

Senate Bill 406

By: Senators Polak of the 42nd and Lamutt of the 21st

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Code Section 50-29-2 of the Official Code of Georgia Annotated, relating to the  
2 authority of public agencies that maintain geographic information systems, so as to authorize  
3 the state to sell the information maintained in such systems; to make an editorial revision;  
4 to provide an effective date; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Code Section 50-29-2 of the Official Code of Georgia Annotated, relating to the authority  
8 of public agencies that maintain geographic information systems, is amended by striking the  
9 Code section in its entirety and inserting in lieu thereof a new Code Section 50-29-2 to read  
10 as follows:

11 "50-29-2.

12 (a) Notwithstanding subsection (f) of Code Section 50-18-71 or Code Section 50-18-71.2,  
13 the State of Georgia, a county or municipality of the State of Georgia, a regional  
14 development center, or a local authority created by local or general law that has created or  
15 maintains a geographic information system in electronic form may contract to distribute,  
16 sell, provide access to, or otherwise market records or information maintained in such  
17 system and may license or establish fees for providing such records or information or  
18 providing access to such system.

19 (b) Any fees or license fees established pursuant to subsection (a) of this Code section  
20 shall be based upon the recovery of the actual development cost of creating or providing  
21 the geographic information system and upon the recovery of a reasonable portion of the  
22 costs associated with building and maintaining the geographic information system. The  
23 fees may include cost to the State of Georgia, county, municipality, regional development  
24 center, or local authority of time, equipment, and personnel in the creation, purchase,  
25 development, production, or update of the geographic information system.

1 (c) Any contract authorized by subsection (a) of this Code section shall include provisions  
2 that:

3 (1) Protect the security and integrity of the system;

4 (2) Limit the liability of the State of Georgia, county, municipality, regional development  
5 center, or local authority for providing the services and products;

6 (3) Restrict the duplication and resale of the services and products provided; and

7 (4) Ensure that the public is fairly and reasonably compensated for the records or  
8 information or access provided.

9 (d) ~~★ The State of Georgia, a county, a municipality, a regional development center, or a~~  
10 local authority may contract with a private person or corporation to provide the geographic  
11 information system records or information or access to the system to members of the public  
12 as authorized by this Code section."

13 **SECTION 2.**

14 This Act shall become effective upon its approval by the Governor or upon its becoming law  
15 without such approval.

16 **SECTION 3.**

17 All laws and parts of laws in conflict with this Act are repealed.