

# SENATE BILL 94

P3

5lr1237  
CF HB 353

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By: **Senators Ferguson, Madaleno, Manno, Montgomery, Raskin, ~~and Young~~  
Young, and Waugh**

Introduced and read first time: January 26, 2015

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2015

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## 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; repealing a  
8 requirement that a person must contract with a governmental unit for certain online  
9 access to geographic data; making conforming changes; and generally relating to  
10 automated mapping–geographic information systems.

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

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

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### 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

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:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.