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February 23, 2017

HOUSE BILL No. 1470

DIGEST OF HB 1470 (Updated February 22, 2017 11:38 am - DI 75)

Citations Affected: IC 2-5; IC 2-6; IC 4-3; IC 5-14; IC 6-8.1; IC 22-4.5; IC 34-30; IC 36-2.

Synopsis: Government information. Provides that the general assembly and the legislative services agency on behalf of the general assembly have the authority to obtain all information held by an Indiana government entity regardless of form of the information. Establishes the management performance hub as an agency within the executive department of state government to do the following: (1) Establish and maintain a program to collect, analyze, and exchange data in carrying out the powers and duties of the OMB and the powers and duties of state agencies. (2) In accordance with state privacy laws, establish and maintain a program to make data available to agencies, political subdivisions, researchers, and for public consumption. (3) Establish privacy and quality policies for state data that comply with all applicable Indiana and federal laws, rules, and policies. (4) Establish and maintain a program to ensure the security of state data. (5) Conduct operational and procedural audits of state agencies. (6) Perform financial planning and design and implement efficiency projects. (7) Advise and assist state agencies to identify and implement continuous process improvement in state government. Repeals the statute that establishes the Indiana workforce intelligence system. Makes conforming amendments.

Effective: July 1, 2017.

**Ober, Mahan, McNamara,
Shackleford**

January 18, 2017, read first time and referred to Committee on Government and Regulatory Reform.
February 7, 2017, amended, reported — Do Pass.
February 22, 2017, read second time, amended, ordered engrossed.

HB 1470—LS 7499/DI 75



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1470

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

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

- 1 SECTION 1. IC 2-5-1.7 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]:
4 **Chapter 1.7. Access to Government Information by the General**
5 **Assembly**
6 **Sec. 1. The definitions in IC 5-14-3.3 apply throughout this**
7 **chapter.**
8 **Sec. 2. (a) As used in this chapter, "free accessibility" refers to**
9 **the ability to do the following:**
10 **(1) Electronically view, copy, import, extract, or otherwise**
11 **obtain a copy of government information electronically from**
12 **a governmental entity without cost to the legislative services**
13 **agency or the legislative department of state government.**
14 **(2) Inspect and copy or obtain a copy of all government**
15 **information:**
16 **(A) from the original records of the governmental entity or**
17 **web site owner containing the government information, as**

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1 specified by the legislative services agency;
2 (B) regardless of the data tier under which the information
3 is classified;
4 (C) in a format and on the schedule specified by the
5 legislative services agency; and
6 (D) without cost to the legislative services agency or the
7 legislative department of state government.

8 (b) The term does not include the ability to change information
9 in the possession of the governmental entity.

10 Sec. 3. "Government information" refers to any information
11 created, received, maintained, or stored by or otherwise in the
12 control of a governmental entity, regardless of the form or the
13 media on which the information is recorded.

14 Sec. 4. "Governmental entity" refers to any of the following:

- 15 (1) The state.
- 16 (2) A state agency.
- 17 (3) A political subdivision.
- 18 (4) An agency of a political subdivision.
- 19 (5) A state educational institution.
- 20 (6) A separate body corporate and politic.
- 21 (7) Any other entity established by Indiana law that performs
22 a governmental function.

23 Sec. 5. To carry out the constitutional and statutory
24 responsibilities of the legislative department of state government
25 and the legislative services agency, the legislative department of
26 state government, through the legislative services agency, shall
27 have free accessibility to government information.

28 Sec. 6. (a) Notwithstanding section 5 of this chapter, a
29 governmental entity is not required to give the legislative services
30 agency free accessibility until the legislative services agency
31 requests free accessibility from the governmental entity.

32 (b) The legislative services agency may enter into an agreement
33 with a government entity to establish the terms of the free
34 accessibility.

35 (c) Except as otherwise specifically provided in this chapter or
36 another statute, this chapter does not require a governmental
37 entity to record information or expend additional resources for the
38 purpose of computer programming to make or convert
39 information to a format required under this chapter.

40 (d) Free accessibility is subject to the policies, limits, and
41 procedures that the legislative council may establish.

42 Sec. 7. (a) If information to which the legislative services agency



1 will have free accessibility is subject to federal law, federal
 2 regulation, or federal executive order, the governmental entity
 3 shall do the following:

4 (1) Provide to the legislative services agency a description of
 5 the nature and scope of the restrictions or other conditions.

6 (2) Assist the legislative services agency with obtaining any
 7 approvals or waivers and comply with any conditions
 8 necessary to exercise free accessibility to the information.

9 (3) Provide free accessibility to the information to the
 10 legislative services agency to the full extent permitted by the
 11 applicable federal law, federal regulation, or federal executive
 12 order.

13 (b) If the legislative services agency accesses, inspects, or copies
 14 government information that is confidential, the legislative services
 15 agency shall maintain the confidentiality of that information as
 16 required by federal law, Indiana law, or both.

17 SECTION 2. IC 2-6-1.5-5 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) Not more than
 19 fourteen (14) days (including Saturdays, Sundays, and legal holidays)
 20 after the last day the governor must take action on enrolled acts passed
 21 during any session of the general assembly, the legislative services
 22 agency shall distribute to the clerk of the circuit court of each county
 23 one (1) copy of each enrolled act of that session which became law.

24 (b) A copy of the enrolled acts distributed under subsection (a) may
 25 be in the form of:

26 (1) a hard paper copy; or

27 (2) an electronic copy:

28 (A) on a computer disk;

29 (B) on a CD-ROM disk; or

30 (C) in another machine readable format (**as defined**
 31 **IC 5-14-3.3-7**).

32 (c) The clerk of the circuit court of each county may inform the
 33 legislative services agency whether the clerk prefers to receive the
 34 enrolled acts in the form of:

35 (1) a hard paper copy; or

36 (2) an electronic copy described in subsection (b)(2) that is
 37 available from the legislative services agency.

38 (d) If a clerk of circuit court informs the legislative services agency
 39 under subsection (c) that the clerk prefers to receive the enrolled acts
 40 in the form described in subsection (c)(1) or in a form described in
 41 subsection (c)(2), the legislative services agency shall deliver the
 42 enrolled acts to the clerk in the form for which the clerk has expressed



1 a preference.

2 (e) This distribution shall be delivered by certified mail, or by any
3 other means of delivery that includes a return receipt, to each of the
4 clerks of the counties of the state, and shall fulfill the publication and
5 circulation requirements of Art. 4, Sec. 28 of the Constitution of the
6 State of Indiana.

7 SECTION 3. IC 4-3-26 IS ADDED TO THE INDIANA CODE AS
8 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2017]:

10 **Chapter 26. Indiana Management Performance Hub**

11 **Sec. 1. (a) As used in this chapter, "agency" refers to any**
12 **agency, authority, board, bureau, commission, department,**
13 **division, office, or other unit of state government in the executive,**
14 **including the administrative, department of state government**
15 **established by any of the following:**

- 16 (1) The Constitution of the State of Indiana.
17 (2) An Indiana statute.
18 (3) An administrative rule.
19 (4) An executive order.

20 (b) The term does not include the following:

- 21 (1) The legislative department of state government.
22 (2) The judicial department of state government.
23 (3) The Indiana finance authority created by IC 4-4-11-4.
24 (4) A political subdivision.
25 (5) A state educational institution.

26 **Sec. 2. As used in this chapter, "continuous process**
27 **improvement" means a management methodology that combines**
28 **tools to improve process speed and reduce waste with data driven**
29 **project analysis to provide products and services with improved**
30 **quality at lower cost.**

31 **Sec. 3. As used in this chapter, "data" has the meaning set forth**
32 **in IC 5-14-3.3-1.**

33 **Sec. 4. As used in this chapter, "MPH" refers to the**
34 **management performance hub established by section 8 of this**
35 **chapter.**

36 **Sec. 5. As used in this chapter, "OMB" refers to the office of**
37 **management and budget established by IC 4-3-22-3.**

38 **Sec. 6. As used in this chapter, "political subdivision" has the**
39 **meaning set forth in IC 36-1-2-13.**

40 **Sec. 7. As used in this chapter, "state data" has the meaning set**
41 **forth in IC 5-14-3.3-12.**

42 **Sec. 8. The management performance hub is established within**



- 1 the OMB.
- 2 **Sec. 9. (a) The governor shall appoint a chief data officer, who**
- 3 **serves at the pleasure of the governor.**
- 4 **(b) The chief data officer shall do the following:**
- 5 **(1) Serve as the executive head of the MPH.**
- 6 **(2) Advise agencies and political subdivisions regarding best**
- 7 **practices concerning the creation and maintenance of data.**
- 8 **(3) Coordinate data analytics and transparency master**
- 9 **planning for the state and provide leadership regarding data**
- 10 **analytics and transparency.**
- 11 **Sec. 10. The MPH shall do the following:**
- 12 **(1) Establish and maintain a program to collect, analyze, and**
- 13 **exchange data in carrying out the powers and duties of the**
- 14 **OMB and the powers and duties of the agency or entity**
- 15 **sharing the data. In carrying out this program, the MPH may,**
- 16 **in accordance with IC 4-1-6, obtain state data from each**
- 17 **agency.**
- 18 **(2) In accordance with IC 4-1-6 and IC 5-14-3, establish and**
- 19 **maintain a program to make data available to agencies,**
- 20 **political subdivisions, and researchers, and for public**
- 21 **consumption, subject to the following:**
- 22 **(A) In addition to the requirements of IC 4-1-6-8.6, a**
- 23 **research request submission must be accompanied by**
- 24 **written approval from an applicable institutional review**
- 25 **board or similar entity, as determined by the MPH.**
- 26 **(B) A program established and maintained under this**
- 27 **chapter must include policies governing access to data held**
- 28 **by the MPH under this chapter. Data may be made**
- 29 **available only in accordance with applicable**
- 30 **confidentiality and disclosure laws.**
- 31 **(3) Establish privacy and quality policies for state data that**
- 32 **comply with all applicable Indiana and federal laws, rules,**
- 33 **and policies.**
- 34 **(4) In accordance with standards developed by the office of**
- 35 **technology established by IC 4-13.1-2-1, establish and**
- 36 **maintain a program to ensure the security of state data under**
- 37 **this chapter.**
- 38 **(5) Conduct operational and procedural audits of agencies.**
- 39 **(6) Perform financial planning and design and implement**
- 40 **efficiency projects.**
- 41 **(7) Advise and assist each agency to identify and implement**
- 42 **continuous process improvement in state government.**



1 (8) Carry out such other responsibilities as may be designated
2 by the director of the OMB or the chief data officer.

3 **Sec. 11. Each agency shall do the following:**

4 (1) In a manner determined by the MPH, make available to
5 the MPH the state data the MPH requires under this chapter.

6 (2) Make the MPH a party to any contractual agreement that
7 will generate state data.

8 (3) As requested by the MPH, make available personnel with
9 technical expertise to facilitate sharing of state data.

10 **Sec. 12. (a) Title to any state data that is obtained by the MPH**
11 **under section 11 of this chapter and that is unchanged by the MPH**
12 **remains with the agency sharing the state data.**

13 (b) Title to state data that is obtained by the MPH under section
14 11 of this chapter and that the MPH has changed in a substantive
15 manner is vested in the MPH.

16 (c) Requests made in accordance with IC 5-14-3 for state data
17 to which the MPH does not have title must be directed to the
18 agency sharing the state data. The MPH may not fulfill such a
19 request.

20 **Sec. 13. The MPH is considered to be an agent of the agency**
21 **sharing state data and is an authorized receiver of state data under**
22 **the statutory or administrative law that governs the state data.**
23 **Interagency data sharing under this chapter does not constitute a**
24 **disclosure or release under any statutory or administrative law**
25 **that governs the state data.**

26 **Sec. 14. (a) The MPH shall prescribe a form to be used to**
27 **memorialize the sharing of data under this chapter.**

28 (b) The form prescribed under subsection (a) shall be:

29 (1) completed by the agency or other entity described in
30 section 15 of this chapter; and

31 (2) signed by the administrative head of the agency or other
32 entity.

33 (c) A data sharing form completed and signed under subsection
34 (b) constitutes the agreement required by any statutory or
35 administrative law that governs the data. No additional
36 documentation may be required to share data under this chapter.

37 **Sec. 15. (a) The MPH may accept data from any of the**
38 **following:**

39 (1) The legislative department of state government.

40 (2) The judicial department of state government.

41 (3) A state educational institution.

42 (4) A political subdivision.



- 1 **(5) A person (as defined in IC 5-22-2-20).**
2 **(b) Title to any data received by the MPH under this section is**
3 **vested in the MPH.**
4 SECTION 4. IC 5-14-3.3 IS ADDED TO THE INDIANA CODE
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2017]:
7 **Chapter 3.3. Government Data**
8 **Sec. 1. As used in this chapter, "data" means electronically**
9 **recorded information.**
10 **Sec. 2. "Data owner" means a governmental entity that creates**
11 **or gathers data from other sources and stores that data for its**
12 **governmental purposes.**
13 **Sec. 3. "Data tier" refers to a classification of government data**
14 **according to any limitations on the access to that data as**
15 **determined by the management performance hub under**
16 **IC 4-3-26-10(3).**
17 **Sec. 4. "Executive state agency" refers to an agency within the**
18 **executive (including the administrative) department of state**
19 **government.**
20 **Sec. 5. "Governmental entity" refers to any of the following:**
21 **(1) An executive state agency.**
22 **(2) A political subdivision.**
23 **(3) An agency of a political subdivision.**
24 **(4) A state educational institution.**
25 **Sec. 6. "Government web site" refers to an Internet web site**
26 **that is established for a governmental entity.**
27 **Sec. 7. "Machine readable" refers to a format in which data can**
28 **be easily processed by a computer without human intervention**
29 **while ensuring that semantic meaning is not lost.**
30 **Sec. 8. "OMB" refers to the office of management and budget**
31 **established by IC 4-3-22-3.**
32 **Sec. 9. "Open format" means a technical format based on an**
33 **underlying open standard that is:**
34 **(1) not encumbered by restrictions that would impede use or**
35 **reuse; and**
36 **(2) maintained by a standards organization.**
37 **Sec. 10. "Political subdivision" has the meaning set forth in**
38 **IC 36-1-2-13.**
39 **Sec. 11. "State agency" refers to an "agency" as defined in**
40 **IC 4-3-26-1.**
41 **Sec. 12. "State data" means any data created, received,**
42 **maintained, or stored by or otherwise in the control of a state**



1 agency.

2 **Sec. 13. "Web site owner" refers to the governmental entity**
3 **that:**

4 **(1) establishes and maintains a government web site; and**

5 **(2) is responsible for the content of that site.**

6 **Sec. 14. Except as provided in this chapter or in another statute,**
7 **the standards stated in this chapter apply to government data.**

8 **Sec. 15. A governmental entity should strive to make the data it**
9 **keeps in a machine readable and open format.**

10 **Sec. 16. Except as otherwise specifically provided in this chapter**
11 **or another statute, this chapter does not require a governmental**
12 **entity to record information or expend resources for the purpose**
13 **of computer programming to make or convert data to a format**
14 **required under this chapter.**

15 **Sec. 17. A government web site may disclose government data**
16 **only in accordance with IC 4-1-6 and IC 5-14-3.**

17 **Sec. 18. A web site owner and its officers, officials, and**
18 **employees are immune from any civil liability for posting**
19 **confidential information if the information was posted in reliance**
20 **on a determination made by a data owner about the confidentiality**
21 **of information on the government web site.**

22 **Sec. 19. Except as specifically provided in IC 4-5-10-2,**
23 **IC 4-13.1-2-4, IC 5-14-3-3.5, IC 5-14-3-3.6, or another statute, a**
24 **web site owner may not charge a fee for access to the data on the**
25 **web site.**

26 **Sec. 20. (a) This section applies to a data owner only if an**
27 **Indiana statute requires the data owner to submit data to a web**
28 **site owner.**

29 **(b) A web site owner may require the data owner to submit the**
30 **data in an electronic format on a prescribed form.**

31 **(c) A data owner shall include a link on the data owner's**
32 **Internet web site to the Internet web site of the web site owner to**
33 **which the data owner is required to submit data.**

34 **SECTION 5. IC 6-8.1-7-1, AS AMENDED BY P.L.242-2015,**
35 **SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
36 **JULY 1, 2017]: Sec. 1. (a) This subsection does not apply to the**
37 **disclosure of information concerning a conviction on a tax evasion**
38 **charge. Unless in accordance with a judicial order or as otherwise**
39 **provided in this chapter, the department, its employees, former**
40 **employees, counsel, agents, or any other person may not divulge the**
41 **amount of tax paid by any taxpayer, terms of a settlement agreement**
42 **executed between a taxpayer and the department, investigation records,**



1 investigation reports, or any other information disclosed by the reports
 2 filed under the provisions of the law relating to any of the listed taxes,
 3 including required information derived from a federal return, except to
 4 **any of the following when it is agreed that the information is to be**
 5 **confidential and to be used solely for official purposes:**

6 (1) Members and employees of the department.

7 (2) The governor.

8 (3) A member of the general assembly or an employee of the
 9 house of representatives or the senate when acting on behalf of a
 10 taxpayer located in the member's legislative district who has
 11 provided sufficient information to the member or employee for
 12 the department to determine that the member or employee is
 13 acting on behalf of the taxpayer.

14 **(4) An employee of the legislative services agency to carry out**
 15 **the responsibilities of the legislative services agency under**
 16 **IC 2-5-1.1-7 or another law.**

17 ~~(4) (5)~~ (5) The attorney general or any other legal representative of
 18 the state in any action in respect to the amount of tax due under
 19 the provisions of the law relating to any of the listed taxes. ~~or~~

20 ~~(5) (6)~~ (6) Any authorized officers of the United States.

21 ~~when it is agreed that the information is to be confidential and to be~~
 22 ~~used solely for official purposes.~~

23 (b) The information described in subsection (a) may be revealed
 24 upon the receipt of a certified request of any designated officer of the
 25 state tax department of any other state, district, territory, or possession
 26 of the United States when:

27 (1) the state, district, territory, or possession permits the exchange
 28 of like information with the taxing officials of the state; and

29 (2) it is agreed that the information is to be confidential and to be
 30 used solely for tax collection purposes.

31 (c) The information described in subsection (a) relating to a person
 32 on public welfare or a person who has made application for public
 33 welfare may be revealed to the director of the division of family
 34 resources, and to any director of a county office of the division of
 35 family resources located in Indiana, upon receipt of a written request
 36 from either director for the information. The information shall be
 37 treated as confidential by the directors. In addition, the information
 38 described in subsection (a) relating to a person who has been
 39 designated as an absent parent by the state Title IV-D agency shall be
 40 made available to the state Title IV-D agency upon request. The
 41 information shall be subject to the information safeguarding provisions
 42 of the state and federal Title IV-D programs.



1 (d) The name, address, Social Security number, and place of
2 employment relating to any individual who is delinquent in paying
3 educational loans owed to a postsecondary educational institution may
4 be revealed to that institution if it provides proof to the department that
5 the individual is delinquent in paying for educational loans. This
6 information shall be provided free of charge to approved postsecondary
7 educational institutions (as defined by IC 21-7-13-6(a)). The
8 department shall establish fees that all other institutions must pay to the
9 department to obtain information under this subsection. However, these
10 fees may not exceed the department's administrative costs in providing
11 the information to the institution.

12 (e) The information described in subsection (a) relating to reports
13 submitted under IC 6-6-1.1-502 concerning the number of gallons of
14 gasoline sold by a distributor and IC 6-6-2.5 concerning the number of
15 gallons of special fuel sold by a supplier and the number of gallons of
16 special fuel exported by a licensed exporter or imported by a licensed
17 transporter may be released by the commissioner upon receipt of a
18 written request for the information.

19 (f) The information described in subsection (a) may be revealed
20 upon the receipt of a written request from the administrative head of a
21 state agency of Indiana when:

22 (1) the state agency shows an official need for the information;
23 and

24 (2) the administrative head of the state agency agrees that any
25 information released will be kept confidential and will be used
26 solely for official purposes.

27 (g) The information described in subsection (a) may be revealed
28 upon the receipt of a written request from the chief law enforcement
29 officer of a state or local law enforcement agency in Indiana when it is
30 agreed that the information is to be confidential and to be used solely
31 for official purposes.

32 (h) The name and address of retail merchants, including township,
33 as specified in IC 6-2.5-8-1(k) may be released solely for tax collection
34 purposes to township assessors and county assessors.

35 (i) The department shall notify the appropriate innkeeper's tax
36 board, bureau, or commission that a taxpayer is delinquent in remitting
37 innkeepers' taxes under IC 6-9.

38 (j) All information relating to the delinquency or evasion of the
39 motor vehicle excise tax may be disclosed to the bureau of motor
40 vehicles in Indiana and may be disclosed to another state, if the
41 information is disclosed for the purpose of the enforcement and
42 collection of the taxes imposed by IC 6-6-5.



1 (k) All information relating to the delinquency or evasion of
 2 commercial vehicle excise taxes payable to the bureau of motor
 3 vehicles in Indiana may be disclosed to the bureau and may be
 4 disclosed to another state, if the information is disclosed for the
 5 purpose of the enforcement and collection of the taxes imposed by
 6 IC 6-6-5.5.

7 (l) All information relating to the delinquency or evasion of
 8 commercial vehicle excise taxes payable under the International
 9 Registration Plan may be disclosed to another state, if the information
 10 is disclosed for the purpose of the enforcement and collection of the
 11 taxes imposed by IC 6-6-5.5.

12 (m) All information relating to the delinquency or evasion of the
 13 excise taxes imposed on recreational vehicles and truck campers that
 14 are payable to the bureau of motor vehicles in Indiana may be disclosed
 15 to the bureau and may be disclosed to another state if the information
 16 is disclosed for the purpose of the enforcement and collection of the
 17 taxes imposed by IC 6-6-5.1.

18 (n) This section does not apply to:

- 19 (1) the beer excise tax, including brand and packaged type
- 20 (IC 7.1-4-2);
- 21 (2) the liquor excise tax (IC 7.1-4-3);
- 22 (3) the wine excise tax (IC 7.1-4-4);
- 23 (4) the hard cider excise tax (IC 7.1-4-4.5);
- 24 (5) the malt excise tax (IC 7.1-4-5);
- 25 (6) the motor vehicle excise tax (IC 6-6-5);
- 26 (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- 27 (8) the fees under IC 13-23.

28 (o) The name and business address of retail merchants within each
 29 county that sell tobacco products may be released to the division of
 30 mental health and addiction and the alcohol and tobacco commission
 31 solely for the purpose of the list prepared under IC 6-2.5-6-14.2.

32 (p) The name and business address of a person licensed by the
 33 department under IC 6-6 or IC 6-7 may be released for the purpose of
 34 reporting the status of the person's license.

35 (q) The department may release information concerning total
 36 incremental tax amounts under:

- 37 (1) IC 5-28-26;
- 38 (2) IC 36-7-13;
- 39 (3) IC 36-7-26;
- 40 (4) IC 36-7-27;
- 41 (5) IC 36-7-31;
- 42 (6) IC 36-7-31.3; or



1 (7) any other statute providing for the calculation of incremental
 2 state taxes that will be distributed to or retained by a political
 3 subdivision or other entity;
 4 to the fiscal officer of the political subdivision or other entity that
 5 established the district or area from which the incremental taxes were
 6 received if that fiscal officer enters into an agreement with the
 7 department specifying that the political subdivision or other entity will
 8 use the information solely for official purposes.

9 (r) The department may release the information as required in
 10 IC 6-8.1-3-7.1 concerning:

11 (1) an innkeeper's tax, a food and beverage tax, or an admissions
 12 tax under IC 6-9;

13 (2) the supplemental auto rental excise tax under IC 6-6-9.7; and

14 (3) the covered taxes allocated to a professional sports
 15 development area fund, sports and convention facilities operating
 16 fund, or other fund under IC 36-7-31 and IC 36-7-31.3.

17 (s) Information concerning state gross retail tax exemption
 18 certificates that relate to a person who is exempt from the state gross
 19 retail tax under IC 6-2.5-4-5 may be disclosed to a power subsidiary (as
 20 defined in IC 6-2.5-4-5) or a person selling the services or commodities
 21 listed in IC 6-2.5-4-5(b) for the purpose of enforcing and collecting the
 22 state gross retail and use taxes under IC 6-2.5.

23 SECTION 6. IC 22-4.5-10 IS REPEALED [EFFECTIVE JULY 1,
 24 2017]. (Indiana Workforce Intelligence System).

25 SECTION 7. IC 34-30-2-14.7, AS ADDED BY P.L.172-2011,
 26 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2017]: Sec. 14.7. ~~IC 5-14-3.5-5~~ **IC 5-14-3.3-18**
 28 (Concerning state and state officers, officials, and employees for
 29 posting certain confidential information).

30 SECTION 8. IC 36-2-7-10.1, AS AMENDED BY P.L.215-2007,
 31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2017]: Sec. 10.1. (a) As used in this section, "bulk form"
 33 means:

34 (1) a copy of all recorded documents received by the county
 35 recorder for recording in a calendar day, week, month, or year;

36 (2) the indices for finding, retrieving, and viewing all recorded
 37 documents received by the county recorder for recording in a
 38 calendar day, week, month, or year; or

39 (3) both subdivisions (1) and (2).

40 (b) As used in this section, "bulk user" means an individual, a
 41 corporation, a partnership, a limited liability company, or an
 42 unincorporated association that purchases bulk form copies. However,



1 "bulk user" does not include an individual, a corporation, a partnership,
2 a limited liability company, or an unincorporated association whose
3 primary purpose is to resell public records.

4 (c) As used in this section, "copy" means:

5 (1) duplicating electronically stored data onto a disk, tape, drum,
6 or any other medium of electronic data storage; or

7 (2) reproducing on microfilm.

8 (d) As used in this section, "indices" means all of the indexing
9 information used by the county recorder for finding, retrieving, and
10 viewing a recorded document.

11 (e) As used in this section, "recorded document" means a writing,
12 a paper, a document, a plat, a map, a survey, or anything else received
13 at any time for recording or filing in the public records maintained by
14 the county recorder.

15 (f) The county recorder shall collect the fees prescribed by this
16 section for the sale of recorded documents in bulk form copies to bulk
17 users of public records. The county recorder shall pay the fees into the
18 county treasury at the end of each calendar month. The fees prescribed
19 and collected under this section supersede all other fees for bulk form
20 copies required by law to be charged for services rendered by the
21 county recorder to bulk users.

22 (g) Except as provided by subsection (h), the county recorder shall
23 charge bulk users the following for bulk form copies:

24 (1) Seven cents (\$0.07) per page for a recorded document,
25 including the index of the instrument number or book and page,
26 or both, for retrieving the recorded document.

27 (2) Seven cents (\$0.07) per recorded document for a copy of the
28 other indices used by the county recorder for finding, retrieving,
29 and viewing a recorded document.

30 (h) As used in this subsection, "actual cost" does not include labor
31 costs or overhead costs. The county recorder may charge a fee that
32 exceeds the amount established by subsection (g) if the actual cost of
33 providing the bulk form copies exceeds the amount established by
34 subsection (g). However, the total amount charged for the bulk form
35 copies may not exceed the actual cost plus one cent (\$0.01) of
36 providing the bulk form copies.

37 (i) The county recorder shall provide bulk users with bulk form
38 copies in the format or medium in which the county recorder maintains
39 the recorded documents and indices. If the county recorder maintains
40 the recorded documents and indices in more than one (1) format or
41 medium, the bulk user may select the format or medium in which the
42 bulk user shall receive the bulk form copies. If the county recorder



- 1 maintains the recorded documents and indices for finding, retrieving,
2 and viewing the recorded documents in an electronic or a digitized
3 format, a reasonable effort shall be made to provide the bulk user with
4 bulk form copies in a standard, generally acceptable, **machine** readable
5 format **(as defined in IC 5-14-3.3-7)**. Upon request of the bulk user,
6 the county recorder shall provide the bulk form copies to the bulk user
7 within a reasonable time after the recorder's archival process is
8 completed and bulk form copies become available in the office of the
9 county recorder.
- 10 (j) Bulk form copies under this section may be used:
- 11 (1) in the ordinary course of the business of the bulk user; and
12 (2) by customers of the bulk user.
- 13 (k) The bulk user may charge its customers a fee for using the bulk
14 form copies obtained by the bulk user. However, bulk form copies
15 obtained by a bulk user under this section may not be resold.
- 16 (l) All revenue generated by the county recorder under this section
17 shall be deposited in the recorder's record perpetuation fund and used
18 by the recorder in accordance with section 10(d) of this chapter.
- 19 (m) This section does not apply to enhanced access under
20 IC 5-14-3-3.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1470, 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 2-5-1.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 1.7. Access to Government Information by the General Assembly

Sec. 1. The definitions in IC 5-14-3.3 apply throughout this chapter.

Sec. 2. (a) As used in this chapter, "free accessibility" refers to the ability to do the following:

(1) Electronically view, copy, import, extract, or otherwise obtain a copy of government information electronically from a governmental entity without cost to the legislative services agency or the legislative department of state government.

(2) Inspect and copy or obtain a copy of all government information:

(A) from the original records of the governmental entity or web site owner containing the government information, as specified by the legislative services agency;

(B) regardless of the data tier under which the information is classified;

(C) in a format and on the schedule specified by the legislative services agency; and

(D) without cost to the legislative services agency or the legislative department of state government.

(b) The term does not include the ability to change information in the possession of the governmental entity.

Sec. 3. "Government information" refers to recorded information, regardless of the form or the media on which the information is recorded.

Sec. 4. "Governmental entity" refers to any of the following:

(1) The state.

(2) A state agency.

(3) A political subdivision.

(4) An agency of a political subdivision.

(5) A state educational institution.



(6) A separate body corporate and politic.

(7) Any other entity established by Indiana law that performs a governmental function.

Sec. 5. To carry out the constitutional and statutory responsibilities of the legislative department of state government and the legislative services agency, the legislative department of state government, through the legislative services agency, shall have free accessibility to government information.

Sec. 6. Notwithstanding section 5 of this chapter, a governmental entity is not required to give the legislative services agency free accessibility until the legislative services agency requests free accessibility from the governmental entity. The legislative services agency may enter into an agreement with a government entity to establish the terms of the free accessibility. If the governmental entity and the legislative services agency are unable to agree on a matter regarding free accessibility, the requirements of the legislative services agency prevail, subject to section 7 of this chapter.

Sec. 7. (a) If information to which the legislative services agency will have free accessibility is subject to federal law, federal regulation, or federal executive order, the governmental entity shall do the following:

(1) Provide to the legislative services agency a description of the nature and scope of the restrictions or other conditions.

(2) Assist the legislative services agency with obtaining any approvals or waivers and comply with any conditions necessary to exercise free accessibility to the information.

(3) Provide free accessibility to the information to the legislative services agency to the full extent permitted by the applicable federal law, federal regulation, or federal executive order.

(b) If the legislative services agency accesses, inspects, or copies government information that is confidential, the legislative services agency shall maintain the confidentiality of that information as required by federal law, Indiana law, or both."

Page 1, line 15, delete "IC 5-14.5-1-15" and insert "IC 5-14-3.3-7".

Page 2, line 19, after "26." insert "Indiana".

Page 2, delete lines 20 through 42, begin a new paragraph and insert:

"Sec. 1. (a) As used in this chapter, "agency" refers to any agency, authority, board, bureau, commission, department, division, office, or other unit of state government in the executive,



including the administrative, department of state government established by any of the following:

- (1) The Constitution of the State of Indiana.
 - (2) An Indiana statute.
 - (3) An administrative rule.
 - (4) An executive order.
- (b) The term does not include the following:
- (1) The legislative department of state government.
 - (2) The judicial department of state government.
 - (3) The Indiana finance authority created by IC 4-4-11-4.
 - (4) A political subdivision.
 - (5) A state educational institution.

Sec. 2. As used in this chapter, "continuous process improvement" means a management methodology that combines tools to improve process speed and reduce waste with data driven project analysis to provide products and services with improved quality at lower cost.

Sec. 3. As used in this chapter, "data" has the meaning set forth in IC 5-14-3.3-1.

Sec. 4. As used in this chapter, "MPH" refers to the management and performance hub established by section 8 of this chapter.

Sec. 5. As used in this chapter, "OMB" refers to the office of management and budget established by IC 4-3-22-3.

Sec. 6. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 7. As used in this chapter, "state data" has the meaning set forth in IC 5-14-3.3-12.

Sec. 8. The management and performance hub is established within the OMB.

Sec. 9. (a) The governor shall appoint a chief data officer, who serves at the pleasure of the governor.

- (b) The chief data officer shall do the following:
- (1) Serve as the executive head of the MPH.
 - (2) Advise agencies and political subdivisions regarding best practices concerning the creation and maintenance of data.
 - (3) Coordinate data analytics and transparency master planning for the state and provide leadership regarding data analytics and transparency.

Sec. 10. The MPH shall do the following:

- (1) Establish and maintain a program to collect, analyze, and exchange data in carrying out the powers and duties of the



OMB and the powers and duties of the agency or entity sharing the data. In carrying out this program, the MPH may, in accordance with IC 4-1-6 and IC 5-14-3, obtain state data from each agency.

(2) In accordance with IC 4-1-6 and IC 5-14-3, establish and maintain a program to make data available to agencies, political subdivisions, researchers, and public consumption, subject to the following:

(A) In addition to the requirements of IC 4-1-6-8.6, a research request submission must be accompanied by written approval from an applicable institutional review board or similar entity, as determined by the MPH.

(B) A program established and maintained under this chapter must include policies governing access to data held by the MPH under this chapter. Data may be made available only in accordance with applicable confidentiality and disclosure laws.

(3) Establish privacy and quality policies for state data that comply with all applicable Indiana and federal laws, rules, and policies.

(4) In accordance with standards developed by the office of technology established by IC 4-13.1-2-1, establish and maintain a program to ensure the security of state data under this chapter.

(5) Conduct operational and procedural audits of agencies.

(6) Perform financial planning and design and implement efficiency projects.

(7) Advise and assist each agency to identify and implement continuous process improvement in state government.

(8) Carry out such other responsibilities as may be designated by the director of the OMB or the chief data officer.

Sec. 11. Each agency shall do the following:

(1) In a manner determined by the MPH, make available to the MPH the state data the MPH requires under this chapter.

(2) Make the MPH a party to any contractual agreement that will generate state data.

(3) As requested by the MPH, make available personnel with technical expertise to facilitate sharing of state data.

Sec. 12. (a) Title to any state data that is obtained by the MPH under section 11 of this chapter and that is unchanged by the MPH remains with the agency sharing the state data.

(b) Title to state data that is obtained by the MPH under section



11 of this chapter and that the MPH has changed in a substantive manner is vested in the MPH.

Sec. 13. The MPH is considered to be an agent of the agency sharing state data and is an authorized receiver of state data under the statutory or administrative law that governs the state data. Interagency data sharing under this chapter does not constitute a disclosure or release under any statutory or administrative law that governs the state data.

Sec. 14. (a) The MPH shall prescribe a form to be used to memorialize the sharing of data under this chapter.

(b) The form prescribed under subsection (a) shall be:

(1) completed by the agency or other entity described in section 15 of this chapter; and

(2) signed by the administrative head of the agency or other entity.

(c) A data sharing form completed and signed under subsection (b) constitutes the agreement required by any statutory or administrative law that governs the data. No additional documentation may be required to share data under this chapter.

Sec. 15. (a) The MPH may accept data from any of the following:

(1) The legislative department of state government.

(2) The judicial department of state government.

(3) A state educational institution.

(4) A political subdivision.

(5) Any other individual or person.

(b) Title to any data received by the MPH under this section is vested in the MPH."

Delete pages 3 through 27, begin a new paragraph and insert:

"SECTION 3. IC 5-14-3.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 3.3. Government Data

Sec. 1. As used in this chapter, "data" means electronically recorded information.

Sec. 2. "Data owner" means a governmental entity that creates or gathers data from other sources and stores that data for its governmental purposes.

Sec. 3. "Data tier" refers to a classification of government data according to any limitations on the access to that data as determined by the management and performance hub under IC 4-3-26-10(3).



Sec. 4. "Executive state agency" refers to an agency within the executive (including the administrative) department of state government.

Sec. 5. "Governmental entity" refers to any of the following:

- (1) An executive state agency.**
- (2) A political subdivision.**
- (3) An agency of a political subdivision.**
- (4) A state educational institution.**

Sec. 6. "Government web site" refers to an Internet web site that is established for a governmental entity.

Sec. 7. "Machine readable" refers to a format in which data can be easily processed by a computer without human intervention while ensuring that semantic meaning is not lost.

Sec. 8. "OMB" refers to the office of management and budget established by IC 4-3-22-3.

Sec. 9. "Open format" means a technical format based on an underlying open standard that is:

- (1) not encumbered by restrictions that would impede use or reuse; and**
- (2) maintained by a standards organization.**

Sec. 10. "Political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 11. "State agency" refers to an "agency" as defined in IC 4-3-26-1.

Sec. 12. "State data" means any data created, received, maintained, or stored by or otherwise in the control of an agency.

Sec. 13. "Web site owner" refers to the governmental entity that:

- (1) establishes and maintains a government web site; and**
- (2) is responsible for the content of that site.**

Sec. 14. Except as provided in this chapter or in another statute, the standards stated in this chapter apply to government data.

Sec. 15. A governmental entity should strive to make the data it keeps in a machine readable and open format.

Sec. 16. Except as otherwise specifically provided in this chapter or another statute, this chapter does not require a governmental entity to record information or expend resources for the purpose of computer programming to make or convert data to a format required under this chapter.

Sec. 17. A government web site may disclose government data only in accordance with IC 4-1-6 and IC 5-14-3.

Sec. 18. A web site owner and its officers, officials, and



employees are immune from any civil liability for posting confidential information if the information was posted in reliance on a determination made by a data owner about the confidentiality of information on the government web site.

Sec. 19. Except as specifically provided in IC 4-5-10-2, IC 4-13.1-2-4, IC 5-14-3-3.5, IC 5-14-3-3.6, or another statute, a web site owner may not charge a fee for access to the data on the web site.

Sec. 20. (a) This section applies to a data owner only if an Indiana statute requires the data owner to submit data to a web site owner.

(b) A web site owner may require the data owner to submit the data in an electronic format on a prescribed form.

(c) A data owner shall include a link on the data owner's Internet web site to the Internet web site of the web site owner to which the data owner is required to submit data."

Page 28, delete lines 1 through 12.

Page 32, line 6, delete "IC 5-14.5-2-6" and insert "IC 5-14-3.3-18".

Page 32, delete lines 9 through 11.

Page 33, line 29, delete "IC 5-14.5-1-15" and insert "IC 5-14-3.3-7".

Page 34, delete lines 3 through 42.

Delete pages 35 through 36.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1470 as introduced.)

MAHAN

Committee Vote: yeas 8, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1470 be amended to read as follows:

Page 2, delete lines 10 through 12, begin a new paragraph and insert:

"Sec. 3. "Government information" refers to any information created, received, maintained, or stored by or otherwise in the control of a governmental entity, regardless of the form or the media on which the information is recorded."

Page 2, delete lines 27 through 36, begin a new paragraph and

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insert:

"Sec. 6. (a) Notwithstanding section 5 of this chapter, a governmental entity is not required to give the legislative services agency free accessibility until the legislative services agency requests free accessibility from the governmental entity.

(b) The legislative services agency may enter into an agreement with a government entity to establish the terms of the free accessibility.

(c) Except as otherwise specifically provided in this chapter or another statute, this chapter does not require a governmental entity to record information or expend additional resources for the purpose of computer programming to make or convert information to a format required under this chapter.

(d) Free accessibility is subject to the policies, limits, and procedures that the legislative council may establish."

Page 4, line 5, delete "and".

Page 4, line 29, delete "and".

Page 4, line 37, delete "and".

Page 5, line 11, delete "and IC 5-14-3," and insert ",".

Page 5, line 15, after "subdivisions," insert "**and**".

Page 5, line 15, after "and" insert "**for**".

Page 6, between lines 10 and 11, begin a new paragraph and insert:

"(c) Requests made in accordance with IC 5-14-3 for state data to which the MPH does not have title must be directed to the agency sharing the state data. The MPH may not fulfill such a request."

Page 6, line 34, delete "Any other individual or" and insert "A".

Page 6, line 34, delete "." and insert "(as defined in IC 5-22-2-20).".

Page 7, line 6, delete "and".

Page 7, line 33, delete "an" and insert "**a state**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1470 as printed February 7, 2017.)

OBER

