

SENATE BILL 94

P3

(5lr1237)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senators Ferguson, Madaleno, Manno, Montgomery, Raskin, ~~and Young Young, and Waugh~~**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Government – Automated Mapping–Geographic Information Systems –**
3 **System Services Costs**

4 FOR the purpose of repealing the authority of certain governmental units to adopt a fee
5 structure to cover certain costs for system services; altering a certain definition for
6 the purpose of repealing the authority of certain governmental units to adopt a fee
7 structure to cover certain costs relating to existing system products; authorizing
8 certain governmental units to adopt a fee structure for system products that includes
9 an additional charge of no more than a certain amount; repealing a requirement that
10 a person must contract with a governmental unit for certain online access to
11 geographic data; making conforming changes; and generally relating to automated
12 mapping–geographic information systems.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – State Government
 3 Section 10–901 through 10–904
 4 Annotated Code of Maryland
 5 (2014 Replacement Volume)

6 BY repealing
 7 Article – State Government
 8 Section 10–905
 9 Annotated Code of Maryland
 10 (2014 Replacement Volume)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 12 That the Laws of Maryland read as follows:

13 **Article – State Government**

14 10–901.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) “Cost of providing [a] **THE** system product” means the cost to:

17 (1) create, develop, and [reproduce the] **PRODUCE A NEW SYSTEM** product
 18 in printed, [or] hard copy, **DIGITAL**, [form] **OR OTHER FORMAT; OR**

19 (2) **REPRODUCE AN EXISTING SYSTEM PRODUCT IN PRINTED, HARD**
 20 **COPY, DIGITAL, OR OTHER FORMAT.**

21 (c) [“Cost of providing a system service” means the actual cost of providing the
 22 service, including a reasonable share of the overhead costs of the system.

23 (d)] “Governmental unit” means:

24 (1) the State or a political subdivision, unit, or instrumentality of the State;

25 (2) a unit or instrumentality of a political subdivision of the State;

26 (3) a bicounty agency; or

27 (4) a combination of the entities specified in items (1) through (3) of this
 28 subsection.

29 [(e) “Overhead costs of the system” includes the costs of:

30 (1) data gathering and entry;

1 (2) database maintenance and update;

2 (3) hardware;

3 (4) quality control;

4 (5) software; and

5 (6) indirect costs.]

6 [(f)] (D) (1) “System” means an automated mapping–geographic information
7 system in which geographically referenced data:

8 (i) are entered and stored electronically; and

9 (ii) can be manipulated to display selected geographic data.

10 (2) “System” includes data that define physical and nonphysical elements
11 of geographically referenced areas.

12 [(g)] (E) “System products” means drawings, [lists,] maps, [narrative
13 descriptions,] photographs, or [other hard copy formats that depict] **ANY OTHER
14 DEPICTION, REPRESENTATION, OR COMPILATION OF** spatial data **PRODUCED IN
15 PRINTED, DIGITAL, HARD COPY, OR OTHER FORMAT.**

16 [(h)] “System services” means:

17 (1) electronic access to data in the system;

18 (2) online access to data in the system; and

19 (3) software programs to access data in the system.]

20 10–902.

21 The General Assembly finds that:

22 (1) automated mapping–geographic information system products [and
23 system services] have value to the general public; and

24 (2) automated mapping–geographic information system [services]
25 **PRODUCTS** that are developed at public expense should not be unreasonably withheld from
26 private commercial users of geographic information, but should not provide a public subsidy
27 to private commercial users.

1 10-903.

2 (a) This subtitle is applicable to [a] system **PRODUCTS** established or maintained
3 by any governmental unit.

4 (b) Except as otherwise provided in this subtitle, to the extent of any
5 inconsistency, Title 4, Subtitles 1 through 5 of the General Provisions Article do not apply
6 to this subtitle.

7 10-904.

8 (a) A governmental unit may adopt a fee structure for[:

9 (1)] system products that will:

10 [(i)] (1) make system products available at a cost consistent with
11 the requirements of this subtitle; and

12 [(ii)] (2) cover the cost of providing **THE** system [products]
13 **PRODUCT AND AN ADDITIONAL CHARGE OF NO MORE THAN \$50]; and**

14 (2) system services that:

15 (i) will cover the cost of providing system services, including a
16 reasonable share of the overhead costs of the system; and

17 (ii) will not discriminate among purchasers of system services].

18 (b) A governmental unit may sell system products to the general public for a fee
19 that reasonably reflects the cost of [creating, developing, and reproducing the product in
20 whatever format is available] **PROVIDING THE SYSTEM PRODUCT.**

21 (c) [A governmental unit may sell system services to the general public, subject
22 to subsection (d) of this section, for a fee that reflects the cost of providing the system
23 services.

24 (d)] A governmental unit:

25 (1) may reduce or waive the fees that it charges for system products [and
26 system services] that are to be used for a public purpose; and

27 (2) shall apply its reduction or waiver of the fees uniformly among persons
28 who are similarly situated.

29 [10-905.

1 (a) Only a person who has entered into a contract with a governmental unit may
2 have online access to the geographic data in a system under the terms of the contract.

3 (b) If copy privileges are granted, the contract shall specify in addition to other
4 conditions as may be required:

5 (1) the circumstances and conditions under which data can be copied; and

6 (2) the amount of compensation the governmental unit will receive for this
7 privilege.

8 (c) Online access:

9 (1) shall be limited to read; and

10 (2) may not include:

11 (i) the ability to enter, alter, or delete data; or

12 (ii) access to information that would be denied under Title 4, Subtitle
13 3, Parts I through V of the General Provisions Article.]

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.