

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.)

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

3

4

Section 2. [*Definitions.*] As used in this Act:

5

(1) “Data exchange agreement” means an agreement concerning the exchange of any
6 GIS data or framework data.

7

(2) “Electronic map” has the meaning set forth in [insert citation].

8

(3) “Framework data” means common electronic map information for a geographic area,
9 including the following:

10

(a) Digital orthophotography.

11

(b) Digital cadastre.

12

(c) Public land survey system.

13

(d) Elevation.

14

(e) Geodetic control.

15

(f) Governmental boundary units.

16 (g) Water features.
17 (h) Addresses.
18 (i) Streets.

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

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

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

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

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

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

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

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

30 (12) “Statewide data integration plan” means a plan to integrate GIS data and framework
31 data developed and maintained by different units of the federal, state, and local government into
32 statewide coverage of framework data and that includes details for:

33 (a) an inventory of existing data;
34 (b) stakeholder data requirements;
35 (c) identification of data stewards;
36 (d) data standards and schema, costs, work flow, data transfer mechanisms,
37 update frequency, and maintenance; and
38 (e) identification of appropriate data sharing policies and mechanisms to facilitate
39 intergovernmental data exchange, such as data exchange agreements.

40

41 Section 3. [*State GIS Officer.*]

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

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

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

49 (C) The [state GIS officer] shall:

50 (1) Function as the chief officer for GIS matters for state agencies.
51 (2) Review and either veto or adopt both the state's GIS data standards and
52 statewide data integration plan as recommended by the [IGIC]. If either of the recommendations
53 is vetoed, the [state GIS officer] shall return the recommendation to the [IGIC] with a message
54 announcing the veto and stating the reasons for the veto. If the [IGIC] ceases to exist or refuses
55 to make the recommendations listed in this subsection, the [state GIS officer] may develop and
56 adopt state GIS data standards and a statewide data integration plan. The standards and the plan
57 adopted under this subsection must promote interoperability and open use of data with various
58 GIS software, applications, computer hardware, and computer operating systems.

59 (3) Act as the administrator of the state standards and policies concerning GIS
60 data and framework data and the statewide data integration plan.

61 (4) Enforce the state GIS data standards and execute the statewide data integration
62 plan adopted under subdivision (2) through the use of GIS policies developed for state agencies;
63 and data exchange agreements involving an entity other than a state agency.

64 (5) Coordinate the [state data center's] duties under this Act.
65 (6) Act as the state's representative for requesting grants available for the
66 acquisition or enhancement of GIS resources and preparing funding proposals for grants to
67 enhance coordination and implementation of GIS.
68 (7) Review and approve, in accordance with the statewide data integration plan,
69 the procurement of GIS goods and services involving the state data center or a state agency.
70 (8) Cooperate with the United States Board on Geographic Names established by
71 P.L.80-242 by serving as the chair of a committee formed with the [IGIC] as the state names
72 authority for this state.
73 (9) Publish a biennial report. The report must include the status and metrics on the
74 progress of the statewide data integration plan.
75 (10) Represent the state's interest to federal agencies regarding the National
76 Spatial Data Infrastructure.
77 (11) Serve as the state's primary point of contact for communications and
78 discussions with federal agencies regarding framework data, spatial data exchanges, cost
79 leveraging opportunities, spatial data standards, and other GIS related issues.
80 (12) Facilitate GIS data cooperation between units of the federal, state, and local
81 governments.
82 (13) Promote the development and maintenance of statewide GIS data and
83 framework data layers associated with a statewide base map.
84 (14) Approve and maintain data exchange agreements to which the state data
85 center or a state agency is a party to increase the amount and quality of GIS data and framework
86 data available to the state.
87 (15) Use personnel made available from state educational institutions to provide
88 technical support to the [state GIS officer] in carrying out the officer's duties under this Act and
89 the [IGIC].
90 (16) With money from the [Mapping Data And Standards Fund] established under
91 Section 4 of this Act, the [state GIS officer] through the [state data center], the [IGIC], and the
92 other organizations, do the following:
93 (a) Ensure that there are adequate depositories of all GIS data and
94 framework data obtained by a state agency.
95 (b) Acquire, publish, store, and distribute GIS data and framework data
96 through the computer gateway administered under [insert citation] by the [office of technology]
97 and through the [state data center]. The [state GIS officer] may also provide access through the
98 [IGIC] and other entities as directed by the [state GIS officer].
99 (c) Integrate GIS data and framework data developed and maintained by
100 state agencies and political subdivisions into the statewide base map.
101 (d) Maintain a state historical archive of GIS data, framework data, and
102 electronic maps.
103 (e) Except as otherwise provided in this Act, provide public access to GIS
104 data and framework data in locations throughout this state.
105 (f) Provide assistance to state agencies and political subdivisions regarding
106 public access to GIS data and framework data so that information is available to the public while
107 confidentiality is protected for certain data from electronic maps.
108 (g) Develop and maintain statewide framework data layers associated with
109 a statewide base map or electronic map.
110 (h) Publish and distribute the state GIS data standards and the statewide
111 data integration plan adopted under subsection (2) of this subsection (C) of this Act.

112 (i) Subject to Section 5 of this Act, make GIS data, framework data, and
113 electronic maps available for use by the state [Business Research Center] established under
114 [insert citation].

115 (17) Coordinate with state educational institutions to:

116 (a) Promote formal GIS education opportunities for full-time and part-time
117 students.

118 (b) Provide informal GIS learning opportunities through a series of
119 seminars and noncredit concentrated classes provided throughout this state.

120 (c) Coordinate research assets for the benefit of this state by maintaining
121 inventories of the universities' academic and technical GIS experts, data and technology
122 resources as provided by the universities, and research interests for collaboration to pursue
123 research grant opportunities.

124 (d) Implement an outreach network to political subdivisions within this
125 state to enhance communication and data sharing among state government, political
126 subdivisions, and the business community.

127
128 Section 4. [*Mapping Data and Standards Fund.*]

129 (A) A [state] [Mapping Data And Standards Fund] is established for the following
130 purposes:

131 (1) Funding GIS grants.

132 (2) Administering this Act.

133 (B) The fund consists of the following:

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

135 (2) Gifts, grants, or other money received by the state for GIS purposes.

136 (C) The [state GIS officer] shall administer the [fund].

137 (D) The expenses of administering the [fund] shall be paid from money in the [fund].

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

141 (F) Money in the [fund] at the end of a state fiscal year does not revert to the [state
142 general fund].

143
144 Section 5. [*Political Subdivision Control Over GIS Data Provided to the State Through a
145 Data Exchange Agreement.*]

146 (A) Except as provided in subsections (B), (C), and (D), a political subdivision maintains
147 the right to control the sale, exchange, and distribution of any GIS data or framework data
148 provided by the political subdivision to the state through a data exchange agreement entered into
149 under this Act.

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

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

154 (D) As a condition in a data exchange agreement for providing state GIS data or
155 framework data to a political subdivision, the [state GIS officer] may require the political
156 subdivision to follow the state GIS data standards and the statewide data integration plan when
157 the political subdivision makes use of the GIS data or framework data as provided by the state.
158

159 Section 6. [*Prohibiting State Education Institutions from Providing Photogrammetry*
160 *Services or Framework Layer Data Conversion Services to State Agencies or Political*
161 *Subdivisions.*]

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

167 (1) GIS data or framework data.

168 (2) Data previously created by the state educational institution as part of the
169 educational, research, or service mission of the state educational institution.

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

173

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

175 (A) Nothing in this Act shall be construed to permit the [IGIC], the [state GIS officer], or
176 the [state data center] to recommend or restrict standards for GIS hardware or software that a
177 proprietary vendor provides to any political subdivision.

178 (B) It is the intent of the [general assembly] in enacting this Act to promote high
179 technology enterprise and employment within this state. To the extent practicable, the
180 requirement under [insert citation] to buy products and services from vendors located in this state
181 shall be observed with respect to all procurement decisions related to this Act.

182

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

186

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

188

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

190

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