

HOUSE BILL 353

P3

5lr1723
CF SB 94

By: **Delegate Cullison**

Introduced and read first time: February 5, 2015

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2015

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.

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 10–901 through 10–904
16 Annotated Code of Maryland
17 (2014 Replacement Volume)

18 BY repealing
19 Article – State Government
20 Section 10–905
21 Annotated Code of Maryland
22 (2014 Replacement Volume)

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.



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

3 **Article – State Government**

4 10–901.

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

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

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

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

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

13 (d)] “Governmental unit” means:

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

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

16 (3) a bicounty agency; or

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

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

20 (1) data gathering and entry;

21 (2) database maintenance and update;

22 (3) hardware;

23 (4) quality control;

24 (5) software; and

25 (6) indirect costs.]

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

3 (i) are entered and stored electronically; and

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

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

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

11 **[(h)]** “System services” means:

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

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

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

15 10–902.

16 The General Assembly finds that:

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

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

23 10–903.

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

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

29 10–904.

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

2 (1)] system products that will:

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

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

7 (2) system services that:

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

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

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

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

17 (d)] A governmental unit:

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

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

22 [10–905.

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

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

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

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

- 1 (c) Online access:
- 2 (1) shall be limited to read; and
- 3 (2) may not include:
 - 4 (i) the ability to enter, alter, or delete data; or
 - 5 (ii) access to information that would be denied under Title 4, Subtitle
 - 6 3, Parts I through V of the General Provisions Article.]

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.