Reprinted
April 3, 2007

ENGROSSED
SENATE BILL No. 461

DIGEST OF SB 461 (Updated April 2, 2007 2:35 pm - DI 114)

Citations Affected: IC 4-22; IC 4-23; IC 5-21; IC 5-22; IC 9-14; IC 9-29.

Synopsis: GIS data standards. Repeals the law establishing the intelenet commission. Requires the office of technology to assume the functions of the intelenet commission. Creates the position of state Geographic Information Systems (GIS) officer to be appointed by the governor after nomination by the nonprofit entity known as the Indiana Geographic Information Council (IGIC). Requires the state GIS officer to adopt or veto the GIS data standards and the statewide data integration plan recommended by IGIC. Provides that the state data center of the state library shall be the state's depository for GIS data. Assigns duties to the state GIS officer and the state data center in implementing and enforcing the state GIS data standards. Provides that a political subdivision maintains the right to control the sale, exchange, and distribution of any GIS data or framework data provided by the political subdivision to the state. Provides that the state GIS officer may require, as a condition of a data exchange agreement, that a political subdivision follow the GIS data standards and the statewide data integration plan when the political subdivision makes use of the GIS data or framework data provided by the state. Prohibits the IGIC, the state GIS officer, or the state data center from recommending or restricting standards for GIS hardware or software that a proprietary vendor provides to a political subdivision. Provides that the "Buy Indiana Presumption" shall be observed in all procurement decisions related to the state GIS data standards.

Effective: July 1, 2007.

Ford, Kruse, Mrvan
(HOUSE SPONSORS — RESKE, MURPHY, KOCH)

January 11, 2007, read first time and referred to Committee on Economic Development and Technology.
February 13, 2007, amended, reported favorably — Do Pass.
February 19, 2007, read second time, ordered engrossed. Engrossed.
February 20, 2007, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 6, 2007, read first time and referred to Committee on Technology, Research and Development.
March 29, 2007, amended, reported — Do Pass.
April 2, 2007, read second time, amended, ordered engrossed.

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Reprinted
April 3, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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ENGROSSED
SENATE BILL No. 461

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-22-2.1-6, AS ADDED BY P.L.188-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Not later than seven (7) days before the date of the public hearing set forth in the agency's notice under IC 4-22-2-24, the corporation shall do the following:

(1) Review the proposed rule and economic impact statement submitted to the corporation by the agency under section 5(c) of this chapter.

(2) Submit written comments to the agency on the proposed rule and the economic impact statement prepared by the agency under section 5 of this chapter. The corporation's comments may:

(A) recommend that the agency implement one (1) or more of the regulatory alternatives considered by the agency under section 5(a)(5) of this chapter;

(B) suggest regulatory alternatives not considered by the agency under section 5(a)(5) of this chapter;

(C) recommend any other changes to the proposed rule that

would minimize the economic impact of the proposed rule on small businesses; or

(D) recommend that the agency abandon or delay the rulemaking action until:

(i) more data on the impact of the proposed rule on small businesses can be gathered and evaluated; or

(ii) less intrusive or less costly alternative methods of achieving the purpose of the proposed rule can be effectively implemented with respect to small businesses.

(b) Upon receipt of the corporation's written comments under subsection (a), the agency shall make the comments available:

(1) for public inspection and copying at the offices of the agency under IC 5-14-3;

(2) electronically through the electronic gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission,~~ **office of technology;** and

(3) for distribution at the public hearing required by IC 4-22-2-26.

(c) Before finally adopting a rule under IC 4-22-2-29, and in the same manner that the agency considers public comments under IC 4-22-2-27, the agency must fully consider the comments submitted by the corporation under subsection (a). After considering the comments under this subsection, the agency may:

(1) adopt any version of the rule permitted under IC 4-22-2-29; or

(2) abandon or delay the rulemaking action as recommended by the corporation under subsection (a)(2)(D), if applicable.

SECTION 2. IC 4-23-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 7.3. Indiana GIS Mapping Standards

Sec. 1. As used in this chapter, "data exchange agreement" means an agreement concerning exchange of any GIS data or framework data.

Sec. 2. As used in this chapter, "electronic map" has the meaning set forth in IC 5-14-3-2(d).

Sec. 3. (a) As used in this chapter, “framework data" means common electronic map information for a geographic area.

(b) The term includes the following:

(1) Digital orthophotography.

(2) Digital cadastre.

(3) Public land survey system.

(4) Elevation.

(5) Geodetic control.

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(6) Governmental boundary units.
(7) Water features.
(8) Addresses.
(9) Streets.

Sec. 4. As used in this chapter, "fund" refers to the Indiana mapping data and standards fund established by section 20 of this chapter.

Sec. 5. As used in this chapter, "GIS" refers to geographic information systems.

Sec. 6. As used in this chapter, "IGIC" means the nonprofit entity:

(1) known as the Indiana Geographic Information Council, or its successor organization; and

(2) with articles of incorporation or the bylaws that provide the following:

(A) The board of directors must have at least three (3) and not more than thirty-three (33) directors.

(B) The board of directors must have three (3) directors from state government, of which two (2) of the three (3) directors from state government must be appointed as follows:

(i) One (1) director appointed by the governor.

(ii) One (1) director appointed by the lieutenant governor.

(C) If the board of directors has more than three (3) directors, the directors other than the directors appointed under subdivision (2)(A) must represent public and private entities with an interest in GIS.

Sec. 7. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 8. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1.

Sec. 9. As used in this chapter, "state data center" refers to the state data center established under IC 4-23-7.1.

Sec. 10. As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

Sec. 11. As used in this chapter, "state GIS officer" refers to the individual appointed under section 14 of this chapter.

Sec. 12. As used in this chapter, "statewide base map" means an electronic map of Indiana consisting of framework data for Indiana.

Sec. 13. As used in this chapter, "statewide data integration

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plan" means a plan:

(1) to integrate GIS data and framework data developed and maintained by different units of the federal, state, and local government into statewide coverage of framework data; and

(2) that includes details for:

(A) an inventory of existing data;

(B) stakeholder data requirements;

(C) identification of data stewards;

(D) data standards and schema, costs, work flow, data transfer mechanisms, update frequency, and maintenance; and

(E) identification of appropriate data sharing policies and mechanisms to facilitate intergovernmental data exchange, such as data exchange agreements.

Sec. 14. (a) Except as provided in subsections (b) and (c), the governor shall appoint the individual nominated by the IGIC as the state GIS officer.

(b) The governor may request an alternative state GIS officer nomination from the IGIC.

(c) If the IGIC ceases to exist as defined in section 6 of this chapter, or refuses to make the nomination required under this section, the governor shall make the nomination and appointment of the state GIS officer required under this section.

Sec. 15. The state GIS officer shall do the following:

(1) Function as the state's chief officer for GIS matters.

(2) Review and either veto or adopt both the:

(A) state's GIS data standards; and

(B) statewide data integration plan;

as recommended by the IGIC. If either of the recommendations is vetoed, the state GIS officer shall return the recommendation to the IGIC with a message announcing the veto and stating the reasons for the veto. If the IGIC ceases to exist as defined in section 6 of this chapter or refuses to make the recommendations listed in this subsection, the state GIS officer may develop and adopt state GIS data standards and a statewide data integration plan. The standards and the plan adopted under this subsection must promote interoperability and open use of data with various GIS software, applications, computer hardware, and computer operating systems.

(3) Act as the administrator of:

(A) the state standards and policies concerning GIS data

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and framework data;

(B) the statewide data integration plan; and

(C) any data the state data center is responsible for under this chapter.

(4) Enforce the state GIS data standards and the statewide data integration plan adopted under subdivision (2) through the use of:

(A) GIS policies developed for state agencies; and

(B) data exchange agreements involving an entity other than a state agency.

(5) Coordinate the state data center's duties under this chapter.

(6) Act as the state's representative for:

(A) requesting grants available for the acquisition or enhancement of GIS resources; and

(B) preparing funding proposals for grants to enhance coordination and implementation of GIS.

(7) Coordinate any GIS projects involving the state data center or a state agency.

(8) Cooperate with the United States Board on Geographic Names established by P.L.80-242 by serving as the state names authority for Indiana.

(9) Publish a biennial report.

(10) Represent Indiana's interests in communications and discussions with federal agencies regarding spatial data, spatial data exchanges, cost leveraging opportunities, spatial data standards, and other GIS related issues.

(11) Facilitate GIS data cooperation between units of the federal, state, and local governments.

(12) Promote the development and maintenance of statewide GIS data and framework data layers associated with a statewide base map (orthophotography, cadastral, transportation, elevation, surface water, geodetic control, and boundaries).

(13) Approve and maintain data exchange agreements to which the state data center or a state agency is a party.

(14) Use personnel from state educational institutions to provide technical support to the:

(A) state GIS officer in carrying out the officer's duties under this chapter; and

(B) IGIC.

Sec. 16. The publication and access requirements of this chapter

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do not apply to data that would otherwise be exempt from public disclosure under IC 5-14-3-4(b)(19).

Sec. 17. The state data center shall do the following:

(1) Function as the state's depository of all GIS data and framework data obtained by a state agency.

(2) Acquire, publish, store, and distribute GIS data and framework data as directed by the state GIS officer.

(3) Integrate GIS data and framework data developed and maintained by state agencies and political subdivisions into the statewide base map.

(4) Maintain a state historical inventory of GIS data, framework data, electronic maps, and GIS applications.

(5) Except as otherwise provided in this chapter, provide public access to GIS data and framework data in locations throughout Indiana.

(6) Provide assistance to state agencies and political subdivisions regarding public access to GIS data and framework data so that information is available to the public while needed confidentiality is protected for certain data from electronic maps.

(7) Develop and maintain statewide framework data layers associated with a statewide base map or electronic map (orthophotography, cadastral, transportation, elevation, surface water, geodetic control, and boundaries).

(8) Execute the state's responsibilities under data exchange agreements with political subdivisions, as directed by the state GIS officer, to increase the amount of GIS data and framework data available to the state.

(9) Publish and distribute the state GIS data standards and the statewide data integration plan adopted by the state GIS officer under section 15(2) of this chapter.

Sec. 18. The state GIS officer shall coordinate with state educational institutions to do the following:

(1) Promote formal GIS education opportunities for full-time and part-time students.

(2) Provide informal GIS learning opportunities through a series of seminars and noncredit concentrated classes provided throughout Indiana.

(3) Coordinate research assets for the benefit of Indiana by maintaining inventories of the universities' academic and technical GIS experts, data and technology resources, and research interests for collaboration to pursue research grant

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opportunities.

(4) Implement an outreach network to Indiana political subdivisions to enhance communication and data sharing among state government, political subdivisions, and the business community.

Sec. 19. (a) Except as provided in subsection (b), a state educational institution may not bid on contracts to create GIS data or framework data for the benefit of a state agency or political subdivision. This section shall not be construed to prohibit the purchase of GIS data or framework data by a state agency or political subdivision from a state educational institution.

(b) If there is a lack of bids on contracts referred to in subsection (a), by entities other than state educational institutions, the state agency or political subdivision may, with the approval of the state GIS officer, solicit bids from state educational institutions.

Sec. 20. (a) The Indiana mapping data and standards fund is established for the following purposes:

(1) Funding GIS grants.

(2) Administering this chapter.

(b) The fund consists of the following:

(1) Appropriations made to the fund by the general assembly.

(2) Gifts or grants received by the state for GIS purposes.

(c) The state GIS officer shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 21. (a) Except as provided in subsections (b), (c), and (d), a political subdivision maintains the right to control the sale, exchange, and distribution of any GIS data or framework data provided by the political subdivision to the state through a data exchange agreement entered into under this chapter.

(b) A political subdivision may agree, through a provision in a data exchange agreement, to allow the sale, exchange, or distribution of GIS data or framework data provided to the state.

(c) Subsection (a) does not apply to data that is otherwise required by state or federal law to be provided by a political subdivision to the state or federal government.

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(d) As a condition in a data exchange agreement for providing state GIS data or framework data to a political subdivision, the state GIS officer may require the political subdivision to follow the state GIS data standards and the statewide data integration plan when the political subdivision makes use of the GIS data or framework data as provided by the state.

Sec 22. (a) Nothing in this chapter shall be construed to permit the IGIC, the state GIS officer, the state data center, or a state educational institution to recommend or restrict standards for GIS hardware or software that a proprietary vendor provides to any political subdivision.

(b) It is the intent of the general assembly in enacting this chapter to promote high-technology enterprise and employment within Indiana. To the extent practicable, the "Buy Indiana Presumption" required by executive order 05-05, shall be observed with respect to all procurement decisions related to this chapter, so long as executive order 05-05 is in effect.

SECTION 3. IC 5-22-22-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) The purchasing agency may sell surplus property using an Internet auction site that satisfies both of the following:

(1) The site is approved by the ~~intelenet commission.~~ **office of technology established by IC 4-13.1-2-1.**

(2) The site is linked to the electronic gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission.~~ **office of technology.**

(b) The purchasing agency's posting of the sale on the Internet auction site must include a detailed description of the surplus property to be sold.

(c) The purchasing agency may pay the costs of conducting the auction on the Internet site as required by the person maintaining the auction site.

SECTION 4. IC 9-14-3-5, AS AMENDED BY P.L.210-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

(1) submitted in writing; or

(2) made electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21;~~ **office of technology;**

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to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

(1) the Social Security number;

(2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or

(6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the commission may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The commission may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 5. IC 9-29-2-2, AS AMENDED BY P.L.210-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The fee to obtain information regarding vehicle titles under IC 9-14-3-5 is:

(1) four dollars ($4) for each record requested in writing; and

(2) a fee to be determined by the bureau not to exceed four dollars ($4), in conformance with IC 5-14-3-8, for each record requested electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21,~~ **office of technology;**

plus any service fee charged by the ~~intelenet commission.~~ **office of technology established by IC 4-13.1-2-1.**

(b) The fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars ($4) for a

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record requested either:

(1) in writing; or

(2) electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21,~~ **office of technology;**

plus any service fee charged by the ~~intelenet commission.~~ **office of technology established by IC 4-13.1-2-1.**

(c) The fee imposed by this section and paid to the bureau is in lieu of fees established under IC 5-14-3-8 and does not apply to a law enforcement agency or an agency of government.

SECTION 6. IC 5-21 IS REPEALED [EFFECTIVE JULY 1, 2007].

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SENATE MOTION

Madam President: I move that Senators Kruse and Mrvan be added as coauthors of Senate Bill 461.

FORD

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill No. 461, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Page 1, delete lines 4 through 17, begin a new paragraph and insert:

"**Chapter 7.3. One Map for Indiana**

Sec. 1. As used in this chapter, "association" means an entity other than an individual formed in Indiana to develop and recommend policies, standards, guidelines, or cooperative strategies concerning geographic data and related technologies.

Sec. 2. As used in this chapter, "electronic map" has the meaning set forth in IC 5-14-3-2(d).

Sec. 3. (a) As used in this chapter, "framework data" means common electronic map information for a geographic area.

(b) The term includes the following:

(1) Digital orthophotography.

(2) Digital cadastre.

(3) Public land survey system.

(4) Elevation.

(5) Geodetic control.

(6) Governmental boundary units.

(7) Water features.

(8) Addresses.

(9) Streets.

Sec. 4. As used in this chapter, "fund" refers to the electronic map maintenance fund established by section 15 of this chapter.

Sec. 5. As used in this chapter, "GIS" refers to geographic information systems.

Sec. 6. As used in this chapter, "Indiana map" means a

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statewide electronic map consisting of framework data for Indiana.".

Page 2, delete lines 1 through 2.

Page 2, delete lines 11 through 42.

Page 3, delete lines 1 through 26, begin a new paragraph and insert:

"**Sec. 11. (a) The state data center shall seek the advice of associations that have the capability to serve any state agency or political subdivision in Indiana.**

(b) After August 31, 2007, state agencies shall coordinate with the Indiana Geographic Information Council or its successor organization, if the articles of incorporation or the bylaws of the Indiana Geographic Information Council or its successor organization provide the following:

(1) The board of directors must have at least three (3) and not more than thirty-three (33) directors.

(2) The board of directors must have three (3) directors from state government, of which two (2) of the three (3) directors from state government must be appointed as follows:

(A) One (1) director appointed by the governor.

(B) One (1) director appointed by the lieutenant governor.

(3) If the board of directors has more than three (3) directors, the directors other than the directors appointed under subdivision (2) must represent public and private entities with an interest in GIS.

Sec. 12. (a) The state data center shall have responsibility for the Indiana map.

(b) The state data center shall employ a director of the Indiana map.".

Page 3, line 27, delete "15." and insert "**13.**".

Page 3, line 27, delete "office" and insert "**state data center**".

Page 3, between lines 27 and 28, begin a new line block indented and insert:

"**(1) Develop the Indiana map.**

(2) Integrate framework data developed and maintained by state agencies and political subdivisions into the Indiana map.".

Page 3, line 28, delete "(1)" and insert "**(3)**".

Page 3, delete lines 34 through 42, begin a new line block indented and insert:

"**(4) Provide public access to electronic map framework data through the Indiana map and a network of partners.**

(5) Coordinate multiagency or multijurisdictional GIS

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projects.

(6) Cooperate with the United States Board on Geographic Names established by P.L.80-242 by serving as the state names authority for Indiana.

(7) Provide policy guidance to state agencies and political subdivisions regarding public access to electronic map data so that information is available to the public while needed confidentiality is protected.

(8) Publish a statewide electronic map framework data plan and publish a biennial report.".

Page 4, delete lines 1 through 2.

Page 4, line 3, delete "(5)" and insert "**(9)**".

Page 4, line 7, delete "office" and insert "**state data center**".

Page 4, delete lines 10 through 14.

Page 4, line 15, delete "(3)" and insert "**(2)**".

Page 4, line 20, delete "(4)" and insert "**(3)**".

Page 4, line 22, delete "(5)" and insert "**(4)**".

Page 4, line 27, delete "(6)" and insert "**(5)**".

Page 4, delete lines 29 through 33, begin a new paragraph and insert:

"**(c) The publication and access requirements of this chapter do not apply to electronic map data that the governor designates as a security risk.**

Sec. 14. The state data center shall coordinate with state institutions of higher learning to do the following:".

Page 4, line 41, after "technical" insert "**GIS**".

Page 5, delete lines 6 through 23, begin a new paragraph and insert:

"**Sec. 15. (a) The electronic map maintenance fund is established for the following purposes:**

(1) Funding GIS grants.

(2) Administering this chapter.

(b) The fund consists of the following:

(1) Appropriations made to the fund by the general assembly.

(2) Gifts or grants received by the state for GIS purposes.

(c) The state library shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not

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revert to the state general fund.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 461 as introduced.)

FORD, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Senate Bill 461, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2.1-6, AS ADDED BY P.L.188-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Not later than seven (7) days before the date of the public hearing set forth in the agency's notice under IC 4-22-2-24, the corporation shall do the following:

(1) Review the proposed rule and economic impact statement submitted to the corporation by the agency under section 5(c) of this chapter.

(2) Submit written comments to the agency on the proposed rule and the economic impact statement prepared by the agency under section 5 of this chapter. The corporation's comments may:

(A) recommend that the agency implement one (1) or more of the regulatory alternatives considered by the agency under section 5(a)(5) of this chapter;

(B) suggest regulatory alternatives not considered by the agency under section 5(a)(5) of this chapter;

(C) recommend any other changes to the proposed rule that would minimize the economic impact of the proposed rule on small businesses; or

(D) recommend that the agency abandon or delay the rulemaking action until:

(i) more data on the impact of the proposed rule on small businesses can be gathered and evaluated; or

(ii) less intrusive or less costly alternative methods of

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achieving the purpose of the proposed rule can be effectively implemented with respect to small businesses.

(b) Upon receipt of the corporation's written comments under subsection (a), the agency shall make the comments available:

(1) for public inspection and copying at the offices of the agency under IC 5-14-3;

(2) electronically through the electronic gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission,~~ **office of technology;** and

(3) for distribution at the public hearing required by IC 4-22-2-26.

(c) Before finally adopting a rule under IC 4-22-2-29, and in the same manner that the agency considers public comments under IC 4-22-2-27, the agency must fully consider the comments submitted by the corporation under subsection (a). After considering the comments under this subsection, the agency may:

(1) adopt any version of the rule permitted under IC 4-22-2-29; or

(2) abandon or delay the rulemaking action as recommended by the corporation under subsection (a)(2)(D), if applicable.".

Page 1, line 4, delete "One Map for Indiana" and insert "**Indiana GIS Mapping Standards**".

Page 1, line 5, delete ""association" means an entity" and insert "**"data exchange agreement" means an agreement concerning exchange of any GIS data or framework data.**".

Page 1, delete lines 6 through 8.

Page 2, line 6, delete "electronic" and insert "**Indiana mapping data and standards fund established by section 20 of this chapter.**".

Page 2, delete line 7.

Page 2, line 10, delete ""Indiana map" means a" and insert "**"IGIC" means the nonprofit entity:**

(1) known as the Indiana Geographic Information Council, or its successor organization; and

(2) with articles of incorporation or the bylaws that provide the following:

(A) The board of directors must have at least three (3) and not more than thirty-three (33) directors.

(B) The board of directors must have three (3) directors from state government, of which two (2) of the three (3) directors from state government must be appointed as follows:

(i) One (1) director appointed by the governor.

(ii) One (1) director appointed by the lieutenant governor.

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(C) If the board of directors has more than three (3) directors, the directors other than the directors appointed under subdivision (2)(A) must represent public and private entities with an interest in GIS.".

Page 2, delete line 11.

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"**Sec. 11. As used in this chapter, "state GIS officer" refers to the individual appointed under section 14 of this chapter.**

Sec. 12. As used in this chapter, "statewide base map" means an electronic map of Indiana consisting of framework data for Indiana.

Sec. 13. As used in this chapter, "statewide data integration plan" means a plan:

(1) to integrate GIS data and framework data developed and maintained by different units of the federal, state, and local government into statewide coverage of framework data; and

(2) that includes details for:

(A) an inventory of existing data;

(B) stakeholder data requirements;

(C) identification of data stewards;

(D) data standards and schema, costs, work flow, data transfer mechanisms, update frequency, and maintenance; and

(E) identification of appropriate data sharing policies and mechanisms to facilitate intergovernmental data exchange, such as data exchange agreements.

Sec. 14. (a) Except as provided in subsections (b) and (c), the governor shall appoint the individual nominated by the IGIC as the state GIS officer.

(b) The governor may request an alternative state GIS officer nomination from the IGIC.

(c) If the IGIC ceases to exist as defined in section 6 of this chapter, or refuses to make the nomination required under this section, the governor shall make the nomination and appointment of the state GIS officer required under this section.

Sec. 15. The state GIS officer shall do the following:

(1) Function as the state's chief officer for GIS matters.

(2) Review and either veto or adopt both the:

(A) state's GIS data standards; and

(B) statewide data integration plan;

as recommended by the IGIC. If either of the recommendations is vetoed, the state GIS officer shall return

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the recommendation to the IGIC with a message announcing the veto and stating the reasons for the veto. If the IGIC ceases to exist as defined in section 6 of this chapter or refuses to make the recommendations listed in this subsection, the state GIS officer may develop and adopt state GIS data standards and a statewide data integration plan. The standards and the plan adopted under this subsection must promote interoperability and open use of data with various GIS software, applications, computer hardware, and computer operating systems.

(3) Act as the administrator of:

(A) the state standards and policies concerning GIS data and framework data;

(B) the statewide data integration plan; and

(B) any data the state data center is responsible for under this chapter.

(4) Enforce the state GIS data standards and the statewide data integration plan adopted under subdivision (2) through the use of:

(A) GIS policies developed for state agencies; and

(B) data exchange agreements involving an entity other than a state agency.

(5) Coordinate the state data center's duties under this chapter.

(6) Act as the state's representative for:

(A) requesting grants available for the acquisition or enhancement of GIS resources; and

(B) preparing funding proposals for grants to enhance coordination and implementation of GIS.

(7) Coordinate any GIS projects involving the state data center or a state agency.

(8) Cooperate with the United States Board on Geographic Names established by P.L.80-242 by serving as the state names authority for Indiana.

(9) Publish a biennial report.

(10) Represent Indiana's interests in communications and discussions with federal agencies regarding spatial data, spatial data exchanges, cost leveraging opportunities, spatial data standards, and other GIS related issues.

(11) Facilitate GIS data cooperation between units of the federal, state, and local governments.

(12) Promote the development and maintenance of statewide

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GIS data and framework data layers associated with a statewide base map (orthophotography, cadastral, transportation, elevation, surface water, geodetic control, and boundaries).

(13) Approve and maintain data exchange agreements to which the state data center or a state agency is a party.

(14) Use personnel from state educational institutions to provide technical support to the:

(A) state GIS officer in carrying out the officer's duties under this chapter; and

(B) IGIC.

Sec. 16. The publication and access requirements of this chapter do not apply to data that would otherwise be exempt from public disclosure under IC 5-14-3-4(b)(19).

Sec. 17. The state data center shall do the following:

(1) Function as the state's depository of all GIS data and framework data obtained by a state agency.

(2) Acquire, publish, store, and distribute GIS data and framework data as directed by the state GIS officer.

(3) Integrate GIS data and framework data developed and maintained by state agencies and political subdivisions into the statewide base map.

(4) Maintain a state historical inventory of GIS data, framework data, electronic maps, and GIS applications.

(5) Except as otherwise provided in this chapter, provide public access to GIS data and framework data in locations throughout Indiana.

(6) Provide assistance to state agencies and political subdivisions regarding public access to GIS data and framework data so that information is available to the public while needed confidentiality is protected for certain data from electronic maps.

(7) Develop and maintain statewide framework data layers associated with a statewide base map or electronic map (orthophotography, cadastral, transportation, elevation, surface water, geodetic control, and boundaries).

(8) Execute the state's responsibilities under data exchange agreements with political subdivisions, as directed by the state GIS officer, to increase the amount of GIS data and framework data available to the state.

(9) Publish and distribute the state GIS data standards and the statewide data integration plan adopted by the state GIS

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officer under section 15(2) of this chapter.

Sec. 18. The state GIS officer shall coordinate with state educational institutions to do the following:

(1) Promote formal GIS education opportunities for full-time and part-time students.

(2) Provide informal GIS learning opportunities through a series of seminars and noncredit concentrated classes provided throughout Indiana.

(3) Coordinate research assets for the benefit of Indiana by maintaining inventories of the universities' academic and technical GIS experts, data and technology resources, and research interests for collaboration to pursue research grant opportunities.

(4) Implement an outreach network to Indiana political subdivisions to enhance communication and data sharing among state government, political subdivisions, and the business community.

Sec. 19. (a) Except as provided in subsection (b), a state educational institution may not bid on contracts to create GIS data or framework data for the benefit of a state agency or political subdivision. This section shall not be construed to prohibit the purchase of GIS data or framework data by a state agency or political subdivision from a state educational institution.

(b) If there is a lack of bids on contracts referred to in subsection (a), by entities other than state educational institutions, the state agency or political subdivision may, with the approval of the state GIS officer, solicit bids from state educational institutions.

Sec. 20. (a) The Indiana mapping data and standards fund is established for the following purposes:

(1) Funding GIS grants.

(2) Administering this chapter.

(b) The fund consists of the following:

(1) Appropriations made to the fund by the general assembly.

(2) Gifts or grants received by the state for GIS purposes.

(c) The state GIS officer shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not

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revert to the state general fund.

SECTION 3. IC 5-22-22-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) The purchasing agency may sell surplus property using an Internet auction site that satisfies both of the following:

(1) The site is approved by the ~~intelenet commission.~~ **office of technology established by IC 4-13.1-2-1.**

(2) The site is linked to the electronic gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission.~~ **office of technology.**

(b) The purchasing agency's posting of the sale on the Internet auction site must include a detailed description of the surplus property to be sold.

(c) The purchasing agency may pay the costs of conducting the auction on the Internet site as required by the person maintaining the auction site.

SECTION 4. IC 9-14-3-5, AS AMENDED BY P.L.210-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

(1) submitted in writing; or

(2) made electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21,~~ **office of technology;**

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

(1) the Social Security number;

(2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or

(6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4),

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IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the commission may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The commission may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 5. IC 9-29-2-2, AS AMENDED BY P.L.210-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The fee to obtain information regarding vehicle titles under IC 9-14-3-5 is:

(1) four dollars ($4) for each record requested in writing; and

(2) a fee to be determined by the bureau not to exceed four dollars ($4), in conformance with IC 5-14-3-8, for each record requested electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21,~~ **office of technology;**

plus any service fee charged by the ~~intelenet commission.~~ **office of technology established by IC 4-13.1-2-1.**

(b) The fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars ($4) for a record requested either:

(1) in writing; or

(2) electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21,~~ **office of technology;**

plus any service fee charged by the ~~intelenet commission.~~ **office of technology established by IC 4-13.1-2-1.**

(c) The fee imposed by this section and paid to the bureau is in lieu of fees established under IC 5-14-3-8 and does not apply to a law enforcement agency or an agency of government.

SECTION 6. IC 5-21 IS REPEALED [EFFECTIVE JULY 1, 2007].".

Page 2, delete lines 20 through 42.

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Delete pages 3 through 4.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 461 as printed February 14, 2007.)

RESKE, Chair

Committee Vote: yes 9, nays 1.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 461 be amended to read as follows:

Page 5, line 3, delete "(B)" and insert "**(C)**".

Page 7, between lines 31 and 32, begin a new paragraph and insert:

"**Sec. 21. (a) Except as provided in subsections (b), (c), and (d), a political subdivision maintains the right to control the sale, exchange, and distribution of any GIS data or framework data provided by the political subdivision to the state through a data exchange agreement entered into under this chapter.**

(b) A political subdivision may agree, through a provision in a data exchange agreement, to allow the sale, exchange, or distribution of GIS data or framework data provided to the state.

(c) Subsection (a) does not apply to data that is otherwise required by state or federal law to be provided by a political subdivision to the state or federal government.

(d) As a condition in a data exchange agreement for providing state GIS data or framework data to a political subdivision, the state GIS officer may require the political subdivision to follow the state GIS data standards and the statewide data integration plan when the political subdivision makes use of the GIS data or framework data as provided by the state.

Sec 22. (a) Nothing in this chapter shall be construed to permit the IGIC, the state GIS officer, the state data center, or a state educational institution to recommend or restrict standards for GIS hardware or software that a proprietary vendor provides to any political subdivision.

(b) It is the intent of the general assembly in enacting this chapter to promote high-technology enterprise and employment within Indiana. To the extent practicable, the "Buy Indiana Presumption" required by executive order 05-05, shall be observed

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with respect to all procurement decisions related to this chapter, so long as executive order 05-05 is in effect.".

(Reference is to ESB 461 as printed March 30, 2007.)

RESKE

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