

Chapter 149

(Senate Bill 94)

AN ACT concerning

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

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

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

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

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

Article – State Government

10–901.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Cost of providing [a] **THE** system product” means the cost to:

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

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

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

(d)] “Governmental unit” means:

- (1) the State or a political subdivision, unit, or instrumentality of the State;
- (2) a unit or instrumentality of a political subdivision of the State;
- (3) a bicounty agency; or
- (4) a combination of the entities specified in items (1) through (3) of this subsection.

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

- (1) data gathering and entry;
- (2) database maintenance and update;
- (3) hardware;
- (4) quality control;
- (5) software; and
- (6) indirect costs.]

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

- (i) are entered and stored electronically; and
- (ii) can be manipulated to display selected geographic data.

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

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

[(h) “System services” means:

- (1) electronic access to data in the system;
- (2) online access to data in the system; and
- (3) software programs to access data in the system.]

10-902.

The General Assembly finds that:

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

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

10-903.

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

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

10-904.

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

(1)] system products that will:

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

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

(2) system services that:

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

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

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

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

(d)] A governmental unit:

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

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

[10–905.

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

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

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

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

(c) Online access:

(1) shall be limited to read; and

(2) may not include:

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

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

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

Approved by the Governor, May 12, 2015.