



County Technical Assistance Service

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Geographic Information Systems Records

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Geographic Information Systems Records

Reference Number: CTAS-1215

In 2000, the General Assembly also passed Public Chapter 868 to authorize counties to charge increased fees to people purchasing copies of a certain type of record for commercial purposes. Under the new law all state and local governments maintaining geographic information systems (GIS) are authorized to charge enhanced fees for reproductions of public records that have commercial value and include a computer generated map or similar geographic data. Prior to the passage of this act, local governments could charge only for the actual costs of reproduction of such data (usually a minimal charge for the costs of the computer disk or other copying media) unless they were in one (1) of five (5) counties designated by narrow population classes that had specific authorization to charge higher fees under the law. Under T.C.A. § 10-7- 506(c), local government entities that have the primary responsibility for maintaining a GIS can also include annual maintenance costs and a portion of the overall development costs of the GIS in the fees charged to users who want to purchase a copy of the information for commercial use. If the system is maintained by the county, the county legislative body establishes the fees. If GIS is maintained by a utility, the board of directors establishes the fees. Two groups are exempt from the higher fees: individuals who request a copy of the information for nonbusiness purposes and members of the news media who request the information for news-gathering purposes. These exempt parties will be charged only the actual costs for reproducing the data. Development costs that may be recovered by the fees charged to commercial users are capped at ten percent (10%) of the total development costs unless some additional steps are taken. For local governments, the local legislative body and the state ISC must approve a business plan that explains and justifies the need for additional cost recovery above ten percent (10%). Even with the approval of such a plan, development cost recovery cannot exceed twenty percent (20%). However, these limits do not apply to annual maintenance costs, which may be fully recovered in the fees charged to commercial users. The recovery of development costs of a system is subject to audit by the comptroller of the treasury. Once the allowable portion of the development costs of the system have been recovered by the additional fees charged to commercial users, then the fees must be reduced to cover only the costs of maintaining the data and ensuring that it is accurate, complete, and current for the life of the system.

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