

CHAPTER 229

(SB 133)

AN ACT relating to the state geographic information clearinghouse.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

- (1) *The geographic information clearinghouse maintained by the Division of Geographic Information Systems shall be the sole database of geographic information maintained by state agencies. The Division of Geographic Information Systems shall make the clearinghouse available to all state agencies.*
- (2) *The division shall make all reasonable efforts to collect and present geographic information in a manner that meets the needs of all state agencies.*
- (3) *Pursuant to the procedures described in KRS 12.090, any head of a state agency may request modifications to the methods of geographic information collection and presentation utilized by the Division of Geographic Information Systems to meet the needs of the state agency.*
- (4) *State agencies shall, whenever possible, request and use nonlicensed geographic information in order to allow the Division of Geographic Information Systems to effectively discharge its statutory responsibility to maintain an accurate and complete central statewide geographic information clearinghouse for official state use.*
- (5) *State agencies shall, whenever possible, consolidate their requests for the collection, purchase, or creation of geographic information into multiagency projects to minimize redundancy within the clearinghouse and to lower overall costs.*
- (6) *The Division of Geographic Information Systems may promulgate necessary administrative regulations for the furtherance of this section.*

➔Section 2. KRS 42.650 is amended to read as follows:

- (1) The Division of Geographic Information Systems is hereby established in the Office of Architecture and Governance within the Commonwealth Office of Technology in the Finance and Administration Cabinet.
- (2) The Division of Geographic Information Systems shall be headed by a division director, whose appointment is subject to KRS 12.050. The division director may employ personnel, pursuant to the provisions of KRS Chapter 18A, as required to perform the functions of the office.
- (3) The division may solicit, receive, and consider proposals for funding from any state agency, federal agency, local government, university, nonprofit organization, or private person or corporation. The division may also solicit and accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance.
- (4) The division shall:
 - (a) Establish ~~the~~ central statewide geographic information clearinghouse to maintain map inventories, information on current and planned geographic information systems applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;
 - (b) *Make all reasonable efforts to collect and present geographic information in a manner which meets the needs of all state agencies;*
 - (c) Coordinate multiagency geographic information system projects, including overseeing the development and maintenance of statewide base maps and geographic information systems;
 - (d)~~(e)~~ Provide access to both consulting and technical assistance, and education and training, on the application and use of geographic information technologies to state and local agencies;
 - (e)~~(d)~~ Maintain, update, and interpret geographic information and geographic information systems standards, under the direction of the council;
 - (f)~~(e)~~ Provide geographic information system services, as requested, to agencies wishing to augment their geographic information system capabilities;

- ~~(g)~~~~(f)~~ In cooperation with other agencies, evaluate, participate in pilot studies, and make recommendations on geographic information systems hardware and software;
- ~~(h)~~~~(g)~~ Assist the council with review of agency information resource plans and participate in special studies as requested by the council;
- ~~(i)~~~~(h)~~ Provide staff support and technical assistance to the Geographic Information Advisory Council; and
- ~~(j)~~~~(i)~~ Prepare proposed legislation and funding proposals for the General Assembly which will further solidify coordination and expedite implementation of geographic information systems.

(5) The division may promulgate necessary administrative regulations for the furtherance of this section.

➔Section 3. KRS 42.726 is amended to read as follows:

- (1) The Commonwealth Office of Technology shall be the lead organizational entity within the executive branch regarding delivery of information technology services, including application development and delivery, and shall serve as the single information technology authority for the Commonwealth.
- (2) The roles and duties of the Commonwealth Office of Technology shall include but not be limited to:
 - (a) Providing technical support and services to all executive agencies of state government in the application of information technology;
 - (b) Assuring compatibility and connectivity of Kentucky's information systems;
 - (c) Developing strategies and policies to support and promote the effective applications of information technology within state government as a means of saving money, increasing employee productivity, and improving state services to the public, including electronic public access to information of the Commonwealth;
 - (d) Developing, implementing, and managing strategic information technology directions, standards, and enterprise architecture, including implementing necessary management processes to assure full compliance with those directions, standards, and architecture;
 - (e) Promoting effective and efficient design and operation of all major information resources management processes for executive branch agencies, including improvements to work processes;
 - (f) Developing, implementing, and maintaining the technology infrastructure of the Commonwealth and all related support staff, planning, administration, asset management, and procurement for all executive branch cabinets and agencies except:
 - 1. Agencies led by a statewide elected official;
 - 2. The nine (9) public institutions of postsecondary education;
 - 3. The Department of Education's services provided to local school districts;
 - 4. The Kentucky Retirement Systems, the County Employees Retirement System, the Kentucky Public Pensions Authority, and the Teachers' Retirement System;
 - 5. The Kentucky Housing Corporation;
 - 6. The Kentucky Lottery Corporation;
 - 7. The Kentucky Higher Education Student Loan Corporation; and
 - 8. The Kentucky Higher Education Assistance Authority;
 - (g) Facilitating and fostering applied research in emerging technologies that offer the Commonwealth innovative business solutions;
 - (h) Reviewing and overseeing large or complex information technology projects and systems for compliance with statewide strategies, policies, and standards, including alignment with the Commonwealth's business goals, investment, and other risk management policies. The executive director is authorized to grant or withhold approval to initiate these projects;
 - (i) Integrating information technology resources to provide effective and supportable information technology applications in the Commonwealth;

- (j) Establishing ~~the~~ central statewide geographic information clearinghouse to maintain map inventories, information on current and planned geographic information systems applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;
 - (k) Coordinating multiagency information technology projects, including overseeing the development and maintenance of statewide base maps and geographic information systems;
 - (l) Providing access to both consulting and technical assistance, and education and training, on the application and use of information technologies to state and local agencies;
 - (m) In cooperation with other agencies, evaluating, participating in pilot studies, and making recommendations on information technology hardware and software;
 - (n) Providing staff support and technical assistance to the Geographic Information Advisory Council and the Kentucky Information Technology Advisory Council;
 - (o) Overseeing the development of a statewide geographic information plan with input from the Geographic Information Advisory Council;
 - (p) Developing for state executive branch agencies a coordinated security framework and model governance structure relating to the privacy and confidentiality of personal information collected and stored by state executive branch agencies, including but not limited to:
 - 1. Identification of key infrastructure components and how to secure them;
 - 2. Establishment of a common benchmark that measures the effectiveness of security, including continuous monitoring and automation of defenses;
 - 3. Implementation of vulnerability scanning and other security assessments;
 - 4. Provision of training, orientation programs, and other communications that increase awareness of the importance of security among agency employees responsible for personal information; and
 - 5. Development of and making available a cyber security incident response plan and procedure; and
 - (q) Preparing proposed legislation and funding proposals for the General Assembly that will further solidify coordination and expedite implementation of information technology systems.
- (3) The Commonwealth Office of Technology may:
- (a) Provide general consulting services, technical training, and support for generic software applications, upon request from a local government, if the executive director finds that the requested services can be rendered within the established terms of the federally approved cost allocation plan;
 - (b) Promulgate administrative regulations in accordance with KRS Chapter 13A necessary for the implementation of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, and 186A.285;
 - (c) Solicit, receive, and consider proposals from any state agency, federal agency, local government, university, nonprofit organization, private person, or corporation;
 - (d) Solicit and accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance to be held, used, and applied in accordance with KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, and 186A.285;
 - (e) Make and enter into memoranda of agreement and contracts necessary or incidental to the performance of duties and execution of its powers, including, but not limited to, agreements or contracts with the United States, other state agencies, and any governmental subdivision of the Commonwealth;
 - (f) Accept grants from the United States government and its agencies and instrumentalities, and from any source, other than any person, firm, or corporation, or any director, officer, or agent thereof that manufactures or sells information resources technology equipment, goods, or services. To these ends, the Commonwealth Office of Technology shall have the power to comply with those conditions and execute those agreements that are necessary, convenient, or desirable; and
 - (g) Purchase interest in contractual services, rentals of all types, supplies, materials, equipment, and other services to be used in the research and development of beneficial applications of information resources technologies. Competitive bids may not be required for:

1. New and emerging technologies as approved by the executive director or her or his designee; or
 2. Related professional, technical, or scientific services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725.
- (4) Nothing in this section shall be construed to alter or diminish the provisions of KRS 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and Records Commission and the Department for Libraries and Archives.
- (5) The Commonwealth Office of Technology shall, on or before October 1 of each year, submit to the Legislative Research Commission a report in accordance with KRS 57.390 detailing:
- (a) Any security breaches that occurred within organizational units of the executive branch of state government during the prior fiscal year that required notification to the Commonwealth Office of Technology under KRS 61.932;
 - (b) Actions taken to resolve the security breach, and to prevent additional security breaches in the future;
 - (c) A general description of what actions are taken as a matter of course to protect personal data from security breaches; and
 - (d) Any quantifiable financial impact to the agency reporting a security breach.

➔Section 4. KRS 42.740 is amended to read as follows:

- (1) There is hereby established a Geographic Information Advisory Council, attached to the Commonwealth Office of Technology for administrative purposes, to advise the executive director of the Commonwealth Office of Technology on issues relating to geographic information and geographic information systems.
- (2) The council shall recommend policies and procedures that assist state and local jurisdictions in developing, deploying, and leveraging geographic information resources and geographic information systems technology for the purpose of improving public administration.
- (3) The council shall closely coordinate with users of geographic information systems to recommend policies and procedures that ensure the maximum use of geographic information by minimizing the redundancy of geographic information and geographic information resources, *as well as to ensure that the geographic information clearinghouse maintained by the Division of Geographic Information Systems meets the needs of all state agencies.*
- (4) The Geographic Information Advisory Council shall consist of **twenty-five (25)**~~twenty-six (26)~~ members and one (1) legislative liaison. The members shall be knowledgeable in the use and application of geographic information systems technology and shall have sufficient authority within their organizations to influence the implementation of council recommendations.
 - (a) The council shall consist of:
 1. The secretary of the Transportation Cabinet or his or her designee;
 2. The secretary of the Cabinet for Health and Family Services or his or her designee;
 3. The director of the Kentucky Geological Survey or his or her designee;
 4. The secretary of the Finance and Administration Cabinet or his or her designee;
 5. The executive director of the Commonwealth Office of Technology or her or his designee, who shall serve as chair;
 6. The secretary of the Economic Development Cabinet or his or her designee;
 7. The commissioner of the Department for Local Government or his or her designee;
 8. The secretary of the Justice and Public Safety Cabinet or his or her designee;
 9. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Council on Postsecondary Education;
 10. The adjutant general of the Department of Military Affairs or his or her designee;
 11. The commissioner of the Department of Education or his or her designee;
 12. The secretary of the Energy and Environment Cabinet or his or her designee;

13. The Commissioner of the Department of Agriculture or his or her designee;
 14. The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee;
 15. **The executive director of the Office of Property Valuation or his or her designee;**
 16. **One (1) member**~~{Two (2) members}~~ appointed by the Governor from a list of six (6) persons submitted by the president of the Kentucky League of Cities;
 - 17.~~{16.}~~ **One (1) member**~~{Two (2) members}~~ appointed by the Governor from a list of six (6) persons submitted by the president of the Kentucky Association of Counties;
 - 18.~~{17.}~~ One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Chapter of the American Planning Association;
 - ~~{18. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Chamber of Commerce;}~~
 19. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Association of Professional Surveyors;
 20. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Society of Professional Engineers;
 21. One (1) member appointed by the Governor from a list of three (3) persons submitted by the chairman of the Kentucky Board of Registered Geologists;
 22. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Council of Area Development Districts;
 23. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Association of Mapping Professionals;
 24. **One (1) member appointed by the Governor from a list of three (3) persons submitted by the executive director of the Kentucky Property Valuation Administrators Association;** and
 - 25.~~{24.}~~ The executive director of the Kentucky Office of Homeland Security.
- (b) The council shall have one (1) nonvoting legislative liaison, to be appointed by the Legislative Research Commission.
- (5) The council may have committees and subcommittees as determined by the council or an executive committee, if an executive committee exists.
- (6) A member of the council shall not:
- (a) Be an officer, employee, or paid consultant of a business entity that has, or of a trade association for business entities that have, a substantial interest in the geographic information industry and is doing business in the Commonwealth;
 - (b) Own, control, or have, directly or indirectly, more than ten percent (10%) interest in a business entity that has a substantial interest in the geographic information industry;
 - (c) Be in any manner connected with any contract or bid for furnishing any governmental body of the Commonwealth with geographic information systems, the computers on which they are automated, or a service related to geographic information systems;
 - (d) Be a person required to register as a lobbyist because of activities for compensation on behalf of a business entity that has, or on behalf of a trade association of business entities that have, substantial interest in the geographic information industry;
 - (e) Accept or receive money or another thing of value from an individual, firm, or corporation to whom a contract may be awarded, directly or indirectly, by rebate, gift, or otherwise; or
 - (f) Be liable to civil action or any action performed in good faith in the performance of duties as a council member.
- (7) Those council members specified in subsection (4)(a) of this section who serve by virtue of an office shall serve on the board while they hold that office.

- (8) Appointed members of the council shall serve for a term of four (4) years. Vacancies in the membership of the council shall be filled in the same manner as the original appointments. If a nominating organization changes its name, its successor organization having the same responsibilities and purposes shall be the nominating organization.
- (9) The council shall have no funds of its own, and council members shall not receive compensation of any kind from the council.
- (10) A majority of the members shall constitute a quorum for the transaction of business. Members' designees shall have voting privileges at council meetings.

➔Section 5. KRS 42.742 is amended to read as follows:

- (1) The Geographic Information Advisory Council's duties shall include the following:
 - (a) Recommending the development and adoption of policies and procedures related to geographic information and geographic information systems;
 - (b) Providing input and recommendations for the development of a strategy for the maintenance and funding of a statewide base map and geographic information system;
 - (c) Recommending standards on geographic information and geographic information systems for inclusion in the statewide architecture;
 - (d) Contributing to the development and delivery of a statewide geographic information plan;
 - (e) ***Recommending policies and procedures that ensure that the geographic information clearinghouse maintained by the Division of Geographic Information Systems meets the needs of all state agencies;***
 - (f) Overseeing the development of operating policies and procedures for the management of the council and any standing or ad hoc committees and associated advisory groups; and
 - ~~(g)~~ Promoting collaboration and the sharing of data and data development, as well as other aspects of geographic information systems.
- (2) The Division of Geographic Information Systems shall provide necessary staff support services to the council. All cabinets, departments, divisions, agencies, and officers of the Commonwealth shall furnish the council necessary assistance, resources, information, records, or advice as it may require to fulfill its duties.

➔Section 6. KRS 42.744 is amended to read as follows:

- (1) All entities in Kentucky that create or purchase digital ortho-rectified aerial imagery, remotely sensed imagery, LiDAR, digital elevation models, or any other form of nonlicensed raster-based datasets of locations in Kentucky using public funds, in whole or in part, shall provide a copy of the information to the Commonwealth Office of Technology, Division of Geographic Information Systems, without cost, in order to allow the Commonwealth Office of Technology to effectively discharge its statutory responsibility to maintain an accurate and complete central statewide geographic information clearinghouse for official state use. The imagery provided to the Commonwealth Office of Technology shall be added to Kentucky's secure Geospatial Data Warehouse for official government use only.
- (2) ***All entities in Kentucky that create or purchase digital ortho-rectified aerial imagery, remotely sensed imagery, LiDAR, digital elevation models, or any other form of raster-based datasets of locations in Kentucky using public funds, in whole or in part, shall create or purchase that information in a nonlicensed format whenever such a format is available.***
- (3) Subsection (1) of this section shall not apply to roads, land parcels, structure locations, or other vector-based datasets acquired with public funding.
- ~~(4)~~ The Commonwealth Office of Technology shall not disclose to the general public or make available for distribution, download, or purchase any data that an entity providing data under subsection (1) of this section has requested remain confidential.

➔Section 7. KRS 132.410 is amended to read as follows:

- (1) The fiscal court of each county shall provide for the property valuation administrator a suitable office room or rooms in the county courthouse, or when that is not practicable, in some other building at the county seat, together with suitable furniture.

- (2) In that office shall be safely kept the books, maps, taxpayers' lists, papers and all other records pertaining to the assessment of property within the county, except when such records are required by law to be placed in the custody of other officers. ***All digital ortho-rectified aerial imagery, remotely sensed imagery, LiDAR, digital elevation models, or any other form of raster-based datasets of locations in Kentucky created or purchased using public funds, in whole or in part, shall be stored with the Commonwealth Office of Technology's geographic information clearinghouse. Copies of the data provided to the clearinghouse may be kept in the office.***
- (3)~~(2)~~ The property valuation administrator shall engage in official duties at least five (5) days a week during regular working hours and shall keep scheduled office hours at least five (5) days each week.

➔Section 8. KRS 132.670 is amended to read as follows:

- (1) (a) The Department of Revenue shall prepare detailed maps identifying every parcel of real property within each county of the state. Each county shall furnish to the department adequate facilities in the county courthouse in which to work.
- (b) The Department of Revenue shall prescribe methods and specifications for the mapping of property. ***Pursuant to Section 1 of this Act, the Department of Revenue shall prescribe methods and specifications which are compatible with use by the Commonwealth Office of Technology's geographic information clearinghouse, shall whenever possible use nonlicensed data, and shall whenever possible consolidate its mapping efforts into multiagency projects to minimize redundancy and lower overall costs.***
- (c) Personnel authorized to assist in making property identification maps under this section may be given the same authority as a deputy property valuation administrator. Locally employed mapping project personnel shall be compensated in the same manner as deputies or assistants in the property valuation administrator's office.
- (2) The Department of Revenue shall conduct a biennial review of the quality of maps and ownership records in each county. If, in the first review conducted under these provisions, the maps and records in any county fail to meet the minimum standards established by the department, the department shall assume responsibility for remapping, revision, and updating under the provisions of subsection (1) of this section. Minimum maintenance standards to be followed by each property valuation administrator shall be established by the department.

➔Section 9. KRS 133.047 is amended to read as follows:

- (1) Notwithstanding the provisions of KRS 61.870 to 61.884, when the Department of Revenue has completed action on the assessment of property in any county and has certified the assessment to the county clerk of that county, as provided for in KRS 133.180, the property tax roll, or a copy of the property tax roll, shall be retained in the office of the property valuation administrator for maintenance as an open public record for five (5) years. The property tax roll shall be available for public inspection during the regular working hours of the office of the property valuation administrator as provided for in KRS 132.410~~(3)~~~~(2)~~.
- (2) Any person inspecting a property tax roll shall do so in a manner not unduly interfering with the proper operation of the custodian's office.
- (3) Personal property tax returns, accompanying documents, and assessment records, with the exception of the certified personal property tax roll, shall be considered confidential under the provisions of KRS 131.190.
- (4) (a) Real property tax returns and accompanying documents submitted by a taxpayer shall be considered confidential under the provisions of KRS 131.190. Other real property records in the office of the property valuation administrator shall be subject to the provisions of KRS 61.870 to KRS 61.884.
- (b) However, in addition to the provisions of KRS 61.874, the Department of Revenue shall develop and provide to each property valuation administrator a reasonable fee schedule to be used in compensating for the cost of personnel time expended in providing information and assistance to persons seeking information to be used for commercial or business purposes. As used in this paragraph:
1. "Reasonable fee" has the same meaning as the fee described in KRS 61.874(4)(c); and
 2. "Personnel time" means the cost to the agency to create any mechanical processing, data collection, or data creation; the staff required to process, produce, collect, or create data or

information; or the cost to the agency for the creation, purchase, or other acquisition of information.

- (c) Any person seeking information on his own property, or any other person, including the press, seeking information directly related to property tax assessment, appeals, equalization, requests for refunds, or similar matters shall not be subject to fees for personnel time.
- (5) The Department of Revenue shall provide advice, guidelines, and assistance to each property valuation administrator in implementing the provisions of KRS 61.870 to 61.884.

Signed by Governor April 20, 2022.