

1 AN ACT relating to state geographic information.

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

3 ➔Section 1. KRS 132.410 is amended to read as follows:

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

8 (2) In that office shall be safely kept the books, maps, taxpayers' lists, papers, and all  
9 other records pertaining to the assessment of property within the county, except  
10 when such records are required by law to be placed in the custody of other officers.  
11 All digital ortho-rectified aerial imagery, remotely sensed imagery, LiDAR, digital  
12 elevation models, or any other form of raster-based datasets of locations in  
13 Kentucky created or purchased using public funds, in whole or in part, shall be  
14 stored with the Commonwealth Office of Technology's geographic information  
15 clearinghouse. Copies of the data provided to the clearinghouse may be kept in the  
16 office.

17 (3) **(a) A current copy of all digital parcel and tax district data shall be securely**  
18 **stored with the Commonwealth Office of Technology's geographic**  
19 **information clearinghouse, and the Department of Revenue shall be**  
20 **responsible for coordinating annual updates of the data. Authorized**  
21 **executive branch employees shall be granted access on an as-needed basis**  
22 **to perform their statutory functions including emergency response,**  
23 **economic development, infrastructure design and construction, boundary**  
24 **mapping, wildlife management, environmental protection, and recreation.**

25 **(b) Digital parcel and tax district data shall not be redistributed, sold, shared, or**  
26 **used for any commercial purpose.**

27 **(4)** The property valuation administrator shall engage in official duties at least five (5)

1 days a week during regular working hours and shall keep scheduled office hours at  
2 least five (5) days each week.

3 ➔Section 2. KRS 133.047 is amended to read as follows:

4 (1) Notwithstanding the provisions of KRS 61.870 to 61.884, when the Department of  
5 Revenue has completed action on the assessment of property in any county and has  
6 certified the assessment to the county clerk of that county, as provided for in KRS  
7 133.180, the property tax roll, or a copy of the property tax roll, shall be retained in  
8 the office of the property valuation administrator for maintenance as an open public  
9 record for five (5) years. The property tax roll shall be available for public  
10 inspection during the regular working hours of the office of the property valuation  
11 administrator as provided for in KRS 132.410~~(4)(3)~~.

12 (2) Any person inspecting a property tax roll shall do so in a manner not unduly  
13 interfering with the proper operation of the custodian's office.

14 (3) Personal property tax returns, accompanying documents, and assessment records,  
15 with the exception of the certified personal property tax roll, shall be considered  
16 confidential under the provisions of KRS 131.190.

17 (4) (a) Real property tax returns and accompanying documents submitted by a  
18 taxpayer shall be considered confidential under the provisions of KRS  
19 131.190. Other real property records in the office of the property valuation  
20 administrator shall be subject to the provisions of KRS 61.870 to KRS 61.884.

21 (b) However, in addition to the provisions of KRS 61.874, the Department of  
22 Revenue shall develop and provide to each property valuation administrator a  
23 reasonable fee schedule to be used in compensating for the cost of personnel  
24 time expended in providing information and assistance to persons seeking  
25 information to be used for commercial or business purposes. As used in this  
26 paragraph:

27 1. "Reasonable fee" has the same meaning as the fee described in KRS

1                   61.874(4)(c); and

2                   2. "Personnel time" means the cost to the agency to create any mechanical  
3                   processing, data collection, or data creation; the staff required to  
4                   process, produce, collect, or create data or information; or the cost to the  
5                   agency for the creation, purchase, or other acquisition of information.

6                   (c) Any person seeking information on his own property, or any other person,  
7                   including the press, seeking information directly related to property tax  
8                   assessment, appeals, equalization, requests for refunds, or similar matters  
9                   shall not be subject to fees for personnel time.

10                  (5) The Department of Revenue shall provide advice, guidelines, and assistance to each  
11                  property valuation administrator in implementing the provisions of KRS 61.870 to  
12                  61.884.

13                  ➔Section 3. KRS 42.744 is amended to read as follows:

14                  (1) All entities in Kentucky that create or purchase digital ortho-rectified aerial  
15                  imagery, remotely sensed imagery, LiDAR, digital elevation models, or any other  
16                  form of nonlicensed raster-based datasets of locations in Kentucky using public  
17                  funds, in whole or in part, shall provide a copy of the information to the  
18                  Commonwealth Office of Technology, Division of Geographic Information  
19                  Systems, without cost, in order to allow the Commonwealth Office of Technology  
20                  to effectively discharge its statutory responsibility to maintain an accurate and  
21                  complete central statewide geographic information clearinghouse~~[for official state~~  
22                  ~~use. The imagery provided to the Commonwealth Office of Technology shall be~~  
23                  ~~added to Kentucky's secure Geospatial Data Warehouse for official government use~~  
24                  ~~only].~~

25                  (2) All~~[entities in Kentucky that create or purchase]~~ digital ortho-rectified aerial  
26                  imagery, remotely sensed imagery, LiDAR, digital elevation models, or any other  
27                  form of raster-based datasets;

1        (a) Of locations in Kentucky, created or purchased by entities in Kentucky,  
 2            using public funds, in whole or in part, shall create or purchase that  
 3            information in a nonlicensed format; and

4        (b) Acquired for locations in Kentucky, using public funds, shall meet or  
 5            exceed the specifications maintained and adopted by the Geographic  
 6            Information Advisory Council established in Section 4 of this Act ~~whenever~~  
 7            such a format is available.

8        ~~(3) Subsection (1) of this section shall not apply to roads, land parcels, structure~~  
 9            ~~locations, or other vector based datasets acquired with public funding.~~

10       ~~(4) The Commonwealth Office of Technology shall not disclose to the general public~~  
 11           ~~or make available for distribution, download, or purchase any data that an entity~~  
 12           ~~providing data under subsection (1) of this section has requested remain~~  
 13           ~~confidential].~~

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

15       (1) There is hereby established a Geographic Information Advisory Council, attached  
 16           to the Commonwealth Office of Technology for administrative purposes, to advise  
 17           the executive director of the Commonwealth Office of Technology on issues  
 18           relating to geographic information and geographic information systems.

19       (2) The council shall recommend policies and procedures that assist state and local  
 20           jurisdictions in developing, deploying, and leveraging geographic information  
 21           resources and geographic information systems technology for the purpose of  
 22           improving public administration.

23       (3) The council shall closely coordinate with users of geographic information systems  
 24           to recommend policies and procedures that ensure the maximum use of geographic  
 25           information by minimizing the redundancy of geographic information and  
 26           geographic information resources, as well as to ensure that the geographic  
 27           information clearinghouse maintained by the Division of Geographic Information

1 Systems meets the needs of all state agencies.

2 (4) (a) The Geographic Information Advisory Council shall consist of twenty-five  
3 (25) members and one (1) legislative liaison. The members shall be  
4 knowledgeable in the use and application of geographic information systems  
5 technology and shall have sufficient authority within their organizations to  
6 influence the implementation of council recommendations.

7 (b) The council shall consist of:

- 8 1. The secretary of the Transportation Cabinet or his or her designee;
- 9 2. The secretary of the Cabinet for Health and Family Services or his or  
10 her designee;
- 11 3. The director of the Kentucky Geological Survey or his or her designee;
- 12 4. The secretary of the Finance and Administration Cabinet or his or her  
13 designee;
- 14 5. The executive director of the Commonwealth Office of Technology or  
15 her or his designee, who shall serve as chair;
- 16 6. The secretary of the Economic Development Cabinet or his or her  
17 designee;
- 18 7. The commissioner of the Department for Local Government or his or  
19 her designee;
- 20 8. The secretary of the Justice and Public Safety Cabinet or his or her  
21 designee;
- 22 9. One (1) member appointed by the Governor from a list of three (3)  
23 persons submitted by the president of the Council on Postsecondary  
24 Education;
- 25 10. The adjutant general of the Department of Military Affairs or his or her  
26 designee;
- 27 11. The commissioner of the Department of Education or his or her

- 1                   designee;
- 2           12. The secretary of the Energy and Environment Cabinet or his or her
- 3                   designee;
- 4           13. The Commissioner of the Department of Agriculture or his or her
- 5                   designee;
- 6           14. The secretary of the Tourism, Arts and Heritage Cabinet or his or her
- 7                   designee;
- 8           15. The executive director of the Office of Property Valuation or his or her
- 9                   designee;
- 10          16. One (1) member appointed by the Governor from a list of three (3)~~six~~
- 11          ~~(6)~~ persons submitted by the president of the Kentucky League of
- 12                   Cities;
- 13          17. One (1) member appointed by the Governor from a list of three (3)~~six~~
- 14          ~~(6)~~ persons submitted by the president of the Kentucky Association of
- 15                   Counties;
- 16          18. One (1) member appointed by the Governor from a list of three (3)
- 17                   persons submitted by the president of the Kentucky Chapter of the
- 18                   American Planning Association;
- 19          19. One (1) member appointed by the Governor from a list of three (3)
- 20                   persons submitted by the president of the Kentucky Association of
- 21                   Professional Surveyors;
- 22          20. One (1) member appointed by the Governor from a list of three (3)
- 23                   persons submitted by the president of the Kentucky Society of
- 24                   Professional Engineers;
- 25          21. One (1) member appointed by the Governor from a list of three (3)
- 26                   persons submitted by the chairman of the Kentucky Board of Registered
- 27                   Geologists;

- 1           22. One (1) member appointed by the Governor from a list of three (3)  
2           persons submitted by the president of the Council of Area Development  
3           Districts;
- 4           23. One (1) member appointed by the Governor from a list of three (3)  
5           persons submitted by the president of the Kentucky Association of  
6           Mapping Professionals;
- 7           24. One (1) member appointed by the Governor from a list of three (3)  
8           persons submitted by the executive director of the Kentucky Property  
9           Valuation Administrators Association; and
- 10          25. The executive director of the Kentucky Office of Homeland Security.
- 11          (c) The council shall have one (1) nonvoting legislative liaison, to be appointed  
12          by the Legislative Research Commission.
- 13          (5) The council may have committees and subcommittees as determined by the council  
14          or an executive committee, if an executive committee exists.
- 15          (6) A member of the council shall not:
- 16               (a) Be an officer, employee, or paid consultant of a business entity that has, or of  
17               a trade association for business entities that have, a substantial interest in the  
18               geographic information industry and is doing business in the Commonwealth;
- 19               (b) Own, control, or have, directly or indirectly, more than ten percent (10%)  
20               interest in a business entity that has a substantial interest in the geographic  
21               information industry;
- 22               (c) Be in any manner connected with any contract or bid for furnishing any  
23               governmental body of the Commonwealth with geographic information  
24               systems, the computers on which they are automated, or a service related to  
25               geographic information systems;
- 26               (d) Be a person required to register as a lobbyist because of activities for  
27               compensation on behalf of a business entity that has, or on behalf of a trade

1 association of business entities that have, substantial interest in the geographic  
2 information industry;

3 (e) Accept or receive money or another thing of value from an individual, firm, or  
4 corporation to whom a contract may be awarded, directly or indirectly, by  
5 rebate, gift, or otherwise; or

6 (f) Be liable to civil action or any action performed in good faith in the  
7 performance of duties as a council member.

8 (7) Those council members specified in subsection ~~(4)(b)~~~~[(4)(a)]~~ of this section who  
9 serve by virtue of an office shall serve on the board while they hold that office.

10 (8) Appointed members of the council shall serve for a term of four (4) years.  
11 Vacancies in the membership of the council shall be filled in the same manner as  
12 the original appointments. If a nominating organization changes its name, its  
13 successor organization having the same responsibilities and purposes shall be the  
14 nominating organization.

15 (9) The council shall have no funds of its own, and council members shall not receive  
16 compensation of any kind from the council.

17 (10) A majority of the members shall constitute a quorum for the transaction of business.  
18 Members' designees shall have voting privileges at council meetings.

19 ➔Section 5. The coordination of annual updates by the Department of Revenue  
20 required in subsection (3) of Section 1 of this Act shall begin July 1, 2023.