

# SENATE BILL 94

P3

5lr1237  
CF 5lr1723

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

Introduced and read first time: January 26, 2015

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

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)

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

23 **Article – State Government**

24 10–901.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

8 (d)] “Governmental unit” means:

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

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

11 (3) a bicounty agency; or

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

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

15 (1) data gathering and entry;

16 (2) database maintenance and update;

17 (3) hardware;

18 (4) quality control;

19 (5) software; and

20 (6) indirect costs.]

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

23 (i) are entered and stored electronically; and

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

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

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

5            [(h) “System services” means:

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

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

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

9 10–902.

10            The General Assembly finds that:

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

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

17 10–903.

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

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

23 10–904.

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

25                            (1)] system products that will:

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

28                                    [(ii) (2) cover the cost of providing **THE** system [products]  
29 **PRODUCT**]; and

1 (2) system services that:

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

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

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

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

11 (d)] A governmental unit:

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

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

16 [10–905.

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

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

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

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

24 (c) Online access:

25 (1) shall be limited to read; and

26 (2) may not include:

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

1 (ii) access to information that would be denied under Title 4, Subtitle  
2 3, Parts I through V of the General Provisions Article.]

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2015.