finally, the bill would specify that access to or output from a geographical information system would be made available only in accordance with the provisions of the bill; however, those provisions would not limit the inspection and copying of a public record under the Freedom of Information Act (FOIA).

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Under the bill, "third party" would be defined to mean a person who requests a geographical information system or output from a geographical information system under the act. However, third party would not include a person for whom a fee authorized under the act is waived in accordance with an intergovernmental agreement.

MCL 15.442 and 15.443

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.