

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 844

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 7 down through “circumstances;” in line 10 and substitute “authorizing the official custodian of certain records to include certain costs in fees charged for providing certain copies of those records; requiring the Office of Technology in the Department of Budget and Management to conduct a certain study and submit a certain report on or before a certain date;”; and in line 14, strike “and 10-620” and substitute “, 10-620, and 10-621”.

AMENDMENT NO. 2

On page 2, in line 27, strike “GIVEN” and substitute “PROVIDED”.

On page 3, strike in their entirety lines 3 through 29, inclusive, and substitute:

“10-621.

(a) Subject to the limitations in this section, the official custodian may charge an applicant a reasonable fee for the search for, preparation of, and reproduction of a public record.

(b) The official custodian may not charge a fee for the first 2 hours that are needed to search for a public record and prepare it for inspection.

(c) (1) If another law sets a fee for a copy, printout, or photograph of a public record, that law applies.

(2) The official custodian otherwise may charge any reasonable fee for making or supervising the making of a copy, printout, or photograph of a public record.

(3) The official custodian may charge for the cost of providing facilities for the

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reproduction of the public record if the custodian did not have the facilities.

(4) THE OFFICIAL CUSTODIAN OF A COMPUTERIZED OR ELECTRONIC RECORD MAY INCLUDE AS PART OF THE REASONABLE FEE FOR PROVIDING A COPY OF THE RECORD IN A COMPUTERIZED OR ELECTRONIC FORMAT THE COSTS INCURRED IN CREATING OR COPYING THE RECORD AS A COMPUTERIZED OR ELECTRONIC RECORD.

(d) The official custodian may waive a fee under this section if:

(1) the applicant asks for a waiver; and

(2) after consideration of the ability of the applicant to pay the fee and other relevant factors, the official custodian determines that the waiver would be in the public interest.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Office of Information Technology in the Department of Budget and Management, in consultation with the Office of the Attorney General, the Maryland Association of Counties, and the Maryland Municipal League, shall study the feasibility of making public records available by computer telecommunications; and

(b) On or before December 31, 1997, the Office of Information Technology shall submit a written report of its study to the Governor and, subject to § 2-1312 of the State Government Article, to the General Assembly.”;

and in line 30, strike “2.” and substitute “3.”.