State GIS Officer/GIS Data

This Act creates the position of state Geographic Information Systems (GIS) officer. The Act:
• requires the state GIS officer to adopt or veto the GIS data standards and a statewide data integration plan;
• 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 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; and
• provides that in-state buying preferences shall be observed in all procurement decisions related to the state GIS data standards.

Submitted as:
Indiana
Senate Enrolled Act No. 461
Status: Enacted into law in 2007.

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act shall be called “An Act to Address Geographic Information Systems.”

Section 2. [Definitions.] As used in this Act:
(1) “Data exchange agreement” means an agreement concerning the exchange of any GIS data or framework data.
(2) “Electronic map” has the meaning set forth in [insert citation].
(3) “Framework data” means common electronic map information for a geographic area, including the following:
(a) Digital orthophotography.
(b) Digital cadastre.
(c) Public land survey system.
(d) Elevation.
(e) Geodetic control.
(f) Governmental boundary units.
(g) Water features.
(h) Addresses.
(i) Streets.

(4) “Fund” refers to the [Mapping Data And Standards Fund] established by Section 4 of this Act.

(5) “GIS” refers to geographic information systems.

(6) “IGIC” refers to the nonprofit entity known as the [(State) Geographic Information Council] established under [insert citation], or its successor organization.

(7) “Political subdivision” has the meaning set forth in [insert citation].

(8) “State agency” has the meaning set forth in [insert citation].

(9) “State data center” refers to the state data center established under [insert citation].

(10) “State GIS officer” refers to the individual appointed under Section 3 of this Act.

(11) “Statewide base map” means an electronic map of this state consisting of framework data for this state.

(12) “Statewide data integration plan” means a plan 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 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.

Section 3. [State GIS Officer.]

(A) The [governor] shall appoint an individual as the [state GIS officer].

(B) The person appointed by the [governor] must be an experienced geography and mapping professional who has:

(1) extensive knowledge of the principles, practices, terminology, and trends in GIS, spatial data, analysis, and related technology; and
(2) experience in administration, project management, policy development, coordination of services, and planning.

(C) The [state GIS officer] shall:

(1) Function as the chief officer for GIS matters for state agencies.
(2) Review and either veto or adopt both the state's GIS data standards and 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 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 the state standards and policies concerning GIS data and framework data and the statewide data integration plan.
(4) Enforce the state GIS data standards and execute the statewide data integration plan adopted under subdivision (2) through the use of GIS policies developed for state agencies; and data exchange agreements involving an entity other than a state agency.
(5) Coordinate the [state data center’s] duties under this Act.

(6) Act as the state's representative for requesting grants available for the acquisition or enhancement of GIS resources and preparing funding proposals for grants to enhance coordination and implementation of GIS.

(7) Review and approve, in accordance with the statewide data integration plan, the procurement of GIS goods and services 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 chair of a committee formed with the [IGIC] as the state names authority for this state.

(9) Publish a biennial report. The report must include the status and metrics on the progress of the statewide data integration plan.

(10) Represent the state’s interest to federal agencies regarding the National Spatial Data Infrastructure.

(11) Serve as the state’s primary point of contact for communications and discussions with federal agencies regarding framework data, spatial data exchanges, cost leveraging opportunities, spatial data standards, and other GIS related issues.

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

(13) Promote the development and maintenance of statewide GIS data and framework data layers associated with a statewide base map.

(14) Approve and maintain data exchange agreements to which the state data center or a state agency is a party to increase the amount and quality of GIS data and framework data available to the state.

(15) Use personnel made available from state educational institutions to provide technical support to the [state GIS officer] in carrying out the officer's duties under this Act and the [IGIC].

(16) With money from the [Mapping Data And Standards Fund] established under Section 4 of this Act, the [state GIS officer] through the [state data center], the [IGIC], and the other organizations, do the following:

   (a) Ensure that there are adequate depositories of all GIS data and framework data obtained by a state agency.

   (b) Acquire, publish, store, and distribute GIS data and framework data through the computer gateway administered under [insert citation] by the [office of technology] and through the [state data center]. The [state GIS officer] may also provide access through the [IGIC] and other entities as directed by the [state GIS officer].

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

   (d) Maintain a state historical archive of GIS data, framework data, and electronic maps.

   (e) Except as otherwise provided in this Act, provide public access to GIS data and framework data in locations throughout this state.

   (f) 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 confidentiality is protected for certain data from electronic maps.

   (g) Develop and maintain statewide framework data layers associated with a statewide base map or electronic map.

   (h) Publish and distribute the state GIS data standards and the statewide data integration plan adopted under subsection (2) of this subsection (C) of this Act.
Subject to Section 5 of this Act, make GIS data, framework data, and electronic maps available for use by the state [Business Research Center] established under [insert citation].

(17) Coordinate with state educational institutions to:
(a) Promote formal GIS education opportunities for full-time and part-time students.
(b) Provide informal GIS learning opportunities through a series of seminars and noncredit concentrated classes provided throughout this state.
(c) Coordinate research assets for the benefit of this state by maintaining inventories of the universities' academic and technical GIS experts, data and technology resources as provided by the universities, and research interests for collaboration to pursue research grant opportunities.
(d) Implement an outreach network to political subdivisions within this state to enhance communication and data sharing among state government, political subdivisions, and the business community.

Section 4. [Mapping Data and Standards Fund.]
(A) A [state] [Mapping Data And Standards Fund] is established for the following purposes:
(1) Funding GIS grants.
(2) Administering this Act.
(B) The fund consists of the following:
(1) Appropriations made to the [fund] by the [general assembly].
(2) Gifts, grants, or other money 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].

Section 5. [Political Subdivision Control Over GIS Data Provided to the State Through a Data Exchange Agreement.]
(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 Act.
(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.
Section 6. [Prohibiting State Education Institutions from Providing Photogrametry Services or Framework Layer Data Conversion Services to State Agencies or Political Subdivisions.]

(A) Except as provided in subsection (B), a state educational institution may not bid on contracts to provide photogrametry services or framework layer data conversion services for the benefit of a state agency or political subdivision. This section shall not be construed to prohibit the purchase of any of the following by a state agency or political subdivision from a state educational institution:

(1) GIS data or framework data.
(2) Data previously created by the state educational institution as part of the educational, research, or service mission of the state educational institution.

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

Section 7. [Restricting Standards for GIS Hardware or Software.]

(A) Nothing in this Act shall be construed to permit the [IGIC], the [state GIS officer], or the [state data center] 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 Act to promote high technology enterprise and employment within this state. To the extent practicable, the requirement under [insert citation] to buy products and services from vendors located in this state shall be observed with respect to all procurement decisions related to this Act.

Section 8. [Publication and Access Exemptions.] The publication and access requirements of this Act do not apply to data that would otherwise be exempt from public disclosure under [insert citation].

Section 9. [Severability.] [Insert severability clause.]

Section 10. [Repealer.] [Insert repealer clause.]

Section 11. [Effective Date.] [Insert effective date.]