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SFA**BILL ANALYSIS**

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Senate Bill 1362 (as introduced 11-10-98)
Sponsor: Senator Bill Bullard, Jr.
Committee: Government Operations

Date Completed: 11-10-98

CONTENT

The bill would amend the Enhanced Access to Public Records Act to allow a public body to provide another public body with access to or output from its geographical information system under an intergovernmental agreement; and to permit the public body receiving access or output to collect a fee from a third party for output from the system under certain circumstances.

The Act defines "geographical information system" as an informational unit or network capable of producing customized maps based on a digital representation of geographical data. "Public body" is defined with reference to the Freedom of Information Act. The bill would define "third party" as a person who requested a geographical information system or output from such a system under the Enhanced Access to Public Records Act, "third party" would not include a person from whom a fee authorized under the Act was waived in accordance with an intergovernmental agreement described in the bill.

Under the bill, a public body could provide another public body with access to or output from its geographical information system for the official use of that other public body, without charging a fee, if the access were provided in accordance with a written intergovernmental agreement. The agreement would have to state that the public body receiving access to or output from the system without charge would be prohibited from providing access to the system's output to a third party unless that public body did both of the following:

- Collected from the third party a fee, or waived that fee in accordance with the terms of the intergovernmental agreement.
- Conveyed to the providing public body that portion of any fee collected from the third party that was directly attributable to the operating expenses of the providing public body in furnishing the output from the system to the third party.

The intergovernmental agreement also would have to specify the public purpose for which access to or output from the system was being provided, and specify the portion of any fee collected from a third party that the receiving public body would convey to the providing public body.

A public body that received access to or output from a system under an intergovernmental agreement could collect a reasonable fee from a third party to whom it provided access to output from the system. The fee would include an amount that enabled the public body providing access or output to recover its operating expenses directly related to providing access to output from its system to a third party. The fee also would include an amount that enabled the receiving public body to recover over time its operating expenses directly related to providing a third party with access to

or output from its system.

The bill specifies that the language of the Act relating to the sharing of access to or output from systems among public bodies would have to be liberally construed to facilitate the sharing of access to and output from systems without financial detriment to the public bodies.

MCL 15.442 & 15.553

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate impact on State and local government. Under the bill, public bodies would be able to recover costs related to geographic information systems from third parties.

Fiscal Analyst: B. Bowerman