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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1390

03/11/2013 Authored by Kahn
The bill was read for the first time and referred to the Committee on Government Operations
By motion, recalled and re-referred to the Committee on Rules and Legislative Administration
03/13/2013 Adoption of Report: Pass and re-referred to the Committee on Government Operations
03/21/2013 Adoption of Report: Pass as Amended and Read Second Time
05/02/2013 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
1.2 relating to state government; updating provisions in the Geospatial Information
1.3 Office; amending Minnesota Statutes 2012, section 16E.30, subdivisions 7, 8,
1.4 by adding subdivisions; repealing Minnesota Statutes 2012, section 16E.30,
1.5 subdivisions 4, 5.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 16E.30, subdivision 7, is amended to read:

1.8 Subd. 7. Discretionary powers. The office may:

1.9 (1) enter into contracts for goods or services with public or private organizations
1.10 and charge fees for services it provides;

1.11 (2) apply for, receive, and expend money from public agencies;

1.12 (3) apply for, accept, and disburse grants and other aids from the federal government
1.13 and other public or private sources;

1.14 (4) enter into contracts with agencies of the federal government, local government
1.15 units, the University of Minnesota and other educational institutions, and private persons
1.16 and other nongovernment organizations as necessary to perform its statutory duties;

1.17 (5) appoint committees and task forces to assist the office in carrying out its duties;

1.18 (6) sponsor and conduct conferences and studies, collect and disseminate
1.19 information, and issue reports relating to geospatial information and technology issues;

1.20 (7) participate in the activities and conferences related to geospatial information
1.21 and communications technology issues;

1.22 (8) (1) review the Geospatial Information Systems (GIS) technology infrastructure
1.23 of regions of the state and cooperate with and make recommendations to the governor,
1.24 legislature, state agencies, local governments, local technology development agencies,

2.1 the federal government, private businesses, and individuals for the realization of GIS
2.2 information and technology infrastructure development potential;

2.3 (9) (2) sponsor, support, and facilitate innovative and collaborative geospatial
2.4 systems technology, data, and services projects; and

2.5 (10) (3) review and recommend alternative sourcing strategies for state geospatial
2.6 information systems technology, data, and services.

2.7 Sec. 2. Minnesota Statutes 2012, section 16E.30, subdivision 8, is amended to read:

2.8 Subd. 8. **Geospatial Advisory councils Council created.** (a) The chief information
2.9 officer must ~~establish~~ utilize a governance structure that includes ~~an advisory councils~~
2.10 council to provide recommendations for improving the operations and management of
2.11 geospatial technology within state government and also on issues of importance to users
2.12 of geospatial technology throughout the state.

2.13 (a) (b) A statewide geospatial advisory council must advise the Minnesota
2.14 Geospatial Information Office regarding the improvement of services statewide through
2.15 the coordinated, affordable, reliable, and effective use of geospatial technology. The
2.16 chief information officer must appoint the members of the council. The members must
2.17 represent a cross-section of organizations including counties, cities, universities, business,
2.18 nonprofit organizations, federal agencies, tribal governments, and state agencies. ~~No more~~
2.19 ~~than 20 percent of the members may be employees of a state agency.~~ In addition, the chief
2.20 geospatial information officer must be a nonvoting member.

2.21 (b) ~~A state government geospatial advisory council must advise the Minnesota~~
2.22 ~~Geospatial Information Office on issues concerning improving state government services~~
2.23 ~~through the coordinated, affordable, reliable, and effective use of geospatial technology.~~
2.24 ~~The chief information officer must designate up to 15 state government agencies and~~
2.25 ~~constitutional offices, including the Office of Enterprise Technology and the Minnesota~~
2.26 ~~Geospatial Information Office, to be represented on the council. The council must be~~
2.27 ~~chaired by the chief geographic information officer. A representative of the statewide~~
2.28 ~~geospatial advisory council must serve as a nonvoting member.~~

2.29 (c) Members of ~~both the statewide Geospatial Advisory Council and the state~~
2.30 ~~government advisory council~~ must be recommended by a process that ensures that each
2.31 member is designated to represent a clearly identified agency or interested party category.
2.32 Members of the statewide geospatial advisory council must be selected in compliance with
2.33 the state's open appointment process. ~~Members of the state government geospatial advisory~~
2.34 ~~council must be appointed by the heads of their respective agencies or constitutional offices.~~

3.1 ~~One member of the state government geospatial advisory council must be appointed by~~
3.2 ~~the Legislative Coordinating Commission.~~ Members shall serve a term of two years.

3.3 (d) The Minnesota Geospatial Information Office must provide administrative
3.4 support for ~~both the Geospatial Advisory councils~~ Council.

3.5 (e) ~~This subdivision expires June 30, 2015.~~

3.6 Sec. 3. Minnesota Statutes 2012, section 16E.30, is amended by adding a subdivision
3.7 to read:

3.8 Subd. 10. **Electronic geospatial data defined.** "Electronic geospatial data" means
3.9 digital data using geographic or projected map coordinate values, identification codes,
3.10 and associated descriptive data to locate and describe boundaries or features on, above,
3.11 or below the surface of the earth or characteristics of the earth's inhabitants or its natural
3.12 or human-constructed features.

3.13 Sec. 4. Minnesota Statutes 2012, section 16E.30, is amended by adding a subdivision
3.14 to read:

3.15 Subd. 11. **Government sharing of electronic geospatial data.** (a) The definitions
3.16 in section 13.02 apply to this subdivision.

3.17 (b) Electronic geospatial government data must be shared at no cost with government
3.18 entities, the notification center established under section 216D.03, and federal and tribal
3.19 government agencies. Data received under this subdivision may be reproduced or shared
3.20 with other government entities or agencies. A release of data under this subdivision must
3.21 include metadata or other documentation that identifies the original authoritative data
3.22 source. Government entities providing data under this subdivision are not required to
3.23 provide data in an alternate format specified by the requestor. A government entity is not
3.24 required to provide the same data to the same requestor more than four times per year,
3.25 unless required by law or court order. Government entities and agencies sharing and
3.26 receiving electronic geospatial data under this subdivision are immune from civil liability
3.27 arising out of the use of the shared electronic geospatial data. This subdivision does not
3.28 authorize the release of data that are not public data.

3.29 Sec. 5. **REPEALER.**

3.30 Minnesota Statutes 2012, section 16E.30, subdivisions 4 and 5, are repealed.

16E.30 GEOSPATIAL INFORMATION OFFICE.

Subd. 4. **Duties of chief information officer.** (a) In consultation with the state geospatial advisory council, the commissioner of administration, the commissioner of management and budget, and the chief geospatial information officer, the chief information officer must identify when it is cost-effective for agencies to develop and use shared information and geospatial technology systems, data, and services. The chief information officer may require agencies to use shared information and geospatial technology systems, data, and services.

(b) The chief information officer, in consultation with the state geospatial advisory council, must establish reimbursement rates in cooperation with the commissioner of management and budget to bill agencies and other governmental entities sufficient to cover the actual development, operation, maintenance, and administrative costs of the shared systems. The methodology for billing may include the use of interagency agreements, or other means as allowed by law.

Subd. 5. **Fees.** (a) The chief information officer must set fees under section 16A.1285 that reflect the actual cost of providing information products and services to clients. Fees collected must be deposited in the state treasury and credited to the Minnesota Geospatial Information Office revolving account. Money in the account is appropriated to the chief information officer for providing Geospatial Information Systems (GIS) consulting services, software, data, Web services, and map products on a cost-recovery basis, including the cost of services, supplies, material, labor, and equipment as well as the portion of the general support costs and statewide indirect costs of the office that is attributable to the delivery of these products and services. Money in the account must not be used for the general operation of the Minnesota Geospatial Information Office.

(b) The chief information officer may require a state agency to make an advance payment to the revolving account sufficient to cover the agency's estimated obligation for a period of 60 days or more. If the revolving account is abolished or liquidated, the total net profit from the operation of the account must be distributed to the various funds from which purchases were made. For a given period of time, the amount of total net profit to be distributed to each fund must reflect the same ratio of total purchases attributable to each fund divided by the total purchases from all funds.