



Reprinted
April 6, 2017

ENGROSSED HOUSE BILL No. 1470

DIGEST OF HB 1470 (Updated April 5, 2017 6:09 pm - DI 51)

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; noncode.

Synopsis: Government information. Provides standards for requests from the legislative services agency for information held by an Indiana governmental entity. Establishes the position of state data officer and a management performance hub in the office of management and budget to do the following: (1) Establish and maintain a program to collect, analyze, and exchange data from state agencies. (2) Establish and maintain a program to make data available to agencies, political subdivisions, educational institutions, researchers, non-governmental organizations, and the general public. (3) Establish privacy and quality policies for state data that comply with all applicable Indiana and
(Continued next page)

Effective: July 1, 2017.

**Ober, Mahan, McNamara,
Shackleford, Engleman, Pressel,
Miller D, Carbaugh, Cherry,
Young J, Huston**

(SENATE SPONSORS — HERSHMAN, RUCKELSHAUS, STOOPS,
RANDOLPH LONNIE M)

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.

February 23, 2017, engrossed. Read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 27, 2017, read first time and referred to Committee on Commerce and Technology.

April 3, 2017, amended, reported favorably — Do Pass.

April 5, 2017, read second time, amended, ordered engrossed.

EH 1470—LS 7499/DI 75



Digest Continued

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 for state agencies. (7) Advise and assist state agencies to identify and implement continuous process improvement. Specifies that state data may not be held exclusively by a private vendor. Requires the management performance hub to conduct a study of policies and practices to be used by the management performance hub. Indicates that the budget director is responsible for the management performance hub. Recommends that governmental entities store data in an open, machine readable format. Requires governmental entities that are required by law to submit data for publication on a governmental website to submit the data on a prescribed form. Limits fees that may be charged by a governmental website. Provides immunity for accidental disclosure of confidential data on a governmental website if the data was posted in reliance on the determination by the data owner that the data was not confidential. Urges the legislative council to provide for a study of establishing an enterprise fraud program office in the department of state revenue. Repeals the separate division of government efficiency and financial planning within the office of management and budget and the statute that establishes the Indiana workforce intelligence system.

EH 1470—LS 7499/DI 75



Reprinted
April 6, 2017

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.

ENGROSSED 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. This chapter does not limit other provisions of law**
7 **directly or indirectly providing for the sharing of records with the**
8 **general assembly, the legislative services agency, or another entity**
9 **within the legislative department of the state.**
10 **Sec. 2. This chapter does not authorize the legislative services**
11 **agency to have direct access to the electronic operating systems or**
12 **electronic data bases of a governmental entity without the consent**
13 **of the governmental entity. Unless otherwise agreed to by the**
14 **governmental entity, if direct tests of an operating system or data**
15 **base are necessary to meet the objectives of an audit or other**
16 **assessment subject to section 16 of this chapter, the state board of**
17 **accounts shall carry out the tests.**

EH 1470—LS 7499/DI 75



1 **Sec. 3. As used in this chapter, "governmental entity" means**
 2 **any of the following:**

3 **(1) Any officer or other organizational unit, by whatever**
 4 **name denominated, exercising any of the powers of state**
 5 **government.**

6 **(2) A state educational institution.**

7 **(3) A political subdivision (as defined in IC 36-1-2-13).**

8 **(4) An instrumentality of state government or a political**
 9 **subdivision (as defined in IC 36-1-2-13) or other entity**
 10 **created by law. The term includes the Indiana finance**
 11 **authority created by IC 4-4-11-4 only for the purposes of this**
 12 **chapter and no other purpose.**

13 **Sec. 4. As used in this chapter, "record" means any writing,**
 14 **paper, report, study, map, photograph, book, card, tape recording,**
 15 **or other material that:**

16 **(1) is created, received, retained, maintained, or filed by or**
 17 **with a governmental entity; and**

18 **(2) is generated on paper, paper substitutes, photographic**
 19 **media, chemically based media, magnetic or machine**
 20 **readable media, electronically stored data, or any other**
 21 **material, regardless of form or characteristics.**

22 **Sec. 5. A request from the legislative services agency under this**
 23 **chapter for records may be made by the executive director of the**
 24 **legislative services agency or another employee of the legislative**
 25 **services agency designated by the executive director.**

26 **Sec. 6. A charge permitted under IC 5-14-3-6, IC 5-14-3-8, or**
 27 **another law or rule to supply records does not apply to supplying**
 28 **records to the legislative services agency under this chapter.**

29 **Sec. 7. With respect to records obtained under this chapter, the**
 30 **legislative services agency shall maintain at least the same level of**
 31 **confidentiality as is required by law of the governmental entity**
 32 **from which the records are obtained. Officers and employees of the**
 33 **legislative services agency are subject to the same statutory**
 34 **penalties for unauthorized disclosure or use as officers or**
 35 **employees of the governmental entity from which the records are**
 36 **obtained.**

37 **Sec. 8. A governmental entity providing records obtained under**
 38 **this chapter shall assist the legislative services agency in identifying**
 39 **any part of the records obtained by the legislative services agency**
 40 **that must be maintained by the legislative services agency as**
 41 **confidential records.**

42 **Sec. 9. To the extent permitted under state and federal law, the**



1 legislative services agency is considered an agent of the
2 governmental entity sharing records with the legislative services
3 agency and is an authorized receiver of the records under the
4 statutory or administrative law that governs the records. Sharing
5 of records under this chapter does not constitute a disclosure or
6 release under any statutory or administrative law that governs the
7 records.

8 **Sec. 10.** If records to which the legislative services agency has
9 access under this chapter are subject to federal law, federal
10 regulation, or federal executive order, the governmental entity
11 shall do the following:

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

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

17 (3) Provide access to the records to the legislative services
18 agency to the fullest extent permitted by the applicable federal
19 law, federal regulation, or federal executive order.

20 **Sec. 11.** The legislative council or the personnel subcommittee
21 of the legislative council, or both, may establish additional policies,
22 limits, and procedures governing access to, safekeeping, or use of
23 records obtained by the legislative services agency under this
24 chapter.

25 **Sec. 12. (a)** This section applies to a governmental entity's
26 response to an inquiry from the legislative services agency
27 regarding a record in the possession of the governmental entity
28 that does not qualify as confidential under IC 5-14-3-4 or another
29 law.

30 (b) Upon request, a governmental entity shall provide the
31 legislative services agency with records that contain any data that
32 is not confidential under IC 5-14-3-4 or another law. If another
33 section of this chapter does not apply, the governmental agency
34 may redact confidential data in a record provided under this
35 section.

36 **Sec. 13. (a)** This section applies to a governmental entity's
37 response to an inquiry from the legislative services agency
38 regarding records created, received, maintained, or stored by or
39 otherwise coming under the control of a governmental entity in the
40 ordinary course of carrying out a program or activity within the
41 jurisdiction of a governmental entity and not specifically generated
42 solely for deliberative purposes.



1 (b) Upon request, a governmental entity shall provide the
 2 legislative services agency with a copy of the requested records on
 3 paper or on a different media, including any confidential data in
 4 the record, as requested by the legislative services agency. The
 5 request may include a data set that the governmental entity must
 6 compile from a larger data set.

7 (c) If the governmental entity stores the data in electronic
 8 format, the data shall be provided in the original format in which
 9 the data is received or stored by the governmental entity, including
 10 data delimiters, tags, metadata, and other characters used to make
 11 the data machine-readable or otherwise useful for retrieval or
 12 processing by the governmental entity, unless the legislative
 13 services agency agrees to accept the data in a different format.

14 Sec. 14. (a) This section applies to a governmental entity's
 15 response to an inquiry from the legislative services agency
 16 regarding any:

17 (1) contract, agreement, plan, or other document, including
 18 incorporated supporting documents, regardless of the name
 19 by which the documents are denominated, that includes a
 20 description of the legal obligations, approvals, or other
 21 binding or discretionary commitments made by the
 22 governmental entity; or

23 (2) policy, procedure, or practices of the governmental entity
 24 that:

25 (A) govern; or

26 (B) will govern in a future period (after a final
 27 determination has been made to implement the policy,
 28 procedure, or practice);

29 the conduct of a governmental function by a governmental
 30 entity.

31 (b) Upon request, a governmental entity shall provide the
 32 legislative services agency with a copy of the material regardless of
 33 whether the material contains information that qualifies under any
 34 law as confidential.

35 Sec. 15. (a) This section applies to a governmental entity's
 36 response to an inquiry from the legislative services agency
 37 regarding a forecast, projection, or other estimates, survey results,
 38 analytics, statistics, or conclusions concerning revenues, taxes,
 39 costs, benefits, cash balances, services, liabilities, assets, program
 40 outcomes, or demographics, related to carrying out a government
 41 function in a future period:

42 (1) that was prepared by or for the governmental entity; and



1 (2) that is generally available to the public, referenced in the
2 news media or another public source, required to be prepared
3 by law, prepared as a condition of obtaining a federal or other
4 grant or conducting a federal or other program, used as the
5 basis for supporting or opposing a legislative proposal or issue
6 being considered by the general assembly or its committees,
7 prepared to assess the costs or benefits of a proposal or issue
8 being considered by the general assembly or its committees,
9 or requested by the legislative services agency.

10 (b) Upon request, a governmental entity shall provide the
11 legislative services agency with sufficient and appropriate
12 information for the legislative services agency to independently
13 evaluate and, at the election of the legislative services agency,
14 model or otherwise duplicate the results in a professional and
15 workmanlike manner, consistent with industry standards for
16 similar work. The governmental entity may redact material that is
17 confidential under any law only to the extent the legislative services
18 agency determines the legislative services agency can model or
19 duplicate the results without the redacted material.

20 (c) Upon request, the governmental entity must be prepared to
21 discuss with the legislative services agency, based on
22 documentation existing at the time of the response:

- 23 (1) the data;
24 (2) the source and reasons for the assumptions; and
25 (3) the methods;

26 used to calculate or otherwise determine the results reached by the
27 governmental entity.

28 (d) Upon request, the governmental entity must be prepared to
29 discuss with the legislative services agency known circumstances
30 that, in the governmental entity's judgment, had a significant effect
31 on the preparation of the results reached by the governmental
32 entity, including circumstances such as:

- 33 (1) changes in the operating environment;
34 (2) trends in experience;
35 (3) likely product, service, or plan changes;
36 (4) likely demographic changes;
37 (5) likely changes in the governmental entity's methods,
38 policies, or procedures; and
39 (6) required compliance with relevant new or revised
40 accounting rules, laws and regulations, or other government
41 promulgations.

42 (e) This subsection applies to a forecast, a projection, survey



1 results, or other estimates, analytics, statistics, or conclusions, if
 2 the results were prepared solely at the request of the legislative
 3 services agency. The legislative services agency may not require a
 4 governmental entity to hire contractors or incur other similar
 5 extraordinary, out-of-pocket costs to prepare a forecast, a
 6 projection, or other estimates, analytics, statistics, or conclusions.

7 **Sec. 16. (a) This section applies to a governmental entity's**
 8 **response to an inquiry from the legislative services agency when a**
 9 **law, the legislative counsel, or at least a majority of the legislative**
 10 **leaders direct the legislative services agency to:**

11 (1) conduct an independent, objective, nonpartisan audit or
 12 other assessment of the stewardship, performance, or cost of
 13 government entity policies, programs, or operations; or

14 (2) review an audit or other assessment related to the
 15 stewardship, performance, or cost of governmental entity
 16 policies, programs, or operations.

17 (b) As used in this section, "legislative leaders" refers to the
 18 speaker of the house of representatives, the president pro tempore
 19 of the senate, the minority leader of the senate, and the minority
 20 leader of the house of representatives.

21 (c) Upon request, a governmental entity shall provide the
 22 legislative services agency with sufficient, appropriate evidence
 23 that provides a reasonable basis for findings and conclusions
 24 related to the objective of the assessment.

25 (d) The legislative services agency shall use generally accepted
 26 governmental auditing standards as a guideline for conducting or
 27 reviewing an assessment (including the nature, extent, and timing
 28 of necessary evidence and assessment activities) and determining
 29 the sufficiency and appropriateness of evidence.

30 (e) A governmental entity may redact material that is
 31 confidential under any law only to the extent the legislative services
 32 agency determines the legislative services agency has a reasonable
 33 basis for findings and conclusions related to the objective of the
 34 assessment without the redacted material, as determined under
 35 generally accepted governmental auditing standards.

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



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

3 (1) a hard paper copy; or

4 (2) an electronic copy:

5 (A) on a computer disk;

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

7 (C) in another machine readable format **that can be easily**
8 **processed by a computer without human intervention**
9 **while ensuring that semantic meaning is not lost.**

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

13 (1) a hard paper copy; or

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

16 (d) If a clerk of circuit court informs the legislative services agency
17 under subsection (c) that the clerk prefers to receive the enrolled acts
18 in the form described in subsection (c)(1) or in a form described in
19 subsection (c)(2), the legislative services agency shall deliver the
20 enrolled acts to the clerk in the form for which the clerk has expressed
21 a preference.

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

27 SECTION 3. IC 4-3-22-4, AS AMENDED BY P.L.213-2015,
28 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2017]: Sec. 4. The director is responsible and accountable for
30 and has authority over the following:

31 (1) All functions performed by the following:

32 (A) The budget agency.

33 (B) The department of state revenue.

34 (C) The department of local government finance.

35 (D) The Indiana finance authority.

36 (E) The office of state based initiatives.

37 **(F) The management performance hub.**

38 The directors of these agencies, departments, and offices shall
39 report to the director and administer their offices and agencies in
40 compliance with the policies and procedures related to fiscal
41 management that are established by the OMB and approved by
42 the governor.



(2) All budgeting, accounting, and spending functions within the various agencies, departments, and programs of state government.

SECTION 4. IC 4-3-22-6 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 6: (a) The division of government efficiency and financial planning is established within the OMB. The director shall appoint, subject to the approval of the governor, a director of the division, who serves at the pleasure of the director of OMB.

(b) The division shall do the following:

(1) Conduct operational and procedural audits of state government.

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

(3) Advise and assist:

(A) each instrumentality, agency, authority, board, commission, and officer in the executive department of state government; and

(B) each body corporate and politic established as an instrumentality of the state;

to identify and implement continuous process improvement in state government.

(4) Carry out such other responsibilities as may be designated by the director.

SECTION 5. IC 4-3-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 26. Indiana Management Performance Hub

Sec. 1. 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. 2. (a) As used in this chapter, "executive state 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.



1 (2) The judicial department of state government.

2 (3) The Indiana finance authority created by IC 4-4-11-4.

3 (4) A political subdivision.

4 (5) A state educational institution.

5 Sec. 3. As used in this chapter, "MPH" refers to the
6 management performance hub established by section 8 of this
7 chapter.

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

10 Sec. 5. As used in this chapter, "person" has the meaning set
11 forth in IC 5-22-2-20.

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

14 Sec. 7. As used in this chapter, "state data" refers to any
15 electronically recorded information created, received, maintained,
16 or stored by or otherwise in the control of an executive state
17 agency. The term does not include any of the following:

18 (1) The investigative records of law enforcement agencies that
19 employ the law enforcement officers listed in
20 IC 35-31.5-2-185.

21 (2) The confidential advisory opinions requested or given by
22 the office of the inspector general.

23 (3) Other information deemed confidential by IC 4-2-6,
24 IC 4-2-7, IC 5-2-4, IC 31-33-18, IC 9-32-16-1, IC 10-13-3, 26
25 CFR 20, or 28 CFR 23.

26 (4) Confidential investigative records related to an
27 investigation under IC 4-31, IC 4-33 or IC 4-35 and any other
28 information classified as confidential under IC 4-31, IC 4-33
29 or IC 4-35.

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

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

34 (b) The chief data officer shall do the following:

35 (1) Serve as the executive head of the MPH.

36 (2) Advise executive state agencies and political subdivisions
37 regarding state best practices concerning the creation and
38 maintenance of data.

39 (3) Coordinate data analytics and transparency master
40 planning for the executive state agencies and provide
41 leadership regarding state data analytics and transparency.

42 Sec. 10. The MPH shall do the following:



1 (1) Establish and maintain a program to collect, analyze, and
 2 exchange state data in carrying out the powers and duties of
 3 the OMB and the powers and duties of the executive state
 4 agency sharing the data. In carrying out this program, the
 5 MPH may, in accordance with IC 4-1-6, obtain state data
 6 from each executive state agency.

7 (2) In accordance with IC 4-1-6 and IC 5-14-3, establish and
 8 maintain a program to make state data available to executive
 9 state agencies, political subdivisions, educational institutions,
 10 researchers, nongovernmental organizations, and the general
 11 public, subject to the following:

12 (A) A request for data subject to IC 4-1-6-8.6 shall be made
 13 in conformance with that section.

14 (B) A program established and maintained under this
 15 chapter must include policies governing access to state
 16 data held by the MPH under this chapter. State data may
 17 be made available only in accordance with applicable
 18 confidentiality and disclosure laws, and shall not be held
 19 exclusively, limited or otherwise, by a private vendor.

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

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

27 (5) Conduct operational and procedural audits of executive
 28 state agencies.

29 (6) Perform financial planning and design and implement
 30 efficiency projects for executive state agencies.

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

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

37 Sec. 11. Each agency shall do the following:

38 (1) In a manner determined by the MPH, make available to
 39 the MPH the state data the MPH requires under this chapter
 40 in a nonproprietary format.

41 (2) As requested by the MPH, make the MPH a party to any
 42 contractual agreement that will generate state data and



1 ensure that state data generated through a contractual
 2 agreement shall not be held exclusively, limited or otherwise,
 3 by a private vendor.
 4 (3) As requested by the MPH, make available personnel with
 5 technical expertise to facilitate sharing of state data.
 6 Sec. 12. (a) Title to any state data that is obtained by the MPH
 7 under section 11 of this chapter and that is unchanged by the MPH
 8 remains with the agency sharing the state data, including an
 9 agency's sole authority to license use of state data.
 10 (b) Title to state data that is obtained by the MPH under section
 11 11 of this chapter and that the MPH has changed in a substantive
 12 manner is vested in the MPH.
 13 (c) Requests made in accordance with IC 5-14-3 for state data
 14 to which the MPH does not have title must be directed to the
 15 agency sharing the state data. The MPH may not fulfill such a
 16 request.
 17 Sec. 13. The MPH is considered to be an agent of the agency
 18 sharing state data and is an authorized receiver of state data under
 19 the statutory or administrative law that governs the state data.
 20 Interagency data sharing under this chapter does not constitute a
 21 disclosure or release under any statutory or administrative law
 22 that governs the state data.
 23 Sec. 14. (a) The MPH shall prescribe a form to be used to
 24 memorialize the sharing of data under this chapter.
 25 (b) The form prescribed under subsection (a) shall be:
 26 (1) completed by the agency or other entity described in
 27 section 15 of this chapter; and
 28 (2) signed by the administrative head of the agency or other
 29 entity.
 30 (c) A data sharing form completed and signed under subsection
 31 (b) constitutes the agreement required by any statutory or
 32 administrative law that governs the data. No additional
 33 documentation may be required to share data under this chapter.
 34 Sec. 15. The MPH may accept electronically recorded
 35 information from a person that is neither an executive state agency
 36 nor an entity described in section 16 of this chapter, a state
 37 educational institution, or a political subdivision. The MPH may
 38 analyze and exchange electronically recorded information in
 39 carrying out the powers and duties of the OMB and the powers and
 40 duties of the entity sharing the electronically recorded information.
 41 Title to any electronically recorded information received by the
 42 MPH under this section is vested in the MPH.



1 **Sec. 16. The MPH may, under this chapter:**

2 (1) accept, analyze, maintain, store, and use electronically
3 recorded information from; and

4 (2) advise and assist, on matters related to analyzing,
5 maintaining, storing, using, and exchanging electronically
6 recorded information;

7 any office, chamber, agency, or other entity within the legislative
8 department of state government or the judicial department of state
9 government in accordance with a written agreement between the
10 chief data officer appointed under section 9 of this chapter and the
11 administrative head of the entity sharing the electronically
12 recorded information. The MPH shall exchange state data or other
13 electronically recorded information under this chapter with any
14 office, chamber, agency, or other entity within the legislative
15 department of state government in accordance with IC 2.

16 **Sec. 17. (a) The OMB shall submit a report to the legislative**
17 **council (in an electronic format under IC 5-14-6) that provides**
18 **recommendations concerning the following:**

19 (1) Policies and practices to ensure the privacy, security,
20 quality, and confidentiality of the state data collected,
21 analyzed, and maintained by the MPH in the course of
22 carrying out the duties of the MPH under section 10 of this
23 chapter, including policies and practices to protect personally
24 identifiable information and other sensitive information.

25 (2) Organizational structures, policies, and practices for
26 making state data available for public consumption under
27 section 10(2) of this chapter.

28 (3) Organizational structures, policies, and practices to ensure
29 ongoing and continuous communication and collaboration
30 between the MPH and the educational, nonprofit, and other
31 nongovernmental users of state data collected, analyzed, and
32 maintained by the MPH in the course of carrying out the
33 duties of the MPH under section 10 of this chapter.

34 (4) Organizational structures, policies, and practices to ensure
35 ongoing and continuous communication and collaboration
36 between the MPH and the governmental users of state data
37 collected, analyzed, and maintained by the MPH in the course
38 of carrying out the duties of the MPH under section 10 of this
39 chapter.

40 (5) Policies and practices to ensure that the state data
41 collected, analyzed, and maintained by the MPH in the course
42 of carrying out the duties of the MPH under section 10 of this



1 chapter is relevant and readily available to the educational,
 2 nonprofit, and other nongovernmental users of the state data.
 3 The report required under this subsection must be submitted
 4 before October 1, 2017.

5 (b) In preparing the report required by subsection (a), the OMB
 6 shall assemble an advisory group comprised of the following
 7 individuals:

8 (1) The OMB director.

9 (2) The chief data officer.

10 (3) The chief information officer appointed under
 11 IC 4-13.1-2-3.

12 (4) Not fewer than two (2) representatives of nonprofit
 13 research entities.

14 (5) Not fewer than two (2) representatives of entities that, in
 15 their regular course of business, use the type of data that will
 16 be made available by the MPH for public consumption under
 17 section 10 of this chapter.

18 The OMB director shall serve as the chair of the advisory group.
 19 The advisory group shall assist the OMB in preparing the report
 20 required under subsection (a).

21 (c) This section expires January 1, 2018.

22 SECTION 6. IC 5-14-3.3 IS ADDED TO THE INDIANA CODE
 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2017]:

25 **Chapter 3.3. Government Data**

26 **Sec. 1.** As used in this chapter, "data owner" means a
 27 governmental entity that creates or gathers data from other
 28 sources and stores that data for its governmental purposes.

29 **Sec. 2. (a)** As used in this chapter, "executive state agency"
 30 refers to any agency, authority, board, bureau, commission,
 31 department, division, office, or other unit of state government in
 32 the executive, including the administrative, department of state
 33 government established by any of the following:

34 (1) The Constitution of the State of Indiana.

35 (2) An Indiana statute.

36 (3) An administrative rule.

37 (4) An executive order.

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

39 (1) The legislative department of state government.

40 (2) The judicial department of state government.

41 (3) The Indiana finance authority created by IC 4-4-11-4.

42 (4) A political subdivision.



1 (5) A state educational institution.

2 Sec. 3. As used in this chapter, "governmental entity" refers to
3 any of the following:

4 (1) An executive state agency.

5 (2) A political subdivision.

6 (3) An agency of a political subdivision.

7 (4) A state educational institution.

8 Sec. 4. As used in this chapter, "government data" refers to any
9 electronically recorded information created, received, maintained,
10 or stored by or otherwise in the control of a governmental entity.

11 The term does not include any of the following:

12 (1) The investigative records of law enforcement agencies that
13 employ the law enforcement officers listed in
14 IC 35-31.5-2-185.

15 (2) The confidential advisory opinions requested or given by
16 the office of the inspector general.

17 (3) Other information deemed confidential by IC 4-2-6,
18 IC 4-2-7, IC 5-2-4, IC 31-33-18, IC 9-32-16-1, IC 10-13-3, 26
19 CFR 20, or 28 CFR 23.

20 (4) Confidential investigative records related to an
21 investigation under IC 4-31, IC 4-33 or IC 4-35 and any other
22 information classified as confidential under IC 4-31, IC 4-33
23 or IC 4-35.

24 Sec. 5. As used in this chapter, "government web site" refers to
25 an Internet web site that is established for a governmental entity.

26 Sec. 6. As used in this chapter, "machine readable" refers to a
27 format in which government data can be easily processed by a
28 computer without human intervention while ensuring that
29 semantic meaning is not lost.

30 Sec. 7. As used in this chapter, "open format" means a technical
31 format based on an underlying open standard that is:

32 (1) not encumbered by restrictions that would impede use or
33 reuse; and

34 (2) maintained by a standards organization.

35 Sec. 8. As used in this chapter, "political subdivision" has the
36 meaning set forth in IC 36-1-2-13.

37 Sec. 9. As used in this chapter, "web site owner" refers to the
38 governmental entity that:

39 (1) establishes and maintains a government web site; and

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

41 Sec. 10. Except as provided in this chapter or in another statute,
42 the standards stated in this chapter apply to government data.



1 **Sec. 11. A governmental entity should strive to make the data it**
 2 **keeps in a machine readable and open format.**

3 **Sec. 12. Except as otherwise specifically provided in this chapter**
 4 **or another statute, this chapter does not require a governmental**
 5 **entity to record information or expend resources for the purpose**
 6 **of computer programming to make or convert data to a format**
 7 **required under this chapter.**

8 **Sec. 13. A government web site may disclose government data**
 9 **only in accordance with IC 4-1-6 and IC 5-14-3.**

10 **Sec. 14. A web site owner and its officers, officials, and**
 11 **employees are immune from any civil liability for posting**
 12 **confidential information if the information was posted in reliance**
 13 **on a determination made by a data owner about the confidentiality**
 14 **of information on the government web site.**

15 **Sec. 15. Except as specifically provided in IC 4-5-10-2,**
 16 **IC 4-13.1-2-4, IC 5-14-3-3.5, IC 5-14-3-3.6, or another statute, a**
 17 **web site owner may not charge a fee for access to the data on the**
 18 **web site.**

19 **Sec. 16. (a) This section applies to a data owner only if an**
 20 **Indiana statute requires the data owner to submit government data**
 21 **to a web site owner.**

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

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

27 SECTION 7. IC 6-8.1-7-1, AS AMENDED BY P.L.242-2015,
 28 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2017]: Sec. 1. (a) This subsection does not apply to the
 30 disclosure of information concerning a conviction on a tax evasion
 31 charge. Unless in accordance with a judicial order or as otherwise
 32 provided in this chapter, the department, its employees, former
 33 employees, counsel, agents, or any other person may not divulge the
 34 amount of tax paid by any taxpayer, terms of a settlement agreement
 35 executed between a taxpayer and the department, investigation records,
 36 investigation reports, or any other information disclosed by the reports
 37 filed under the provisions of the law relating to any of the listed taxes,
 38 including required information derived from a federal return, except to
 39 **any of the following when it is agreed that the information is to be**
 40 **confidential and to be used solely for official purposes:**

- 41 (1) Members and employees of the department.
 42 (2) The governor.



1 (3) A member of the general assembly or an employee of the
 2 house of representatives or the senate when acting on behalf of a
 3 taxpayer located in the member's legislative district who has
 4 provided sufficient information to the member or employee for
 5 the department to determine that the member or employee is
 6 acting on behalf of the taxpayer.

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

10 ~~(4)~~ (5) The attorney general or any other legal representative of
 11 the state in any action in respect to the amount of tax due under
 12 the provisions of the law relating to any of the listed taxes. ~~or~~

13 ~~(5)~~ (6) Any authorized officers of the United States.

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

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

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

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

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

36 (d) The name, address, Social Security number, and place of
 37 employment relating to any individual who is delinquent in paying
 38 educational loans owed to a postsecondary educational institution may
 39 be revealed to that institution if it provides proof to the department that
 40 the individual is delinquent in paying for educational loans. This
 41 information shall be provided free of charge to approved postsecondary
 42 educational institutions (as defined by IC 21-7-13-6(a)). The



1 department shall establish fees that all other institutions must pay to the
2 department to obtain information under this subsection. However, these
3 fees may not exceed the department's administrative costs in providing
4 the information to the institution.

5 (e) The information described in subsection (a) relating to reports
6 submitted under IC 6-6-1.1-502 concerning the number of gallons of
7 gasoline sold by a distributor and IC 6-6-2.5 concerning the number of
8 gallons of special fuel sold by a supplier and the number of gallons of
9 special fuel exported by a licensed exporter or imported by a licensed
10 transporter may be released by the commissioner upon receipt of a
11 written request for the information.

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

15 (1) the state agency shows an official need for the information;
16 and

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

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

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

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

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

36 (k) All information relating to the delinquency or evasion of
37 commercial vehicle excise taxes payable to the bureau of motor
38 vehicles in Indiana may be disclosed to the bureau and may be
39 disclosed to another state, if the information is disclosed for the
40 purpose of the enforcement and collection of the taxes imposed by
41 IC 6-6-5.5.

42 (l) All information relating to the delinquency or evasion of



1 commercial vehicle excise taxes payable under the International
 2 Registration Plan may be disclosed to another state, if the information
 3 is disclosed for the purpose of the enforcement and collection of the
 4 taxes imposed by IC 6-6-5.5.

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

11 (n) This section does not apply to:

- 12 (1) the beer excise tax, including brand and packaged type
 13 (IC 7.1-4-2);
- 14 (2) the liquor excise tax (IC 7.1-4-3);
- 15 (3) the wine excise tax (IC 7.1-4-4);
- 16 (4) the hard cider excise tax (IC 7.1-4-4.5);
- 17 (5) the malt excise tax (IC 7.1-4-5);
- 18 (6) the motor vehicle excise tax (IC 6-6-5);
- 19 (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- 20 (8) the fees under IC 13-23.

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

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

28 (q) The department may release information concerning total
 29 incremental tax amounts under:

- 30 (1) IC 5-28-26;
- 31 (2) IC 36-7-13;
- 32 (3) IC 36-7-26;
- 33 (4) IC 36-7-27;
- 34 (5) IC 36-7-31;
- 35 (6) IC 36-7-31.3; or
- 36 (7) any other statute providing for the calculation of incremental
 37 state taxes that will be distributed to or retained by a political
 38 subdivision or other entity;

39 to the fiscal officer of the political subdivision or other entity that
 40 established the district or area from which the incremental taxes were
 41 received if that fiscal officer enters into an agreement with the
 42 department specifying that the political subdivision or other entity will



- 1 use the information solely for official purposes.
- 2 (r) The department may release the information as required in
3 IC 6-8.1-3-7.1 concerning:
- 4 (1) an innkeeper's tax, a food and beverage tax, or an admissions
5 tax under IC 6-9;
- 6 (2) the supplemental auto rental excise tax under IC 6-6-9.7; and
7 (3) the covered taxes allocated to a professional sports
8 development area fund, sports and convention facilities operating
9 fund, or other fund under IC 36-7-31 and IC 36-7-31.3.
- 10 (s) Information concerning state gross retail tax exemption
11 certificates that relate to a person who is exempt from the state gross
12 retail tax under IC 6-2.5-4-5 may be disclosed to a power subsidiary (as
13 defined in IC 6-2.5-4-5) or a person selling the services or commodities
14 listed in IC 6-2.5-4-5(b) for the purpose of enforcing and collecting the
15 state gross retail and use taxes under IC 6-2.5.
- 16 SECTION 8. IC 22-4.5-10 IS REPEALED [EFFECTIVE JULY 1,
17 2017]. (Indiana Workforce Intelligence System).
- 18 SECTION 9. IC 34-30-2-14.7, AS ADDED BY P.L.172-2011,
19 SECTION 136, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2017]: Sec. 14.7. IC 5-14-3.5-5 **and**
21 **IC 5-14-3.3-14** (Concerning state and state officers, officials, and
22 employees for posting certain confidential information).
- 23 SECTION 10. IC 36-2-7-10.1, AS AMENDED BY P.L.215-2007,
24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2017]: Sec. 10.1. (a) As used in this section, "bulk form"
26 means:
- 27 (1) a copy of all recorded documents received by the county
28 recorder for recording in a calendar day, week, month, or year;
- 29 (2) the indices for finding, retrieving, and viewing all recorded
30 documents received by the county recorder for recording in a
31 calendar day, week, month, or year; or
32 (3) both subdivisions (1) and (2).
- 33 (b) As used in this section, "bulk user" means an individual, a
34 corporation, a partnership, a limited liability company, or an
35 unincorporated association that purchases bulk form copies. However,
36 "bulk user" does not include an individual, a corporation, a partnership,
37 a limited liability company, or an unincorporated association whose
38 primary purpose is to resell public records.
- 39 (c) As used in this section, "copy" means:
- 40 (1) duplicating electronically stored data onto a disk, tape, drum,
41 or any other medium of electronic data storage; or
42 (2) reproducing on microfilm.



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

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

8 (f) The county recorder shall collect the fees prescribed by this
 9 section for the sale of recorded documents in bulk form copies to bulk
 10 users of public records. The county recorder shall pay the fees into the
 11 county treasury at the end of each calendar month. The fees prescribed
 12 and collected under this section supersede all other fees for bulk form
 13 copies required by law to be charged for services rendered by the
 14 county recorder to bulk users.

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

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

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

23 (h) As used in this subsection, "actual cost" does not include labor
 24 costs or overhead costs. The county recorder may charge a fee that
 25 exceeds the amount established by subsection (g) if the actual cost of
 26 providing the bulk form copies exceeds the amount established by
 27 subsection (g). However, the total amount charged for the bulk form
 28 copies may not exceed the actual cost plus one cent (\$0.01) of
 29 providing the bulk form copies.

30 (i) The county recorder shall provide bulk users with bulk form
 31 copies in the format or medium in which the county recorder maintains
 32 the recorded documents and indices. If the county recorder maintains
 33 the recorded documents and indices in more than one (1) format or
 34 medium, the bulk user may select the format or medium in which the
 35 bulk user shall receive the bulk form copies. If the county recorder
 36 maintains the recorded documents and indices for finding, retrieving,
 37 and viewing the recorded documents in an electronic or a digitized
 38 format, a reasonable effort shall be made to provide the bulk user with
 39 bulk form copies in a standard, generally acceptable, **machine** readable
 40 format (**as defined in IC 5-14-3.3-6**). Upon request of the bulk user,
 41 the county recorder shall provide the bulk form copies to the bulk user
 42 within a reasonable time after the recorder's archival process is



1 completed and bulk form copies become available in the office of the
2 county recorder.

3 (j) Bulk form copies under this section may be used:

4 (1) in the ordinary course of the business of the bulk user; and

5 (2) by customers of the bulk user.

6 (k) The bulk user may charge its customers a fee for using the bulk
7 form copies obtained by the bulk user. However, bulk form copies
8 obtained by a bulk user under this section may not be resold.

9 (l) All revenue generated by the county recorder under this section
10 shall be deposited in the recorder's record perpetuation fund and used
11 by the recorder in accordance with section 10(d) of this chapter.

12 (m) This section does not apply to enhanced access under
13 IC 5-14-3-3.

14 **SECTION 11. [EFFECTIVE JULY 1, 2017] (a) The general**
15 **assembly urges the legislative council to assign to an appropriate**
16 **study committee for study during the 2017 legislative interim**
17 **topics concerning the following:**

18 **(1) Establishing in the department of state revenue an**
19 **enterprise fraud program office to implement a fraud, waste,**
20 **abuse, and improper payments detection and prevention**
21 **capability across state agencies and programs.**

22 **(2) Requiring state agencies to provide access to state data**
23 **bases as directed by the enterprise fraud program office to**
24 **allow the data to be integrated with various state data and to**
25 **permit fraud detection analytics software to analyze the data.**

26 **(3) Establishing a pilot program, as soon as practicable, to**
27 **implement state-of-the-art enterprise fraud detection**
28 **technology that can support fraud, waste, abuse, and**
29 **improper payment detection and prevention across state**
30 **agencies, programs, and functions.**

31 **(4) Providing regular reporting to the general assembly by the**
32 **enterprise fraud program office concerning matters such as**
33 **the following:**

34 **(A) Incidents, types, and amounts of fraud identified, by**
35 **agency.**

36 **(B) The amount actually recovered as a result of fraud**
37 **identification, by agency.**

38 **(C) Agency procedural changes resulting from fraud**
39 **identification and the timeline for implementing each.**

40 **(D) Recommendations for changes in state statute, agency**
41 **regulations, and agency operating procedures that would**
42 **improve the state's ability to identify and prevent fraud**



1 **and increase the probability that funds lost to fraudulent**
2 **activity are recovered by the state.**
3 **(E) Recommendations for changes in the United States**
4 **Code, Code of Federal Regulations, and operating**
5 **procedures by United States departments and agencies that**
6 **would improve the state's ability to identify and prevent**
7 **fraud or increase the probability that funds lost to**
8 **fraudulent activity are recovered by the state.**
9 **(F) State costs for fraud detection for the previous quarter.**
10 **(G) Payments to the vendor for the previous quarter.**
11 **(H) Anticipated costs and vendor payments for each of the**
12 **next two years from the date of the report.**
13 **(b) This SECTION expires November 1, 2017.**



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.

EH 1470—LS 7499/DI 75



(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

EH 1470—LS 7499/DI 75



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



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1470, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning state and local administration.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1470 as reprinted February 23, 2017.)

MESSMER, Chairperson

Committee Vote: Yeas 9, Nays 0.

 SENATE MOTION

Madam President: I move that Engrossed House Bill 1470 be amended to read as follows:

Delete the title and insert the following:

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

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. This chapter does not limit other provisions of law directly or indirectly providing for the sharing of records with the general assembly, the legislative services agency, or another entity within the legislative department of the state.

Sec. 2. This chapter does not authorize the legislative services agency to have direct access to the electronic operating systems or electronic data bases of a governmental entity without the consent of the governmental entity. Unless otherwise agreed to by the governmental entity, if direct tests of an operating system or data

EH 1470—LS 7499/DI 75



base are necessary to meet the objectives of an audit or other assessment subject to section 16 of this chapter, the state board of accounts shall carry out the tests.

Sec. 3. As used in this chapter, "governmental entity" means any of the following:

- (1) Any officer or other organizational unit, by whatever name denominated, exercising any of the powers of state government.
- (2) A state educational institution.
- (3) A political subdivision (as defined in IC 36-1-2-13).
- (4) An instrumentality of state government or a political subdivision (as defined in IC 36-1-2-13) or other entity created by law. The term includes the Indiana finance authority created by IC 4-4-11-4 only for the purposes of this chapter and no other purpose.

Sec. 4. As used in this chapter, "record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that:

- (1) is created, received, retained, maintained, or filed by or with a governmental entity; and
- (2) is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

Sec. 5. A request from the legislative services agency under this chapter for records may be made by the executive director of the legislative services agency or another employee of the legislative services agency designated by the executive director.

Sec. 6. A charge permitted under IC 5-14-3-6, IC 5-14-3-8, or another law or rule to supply records does not apply to supplying records to the legislative services agency under this chapter.

Sec. 7. With respect to records obtained under this chapter, the legislative services agency shall maintain at least the same level of confidentiality as is required by law of the governmental entity from which the records are obtained. Officers and employees of the legislative services agency are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the governmental entity from which the records are obtained.

Sec. 8. A governmental entity providing records obtained under this chapter shall assist the legislative services agency in identifying any part of the records obtained by the legislative services agency



that must be maintained by the legislative services agency as confidential records.

Sec. 9. To the extent permitted under state and federal law, the legislative services agency is considered an agent of the governmental entity sharing records with the legislative services agency and is an authorized receiver of the records under the statutory or administrative law that governs the records. Sharing of records under this chapter does not constitute a disclosure or release under any statutory or administrative law that governs the records.

Sec. 10. If records to which the legislative services agency has access under this chapter are 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 records.
- (3) Provide access to the records to the legislative services agency to the fullest extent permitted by the applicable federal law, federal regulation, or federal executive order.

Sec. 11. The legislative council or the personnel subcommittee of the legislative council, or both, may establish additional policies, limits, and procedures governing access to, safekeeping, or use of records obtained by the legislative services agency under this chapter.

Sec. 12. (a) This section applies to a governmental entity's response to an inquiry from the legislative services agency regarding a record in the possession of the governmental entity that does not qualify as confidential under IC 5-14-3-4 or another law.

(b) Upon request, a governmental entity shall provide the legislative services agency with records that contain any data that is not confidential under IC 5-14-3-4 or another law. If another section of this chapter does not apply, the governmental agency may redact confidential data in a record provided under this section.

Sec. 13. (a) This section applies to a governmental entity's response to an inquiry from the legislative services agency regarding records created, received, maintained, or stored by or otherwise coming under the control of a governmental entity in the



ordinary course of carrying out a program or activity within the jurisdiction of a governmental entity and not specifically generated solely for deliberative purposes.

(b) Upon request, a governmental entity shall provide the legislative services agency with a copy of the requested records on paper or on a different media, including any confidential data in the record, as requested by the legislative services agency. The request may include a data set that the governmental entity must compile from a larger data set.

(c) If the governmental entity stores the data in electronic format, the data shall be provided in the original format in which the data is received or stored by the governmental entity, including data delimiters, tags, metadata, and other characters used to make the data machine-readable or otherwise useful for retrieval or processing by the governmental entity, unless the legislative services agency agrees to accept the data in a different format.

Sec. 14. (a) This section applies to a governmental entity's response to an inquiry from the legislative services agency regarding any:

(1) contract, agreement, plan, or other document, including incorporated supporting documents, regardless of the name by which the documents are denominated, that includes a description of the legal obligations, approvals, or other binding or discretionary commitments made by the governmental entity; or

(2) policy, procedure, or practices of the governmental entity that:

(A) govern; or

(B) will govern in a future period (after a final determination has been made to implement the policy, procedure, or practice);

the conduct of a governmental function by a governmental entity.

(b) Upon request, a governmental entity shall provide the legislative services agency with a copy of the material regardless of whether the material contains information that qualifies under any law as confidential.

Sec. 15. (a) This section applies to a governmental entity's response to an inquiry from the legislative services agency regarding a forecast, projection, or other estimates, survey results, analytics, statistics, or conclusions concerning revenues, taxes, costs, benefits, cash balances, services, liabilities, assets, program



outcomes, or demographics, related to carrying out a government function in a future period:

- (1) that was prepared by or for the governmental entity; and
- (2) that is generally available to the public, referenced in the news media or another public source, required to be prepared by law, prepared as a condition of obtaining a federal or other grant or conducting a federal or other program, used as the basis for supporting or opposing a legislative proposal or issue being considered by the general assembly or its committees, prepared to assess the costs or benefits of a proposal or issue being considered by the general assembly or its committees, or requested by the legislative services agency.

(b) Upon request, a governmental entity shall provide the legislative services agency with sufficient and appropriate information for the legislative services agency to independently evaluate and, at the election of the legislative services agency, model or otherwise duplicate the results in a professional and workmanlike manner, consistent with industry standards for similar work. The governmental entity may redact material that is confidential under any law only to the extent the legislative services agency determines the legislative services agency can model or duplicate the results without the redacted material.

(c) Upon request, the governmental entity must be prepared to discuss with the legislative services agency, based on documentation existing at the time of the response:

- (1) the data;
- (2) the source and reasons for the assumptions; and
- (3) the methods;

used to calculate or otherwise determine the results reached by the governmental entity.

(d) Upon request, the governmental entity must be prepared to discuss with the legislative services agency known circumstances that, in the governmental entity's judgment, had a significant effect on the preparation of the results reached by the governmental entity, including circumstances such as:

- (1) changes in the operating environment;
- (2) trends in experience;
- (3) likely product, service, or plan changes;
- (4) likely demographic changes;
- (5) likely changes in the governmental entity's methods, policies, or procedures; and
- (6) required compliance with relevant new or revised



accounting rules, laws and regulations, or other government promulgations.

(e) This subsection applies to a forecast, a projection, survey results, or other estimates, analytics, statistics, or conclusions, if the results were prepared solely at the request of the legislative services agency. The legislative services agency may not require a governmental entity to hire contractors or incur other similar extraordinary, out-of-pocket costs to prepare a forecast, a projection, or other estimates, analytics, statistics, or conclusions.

Sec. 16. (a) This section applies to a governmental entity's response to an inquiry from the legislative services agency when a law, the legislative counsel, or at least a majority of the legislative leaders direct the legislative services agency to:

- (1) conduct an independent, objective, nonpartisan audit or other assessment of the stewardship, performance, or cost of government entity policies, programs, or operations; or
- (2) review an audit or other assessment related to the stewardship, performance, or cost of governmental entity policies, programs, or operations.

(b) As used in this section, "legislative leaders" refers to the speaker of the house of representatives, the president pro tempore of the senate, the minority leader of the senate, and the minority leader of the house of representatives.

(c) Upon request, a governmental entity shall provide the legislative services agency with sufficient, appropriate evidence that provides a reasonable basis for findings and conclusions related to the objective of the assessment.

(d) The legislative services agency shall use generally accepted governmental auditing standards as a guideline for conducting or reviewing an assessment (including the nature, extent, and timing of necessary evidence and assessment activities) and determining the sufficiency and appropriateness of evidence.

(e) A governmental entity may redact material that is confidential under any law only to the extent the legislative services agency determines the legislative services agency has a reasonable basis for findings and conclusions related to the objective of the assessment without the redacted material, as determined under generally accepted governmental auditing standards.

SECTION 2. IC 2-6-1.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) Not more than fourteen (14) days (including Saturdays, Sundays, and legal holidays) after the last day the governor must take action on enrolled acts passed



during any session of the general assembly, the legislative services agency shall distribute to the clerk of the circuit court of each county one (1) copy of each enrolled act of that session which became law.

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

- (1) a hard paper copy; or
- (2) an electronic copy:
 - (A) on a computer disk;
 - (B) on a CD-ROM disk; or
 - (C) in another machine readable format **that can be easily processed by a computer without human intervention while ensuring that semantic meaning is not lost.**

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

- (1) a hard paper copy; or
- (2) an electronic copy described in subsection (b)(2) that is available from the legislative services agency.

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

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

SECTION 3. IC 4-3-22-4, AS AMENDED BY P.L.213-2015, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. The director is responsible and accountable for and has authority over the following:

- (1) All functions performed by the following:
 - (A) The budget agency.
 - (B) The department of state revenue.
 - (C) The department of local government finance.
 - (D) The Indiana finance authority.
 - (E) The office of state based initiatives.
 - (F) The management performance hub.**

The directors of these agencies, departments, and offices shall report to the director and administer their offices and agencies in



compliance with the policies and procedures related to fiscal management that are established by the OMB and approved by the governor.

(2) All budgeting, accounting, and spending functions within the various agencies, departments, and programs of state government.

SECTION 4. IC 4-3-22-6 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 6. (a) ~~The division of government efficiency and financial planning is established within the OMB. The director shall appoint, subject to the approval of the governor, a director of the division, who serves at the pleasure of the director of OMB.~~

(b) ~~The division shall do the following:~~

(1) ~~Conduct operational and procedural audits of state government.~~

(2) ~~Perform financial planning and design and implement efficiency projects.~~

(3) ~~Advise and assist:~~

(A) ~~each instrumentality, agency, authority, board, commission, and officer in the executive department of state government; and~~

(B) ~~each body corporate and politic established as an instrumentality of the state;~~

~~to identify and implement continuous process improvement in state government.~~

(4) ~~Carry out such other responsibilities as may be designated by the director.~~

SECTION 5. IC 4-3-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 26. Indiana Management Performance Hub

Sec. 1. 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. 2. (a) As used in this chapter, "executive state 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. 3. As used in this chapter, "MPH" refers to the management performance hub established by section 8 of this chapter.

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

Sec. 5. As used in this chapter, "person" has the meaning set forth in IC 5-22-2-20.

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" refers to any electronically recorded information created, received, maintained, or stored by or otherwise in the control of an executive state agency. The term does not include any of the following:

- (1) The investigative records of law enforcement agencies that employ the law enforcement officers listed in IC 35-31.5-2-185.
- (2) The confidential advisory opinions requested or given by the office of the inspector general.
- (3) Other information deemed confidential by IC 4-2-6, IC 4-2-7, IC 5-2-4, IC 31-33-18, IC 9-32-16-1, IC 10-13-3, 26 CFR 20, or 28 CFR 23.
- (4) Confidential investigative records related to an investigation under IC 4-31, IC 4-33 or IC 4-35 and any other information classified as confidential under IC 4-31, IC 4-33 or IC 4-35.

Sec. 8. The management 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 executive state agencies and political subdivisions regarding state best practices concerning the creation and maintenance of data.
 - (3) Coordinate data analytics and transparency master



planning for the executive state agencies and provide leadership regarding state data analytics and transparency.

Sec. 10. The MPH shall do the following:

(1) Establish and maintain a program to collect, analyze, and exchange state data in carrying out the powers and duties of the OMB and the powers and duties of the executive state agency sharing the data. In carrying out this program, the MPH may, in accordance with IC 4-1-6, obtain state data from each executive state agency.

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

(A) A request for data subject to IC 4-1-6-8.6 shall be made in conformance with that section.

(B) A program established and maintained under this chapter must include policies governing access to state data held by the MPH under this chapter. State data may be made available only in accordance with applicable confidentiality and disclosure laws, and shall not be held exclusively, limited or otherwise, by a private vendor.

(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 executive state agencies.

(6) Perform financial planning and design and implement efficiency projects for executive state agencies.

(7) Advise and assist each executive state 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 to carry out the responsibilities 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



in a nonproprietary format.

(2) As requested by the MPH, make the MPH a party to any contractual agreement that will generate state data and ensure that state data generated through a contractual agreement shall not be held exclusively, limited or otherwise, by a private vendor.

(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, including an agency's sole authority to license use of 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.

(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.

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. The MPH may accept electronically recorded information from a person that is neither an executive state agency nor an entity described in section 16 of this chapter, a state educational institution, or a political subdivision. The MPH may analyze and exchange electronically recorded information in carrying out the powers and duties of the OMB and the powers and



duties of the entity sharing the electronically recorded information. Title to any electronically recorded information received by the MPH under this section is vested in the MPH.

Sec. 16. The MPH may, under this chapter:

- (1) accept, analyze, maintain, store, and use electronically recorded information from; and
- (2) advise and assist, on matters related to analyzing, maintaining, storing, using, and exchanging electronically recorded information;

any office, chamber, agency, or other entity within the legislative department of state government or the judicial department of state government in accordance with a written agreement between the chief data officer appointed under section 9 of this chapter and the administrative head of the entity sharing the electronically recorded information. The MPH shall exchange state data or other electronically recorded information under this chapter with any office, chamber, agency, or other entity within the legislative department of state government in accordance with IC 2.

Sec. 17. (a) The OMB shall submit a report to the legislative council (in an electronic format under IC 5-14-6) that provides recommendations concerning the following:

- (1) Policies and practices to ensure the privacy, security, quality, and confidentiality of the state data collected, analyzed, and maintained by the MPH in the course of carrying out the duties of the MPH under section 10 of this chapter, including policies and practices to protect personally identifiable information and other sensitive information.
- (2) Organizational structures, policies, and practices for making state data available for public consumption under section 10(2) of this chapter.
- (3) Organizational structures, policies, and practices to ensure ongoing and continuous communication and collaboration between the MPH and the educational, nonprofit, and other nongovernmental users of state data collected, analyzed, and maintained by the MPH in the course of carrying out the duties of the MPH under section 10 of this chapter.
- (4) Organizational structures, policies, and practices to ensure ongoing and continuous communication and collaboration between the MPH and the governmental users of state data collected, analyzed, and maintained by the MPH in the course of carrying out the duties of the MPH under section 10 of this chapter.



(5) Policies and practices to ensure that the state data collected, analyzed, and maintained by the MPH in the course of carrying out the duties of the MPH under section 10 of this chapter is relevant and readily available to the educational, nonprofit, and other nongovernmental users of the state data. The report required under this subsection must be submitted before October 1, 2017.

(b) In preparing the report required by subsection (a), the OMB shall assemble an advisory group comprised of the following individuals:

- (1) The OMB director.
- (2) The chief data officer.
- (3) The chief information officer appointed under IC 4-13.1-2-3.
- (4) Not fewer than two (2) representatives of nonprofit research entities.
- (5) Not fewer than two (2) representatives of entities that, in their regular course of business, use the type of data that will be made available by the MPH for public consumption under section 10 of this chapter.

The OMB director shall serve as the chair of the advisory group. The advisory group shall assist the OMB in preparing the report required under subsection (a).

(c) This section expires January 1, 2018.

SECTION 6. 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 owner" means a governmental entity that creates or gathers data from other sources and stores that data for its governmental purposes.

Sec. 2. (a) As used in this chapter, "executive state 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. 3. As used in this chapter, "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. 4. As used in this chapter, "government data" refers to any electronically recorded information created, received, maintained, or stored by or otherwise in the control of a governmental entity.

The term does not include any of the following:

- (1) The investigative records of law enforcement agencies that employ the law enforcement officers listed in IC 35-31.5-2-185.
- (2) The confidential advisory opinions requested or given by the office of the inspector general.
- (3) Other information deemed confidential by IC 4-2-6, IC 4-2-7, IC 5-2-4, IC 31-33-18, IC 9-32-16-1, IC 10-13-3, 26 CFR 20, or 28 CFR 23.
- (4) Confidential investigative records related to an investigation under IC 4-31, IC 4-33 or IC 4-35 and any other information classified as confidential under IC 4-31, IC 4-33 or IC 4-35.

Sec. 5. As used in this chapter, "government web site" refers to an Internet web site that is established for a governmental entity.

Sec. 6. As used in this chapter, "machine readable" refers to a format in which government data can be easily processed by a computer without human intervention while ensuring that semantic meaning is not lost.

Sec. 7. As used in this chapter, "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. 8. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 9. As used in this chapter, "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. 10. Except as provided in this chapter or in another statute, the standards stated in this chapter apply to government data.

Sec. 11. A governmental entity should strive to make the data it keeps in a machine readable and open format.

Sec. 12. 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. 13. A government web site may disclose government data only in accordance with IC 4-1-6 and IC 5-14-3.

Sec. 14. 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. 15. 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. 16. (a) This section applies to a data owner only if an Indiana statute requires the data owner to submit government data to a web site owner.

(b) A web site owner may require the data owner to submit the government 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 government data.

SECTION 7. IC 6-8.1-7-1, AS AMENDED BY P.L.242-2015, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to any of the following when it is agreed that the information is to be



confidential and to be used solely for official purposes:

- (1) Members and employees of the department.
- (2) The governor.
- (3) A member of the general assembly or an employee of the house of representatives or the senate when acting on behalf of a taxpayer located in the member's legislative district who has provided sufficient information to the member or employee for the department to determine that the member or employee is acting on behalf of the taxpayer.
- (4) An employee of the legislative services agency to carry out the responsibilities of the legislative services agency under IC 2-5-1.1-7 or another law.**
- ~~(4)~~ **(5)** The attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes. ~~or~~
- ~~(5)~~ **(6)** Any authorized officers of the United States.

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

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

- (1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and
- (2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

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

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to a postsecondary educational institution may be revealed to that institution if it provides proof to the department that



the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved postsecondary educational institutions (as defined by IC 21-7-13-6(a)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

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

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

- (1) the state agency shows an official need for the information; and
- (2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

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

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

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

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

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the



purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

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

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

(n) This section does not apply to:

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

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

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

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

- (1) IC 5-28-26;
- (2) IC 36-7-13;
- (3) IC 36-7-26;
- (4) IC 36-7-27;
- (5) IC 36-7-31;
- (6) IC 36-7-31.3; or
- (7) any other statute providing for the calculation of incremental state taxes that will be distributed to or retained by a political subdivision or other entity;

to the fiscal officer of the political subdivision or other entity that



established the district or area from which the incremental taxes were received if that fiscal officer enters into an agreement with the department specifying that the political subdivision or other entity will use the information solely for official purposes.

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

- (1) an innkeeper's tax, a food and beverage tax, or an admissions tax under IC 6-9;
- (2) the supplemental auto rental excise tax under IC 6-6-9.7; and
- (3) the covered taxes allocated to a professional sports development area fund, sports and convention facilities operating fund, or other fund under IC 36-7-31 and IC 36-7-31.3.

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

SECTION 8. IC 22-4.5-10 IS REPEALED [EFFECTIVE JULY 1, 2017]. (Indiana Workforce Intelligence System).

SECTION 9. IC 34-30-2-14.7, AS ADDED BY P.L.172-2011, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14.7. IC 5-14-3.5-5 **and IC 5-14-3.3-14** (Concerning state and state officers, officials, and employees for posting certain confidential information).

SECTION 10. IC 36-2-7-10.1, AS AMENDED BY P.L.215-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10.1. (a) As used in this section, "bulk form" means:

- (1) a copy of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;
- (2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or
- (3) both subdivisions (1) and (2).

(b) As used in this section, "bulk user" means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that purchases bulk form copies. However, "bulk user" does not include an individual, a corporation, a partnership, a limited liability company, or an unincorporated association whose primary purpose is to resell public records.

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



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

(2) reproducing on microfilm.

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

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

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

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

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

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

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

(i) The county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices. If the county recorder maintains the recorded documents and indices in more than one (1) format or medium, the bulk user may select the format or medium in which the bulk user shall receive the bulk form copies. If the county recorder maintains the recorded documents and indices for finding, retrieving, and viewing the recorded documents in an electronic or a digitized format, a reasonable effort shall be made to provide the bulk user with bulk form copies in a standard, generally acceptable, **machine** readable



format **(as defined in IC 5-14-3.3-6)**. Upon request of the bulk user, the county recorder shall provide the bulk form copies to the bulk user within a reasonable time after the recorder's archival process is completed and bulk form copies become available in the office of the county recorder.

(j) Bulk form copies under this section may be used:

- (1) in the ordinary course of the business of the bulk user; and
- (2) by customers of the bulk user.

(k) The bulk user may charge its customers a fee for using the bulk form copies obtained by the bulk user. However, bulk form copies obtained by a bulk user under this section may not be resold.

(l) All revenue generated by the county recorder under this section shall be deposited in the recorder's record perpetuation fund and used by the recorder in accordance with section 10(d) of this chapter.

(m) This section does not apply to enhanced access under IC 5-14-3-3."

Page 1, line 4, delete "concerning:" and insert "**concerning the following:**

(1) Establishing in the department of state revenue an enterprise fraud program office to implement a fraud, waste, abuse, and improper payments detection and prevention capability across state agencies and programs.

(2) Requiring state agencies to provide access to state data bases as directed by the enterprise fraud program office to allow the data to be integrated with various state data and to permit fraud detection analytics software to analyze the data.

(3) Establishing a pilot program, as soon as practicable, to implement state-of-the-art enterprise fraud detection technology that can support fraud, waste, abuse, and improper payment detection and prevention across state agencies, programs, and functions.

(4) Providing regular reporting to the general assembly by the enterprise fraud program office concerning matters such as the following:

(A) Incidents, types, and amounts of fraud identified, by agency.

(B) The amount actually recovered as a result of fraud identification, by agency.

(C) Agency procedural changes resulting from fraud identification and the timeline for implementing each.

(D) Recommendations for changes in state statute, agency regulations, and agency operating procedures that would



improve the state's ability to identify and prevent fraud and increase the probability that funds lost to fraudulent activity are recovered by the state.

(E) Recommendations for changes in the United States Code, Code of Federal Regulations, and operating procedures by United States departments and agencies that would improve the state's ability to identify and prevent fraud or increase the probability that funds lost to fraudulent activity are recovered by the state.

(F) State costs for fraud detection for the previous quarter.

(G) Payments to the vendor for the previous quarter.

(H) Anticipated costs and vendor payments for each of the next two years from the date of the report."

Page 1, delete lines 5 through 17.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1470 as printed April 4, 2017.)

HERSHMAN

