

3180

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to the provision of geographic information systems materials by state and municipal agencies

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 87 of the public officers law is
2 amended by adding a new paragraph (d) to read as follows:
3 (D) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF THIS SUBDIVI-
4 SION, EVERY AGENCY HOLDING, KEEPING OR PRODUCING GEOGRAPHIC INFORMATION
5 SYSTEMS MATERIALS MAY PROMULGATE RULES AND REGULATIONS ESTABLISHING
6 CONDITIONS FOR THE USE, DISTRIBUTION, DUPLICATION, SALE OR RESALE OF
7 SUCH MATERIALS BY ANY PERSON GRANTED ACCESS THERETO PURSUANT TO THIS
8 ARTICLE. IN ADDITION AN AGENCY MAY ESTABLISH FEES FOR COPIES OF
9 GEOGRAPHIC INFORMATION SYSTEMS MATERIALS WHICH SHALL NOT EXCEED THE FAIR
10 MARKET VALUE OF SUCH MATERIALS. ANY SUCH RULES AND REGULATIONS SHALL BE
11 CONSISTENT WITH THE GENERAL RULES AND REGULATIONS PROMULGATED BY THE
12 COMMITTEE ON OPEN GOVERNMENT, AND THE ESTABLISHMENT OF FEES FOR COPIES
13 SHALL BE BASED ON GUIDELINES REGARDING FAIR MARKET VALUE ISSUED BY THE
14 COMMITTEE ON OPEN GOVERNMENT. IF AN APPLICANT BELIEVES THAT AN AGENCY'S
15 FEE IS GREATER THAN THE FAIR MARKET VALUE OF THE RECORD SOUGHT, THAT
16 PERSON MAY APPEAL TO THE HEAD OR GOVERNING BODY OF THE AGENCY, WHO SHALL
17 WITHIN TEN BUSINESS DAYS OF THE RECEIPT OF SUCH APPEAL DETERMINE TO
18 APPROVE OR REDUCE THE FEE IN ACCORDANCE WITH GUIDELINES ISSUED BY THE
19 COMMITTEE ON OPEN GOVERNMENT. AN AGENCY IN RECEIPT OF SUCH AN APPEAL
20 SHALL FORWARD COPIES OF THE APPEAL AND ITS DETERMINATION TO THE COMMIT-
21 TEE ON OPEN GOVERNMENT.
22 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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