

SENATE BILL 259

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SB 573/98 - EEA

1999 Regular Session
9r0907

By: **Senators Hogan, Collins, Hooper, and Frosh**
Introduced and read first time: February 4, 1999
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Division of State Documents - Public On-Line Access**

3 FOR the purpose of requiring the Division of State Documents to provide the public
4 with certain on-line access to certain materials; requiring the receipt of certain
5 materials to be preceded by certain information; prohibiting the use of certain
6 data or material for commercial purposes; establishing a certain fine for certain
7 violations; and generally relating to public on-line access to certain materials.

8 BY repealing and reenacting, with amendments,
9 Article - State Government
10 Section 7-206.2
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1998 Supplement)

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

15 **Article - State Government**

16 7-206.2.

17 (a) The Division may arrange for data bases derived from publications issued
18 by the Division to be made available to the public for direct on-line searching by
19 contracting with third-party or value-added resellers.

20 (b) Notwithstanding the provisions of subsection (a) of this section, the State
21 Data Center shall charge for on-line access to the Maryland Information Retrieval
22 System.

23 (c) This section may not be construed to require a State data center to provide
24 a member of the public with direct on-line access or any other type of access to the
25 computers or data bases of the State Data Center.

26 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DIVISION SHALL
27 MAKE AVAILABLE TO THE PUBLIC, AT NO COST, DIRECT ON-LINE SEARCHING OF:

1 (1) THE CODE OF MARYLAND REGULATIONS (COMAR);

2 (2) THE MARYLAND REGISTER; AND

3 (3) ANY OTHER MATERIAL THE DIVISION DETERMINES TO BE IN THE
4 PUBLIC INTEREST.

5 (E) THE RECEIPT OF ANY MATERIAL MADE AVAILABLE TO THE PUBLIC UNDER
6 THE TERMS OF SUBSECTION (D) OF THIS SECTION SHALL BE PRECEDED BY A LEGEND
7 STATING THAT:

8 "THE INFORMATION YOU ARE ABOUT TO RECEIVE IS MADE AVAILABLE FOR
9 PERSONAL USE ONLY. BY PROCEEDING BEYOND THIS POINT YOU AGREE THAT YOU
10 WILL NOT USE THE INFORMATION FOR ANY COMMERCIAL PURPOSE WHATSOEVER
11 INCLUDING, BY WAY OF EXAMPLE AND NOT IN LIMITATION, THE DOWNLOADING OF
12 THIS INFORMATION FOR USE IN ANY OTHER ELECTRONIC OR PRINTED FORM."

13 (F) THE LEGEND REFERENCED IN SUBSECTION (E) OF THIS SECTION SHALL
14 BE PRESENTED TO THE RECIPIENT IN A MANNER THAT AFFORDS THE RECIPIENT AN
15 OPPORTUNITY TO REFUSE TO ACCESS THE MATERIAL.

16 (G) DATA OR MATERIAL OBTAINED UNDER SUBSECTION (D) OF THIS SECTION
17 MAY NOT BE USED FOR ANY COMMERCIAL PURPOSE.

18 (H) A PERSON WHO VIOLATES SUBSECTION (G) OF THIS SECTION IS SUBJECT
19 TO A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1999.