

1 H.516

2 Introduced by Committee on Government Operations

3 Date:

4 Subject: Information technology; Department of Information and Innovation;  
5 Division of Geospatial Technologies

6 Statement of purpose of bill as introduced: This bill proposes to remove the  
7 nonprofit status of the Vermont Center for Geographic Information (VCGI)  
8 and establish it as the Division of Geospatial Technologies under the  
9 Department of Information and Innovation and to transfer positions and  
10 employees existing under the VCGI to the new Division.

11 An act relating to establishing the Vermont Center for Geographic  
12 Information as the Division of Geospatial Technologies under the  
13 Department of Information and Innovation

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 10 V.S.A. § 121 is amended to read:

16 § 121. DEFINITIONS

17 As used in this chapter:

18 (1) "VGIS" means the Vermont ~~geographic information system~~

19 Geographic Information System developed pursuant to the comprehensive

20 strategy developed by the ~~center~~ Department of Information and Innovation's

1 Division of Geospatial Technologies as required by section 122 of this ~~title~~  
2 chapter.

3 (2) “Electronic products and services” means computer-related services  
4 and products provided by the ~~center~~ Division, including:

5 (A) ~~Electronic~~ electronic manipulation of the data contained in public  
6 records in order to tailor the data to a customer’s request, or to develop a  
7 product that meets the needs of customers;

8 (B) ~~Duplication~~ duplication of public records in alternative formats  
9 not used by the ~~center~~ Division, providing periodic updates of an electronic file  
10 or data base, or duplicating an electronic file or data base;

11 (C) ~~Provision~~ provision of on-line access to an electronic file or data  
12 base or any form of electronic access to the information system of the ~~center~~.  
13 Division;

14 (D) ~~Provision~~ provision of software developed by or for the ~~center~~.  
15 Division; and

16 (E) ~~Generating~~ generating maps, listings, or other standard or  
17 customized products from an electronic geographic information system.

18 (3) “Media” means the physical material on which written, printed, or  
19 electronically encoded information is stored.

1 Sec. 2. 10 V.S.A. § 122 is amended to read:

2 § 122. ~~VERMONT CENTER FOR GEOGRAPHIC INFORMATION,~~  
3 INCORPORATED DIVISION OF GEOSPATIAL TECHNOLOGIES;  
4 ESTABLISHMENT

5 (a) The ~~state~~ State of Vermont shall support a comprehensive strategy for  
6 the development and use of a geographic information system including:

7 (1) ~~Data~~ data and mapping standards;:

8 (2) ~~Potential~~ potential applications and their priorities;:

9 (3) ~~Priorities~~ priorities for collecting and digitizing information;:

10 (4) ~~Geographic~~ geographic location standards for all data collection;:

11 (5) ~~Software~~ software and hardware standards;:

12 (6) ~~Management~~ management needs;:

13 (7) ~~Private~~ private sector cooperation;:

14 (8) ~~Costs~~ costs and benefits of use;:

15 (9) ~~Financing considerations.~~ [Repealed.]

16 (10) ~~Ways~~ ways to make information gathered available to regional and  
17 municipal entities, commercial entities, the public, and others;:

18 (11) ~~Ways~~ ways to assure that data gathered by governmental entities  
19 conforms to the geographic information system;: and

20 (12) ~~An~~ an implementation schedule.

1 (b) In order to develop and implement that strategy, and to ensure that all  
2 data gathered by state agencies that is relevant to the VGIS shall be in a form  
3 that is compatible with, useful to, and shared with that geographic information  
4 system, there is hereby established ~~a nonprofit public corporation to be known~~  
5 ~~as the Vermont center for geographic information, hereinafter called "the~~  
6 ~~center," as a body corporate and politic and a public instrumentality of the state~~  
7 under the Department of Information and Innovation a Division of Geospatial  
8 Technologies.

9 (c) ~~The center shall be a nonprofit corporation and shall not have authority~~  
10 ~~to issue any capital stock. The property of the center shall be used solely to~~  
11 ~~promote its purposes as herein defined. The center shall assume title to~~  
12 ~~property other than the data acquired by the state for the support of a~~  
13 ~~geographic information system, but shall return title to such property to the~~  
14 ~~state if the property is not used to promote the center's purposes as herein~~  
15 ~~defined or upon any dissolution of the corporation. No part of the activities of~~  
16 ~~the center shall consist of participating in or intervening in, including the~~  
17 ~~publishing or distribution of statements, any political campaign on behalf of~~  
18 ~~any candidate for public office. Upon any dissolution of the corporation, any~~  
19 ~~assets remaining after payment of or provision for its debts and liabilities shall~~  
20 ~~be distributed according to applicable provisions of state law. No part of the~~  
21 ~~net assets or net earnings of the center shall inure to the benefit of or be paid or~~

1 ~~distributed to any officer, director, or employee of the center, or to any donor~~  
2 ~~to the center. The state reserves the right at any time to alter, amend, repeal or~~  
3 ~~otherwise change the structure, organization, programs or activities of the~~  
4 ~~center, including the power to terminate the corporation, subject to any~~  
5 ~~limitation on the impairment of the obligations of any contract or contracts~~  
6 ~~entered into by the center. [Repealed.]~~

7 Sec. 3. 10 V.S.A. § 123 is amended to read:

8 § 123. POWERS AND DUTIES

9 (a) ~~The center shall have all the general powers conferred by 11B V.S.A. §~~  
10 ~~3.02 [chapter 19 of Title 11] and all amendments thereto, and all other powers~~  
11 ~~necessary, desirable, or incidental fully to effectuate its corporate purposes~~  
12 ~~except where otherwise limited by statute. [Repealed.]~~

13 (b) The purposes of the center Division of Geospatial Technologies shall be  
14 to:

15 (1) ~~Assure~~ assure that all VGIS data are of high quality and are  
16 compatible with, useful to, and shared with other public-sector and  
17 private-sector data users;:

18 (2) ~~Encourage~~ encourage the same high standards of quality and  
19 compatibility in other Vermont GIS cooperators;:

1           (3) ~~Promote~~ promote the efficient development and use of geographic  
2 information by agencies of the ~~state~~ State, its political subdivisions, Vermont  
3 businesses, and citizens; and

4           (4) ~~Facilitate~~ facilitate the growth of commercial services within  
5 Vermont for the provision of spatial data, products, and services.

6           (c) Within the limits of available resources, the ~~center~~ Division of  
7 Geospatial Technologies shall operate a program of standards development,  
8 data dissemination, and quality assurance, and shall perform the following  
9 duties:

10           (1) Provide or ensure provision of geographic information products and  
11 services to Vermont citizens, to local and regional planning organizations, to  
12 state government, to the federal government, and to private businesses and  
13 industries.

14           (2) Develop procedures for access to the VGIS. Those procedures shall  
15 ensure that VGIS data are readily available for the purposes of ~~chapter 117 of~~  
16 ~~Title 24~~ 24 V.S.A. chapter 117, as well as for the support of efficient and  
17 economical geographic analysis and decision making by government, business,  
18 and citizens of Vermont, at a reasonable cost and in reasonable forms.

19           (3) Develop, publish, maintain, and implement such VGIS standards as  
20 are necessary to assure that data are compatible with, useful to, and shared with

1 all users of VGIS data, including geographic data standards relating to scale,  
2 accuracy, coding, documentation, data format, and physical media.

3 (4) In developing relevant policies, procedures, and standards, seek the  
4 consultation of institutions of higher learning, local government, local and  
5 regional planning, private business and industry, and other members of the  
6 public with an interest in or knowledge of GIS technology.

7 (5) For all geographic data that are or may be useful to the ~~center's~~  
8 Division's users, and that have been collected by any part of state government  
9 or generated with state support, ensure that such data:

10 (A) ~~Are~~ are developed and maintained so as to conform to VGIS  
11 standards;

12 (B) ~~Upon~~ upon request of a potential user, are actually made  
13 available to the user in a usable format in accordance with 1 V.S.A. § 315  
14 relating to access to public records and related statutes; and

15 (C) ~~Are~~ are stored and distributed in a manner which will limit the  
16 disclosure of data containing individual identifiers to disclosure consented to  
17 by the individuals in the data.

18 (6) Assist in assessing VGIS financial needs and resources for  
19 cooperating state agencies, evaluating the adequacy of those financial  
20 resources to meet the goals of the three-year VGIS work plan, and developing  
21 alternate sources of revenue for VGIS data acquisition.

1           (7) Enter into memoranda of understanding; form contracts; and enter  
2 cooperative agreements for the development, acquisition, maintenance,  
3 distribution, and marketing of GIS data.

4           (8) Include in any contract for electronic products and services  
5 provisions that:

6                 (A) ~~Protect~~ protect the security and integrity of VGIS information  
7 and of information systems that are shared by public agencies; and

8                 (B) ~~Indemnify~~ indemnify or limit the liability, if any, of the ~~state~~  
9 State of Vermont.

10           (9) Notify the ~~state librarian~~ State Librarian of the electronic services  
11 and products offered to the public. The notification must include a summary  
12 of the available format options and the cost of such products and services.

13           (10) Retain archive copies and act as a distributor for any state agency,  
14 as well as for other public and private entities, which prepares GIS data or  
15 electronic products which are compatible with, useful to, and shared with  
16 VGIS.

17           (11) Assist the ~~secretary~~ Secretaries of the ~~agencies of administration,~~  
18 ~~transportation, natural resources, human services, and commerce and~~  
19 ~~community development~~ Agencies of Administration, of Transportation, of  
20 Natural Resources, of Human Services, and of Commerce and Community  
21 Development, and the ~~commissioner~~ commissioners or ~~director~~ directors of

1 state departments and offices not within these ~~agencies~~ Agencies in the  
2 identification of information gathered within the respective agency,  
3 department, or office which is relevant to Vermont's GIS. Working in  
4 cooperation with each organization that identifies such information, the ~~center~~  
5 Division shall include components within the three-year VGIS work plan.

6 Such cooperation may include:

7 (A) ~~Formulation~~ formulation of a "memorandum of understanding"  
8 between the organization and the ~~center~~ Division, setting out roles and the  
9 relationship between the parties;

10 (B) ~~Periodic~~ periodic meetings to identify opportunities for  
11 improvement of VGIS information and applications gathered or used by the  
12 organization; and

13 (C) ~~Identification~~ identification of funding strategies, technical  
14 procedures, data conversion plans, and application development projects in  
15 which the ~~center~~ Division can be of assistance to the organization.

16 (d) The ~~center~~ Division may provide specialized information or perform  
17 specialized services if these activities:

18 (1) ~~Contribute~~ contribute to achieving the purposes of the ~~center~~  
19 Division as stated in subsection (b) of this section;

20 (2) ~~Are~~ are pursued in partnership with the private sector; and

1           (3) ~~Are~~ are performed without cost to the taxpayer and all direct and  
2 indirect costs of obtaining these products and services are incurred by the  
3 customer or others.

4           (e) ~~The center shall be subject to the provisions of 1 V.S.A. §§ 312-314~~  
5 ~~with respect to the right of the public to receive notice of and attend meetings,~~  
6 ~~1 V.S.A. §§ 315-320 with respect to the access of the public to its records and~~  
7 ~~documents, and 1 V.S.A. § 172 regarding joint authority of the board.~~

8           [Repealed.]

9           Sec. 4. 22 V.S.A. § 901 is amended to read:

10          § 901. DEPARTMENT OF INFORMATION AND INNOVATION

11          ~~The department of information and innovation~~ Department of Information  
12 and Innovation, created in 3 V.S.A. § 2283b, shall have all the responsibilities  
13 assigned to it by law, including the following:

14           (1) to provide direction and oversight for all activities directly related to  
15 information technology and information security, including  
16 telecommunications services, information technology equipment, software,  
17 accessibility, and networks in state government. For purposes of this section,  
18 “information security” is defined as in 3 V.S.A. § 2222(a)(9);

19           (2) to manage wide-area network connectivity within state government;

1           (3) to review all information technology and information security  
2 requests for proposal in accordance with ~~agency of administration~~ Agency of  
3 Administration policies;

4           (4)(A) to review and approve information technology activities within  
5 state government with a cost in excess of \$100,000.00, and annually submit to  
6 the ~~general assembly~~ General Assembly a strategic plan and a budget for  
7 information technology as required of the ~~secretary of administration~~ Secretary  
8 of Administration by 3 V.S.A. § 2222(a)(9). For purposes of this section,  
9 “information technology activities” is defined in 3 V.S.A. § 2222(a)(10);

10           (B) to provide oversight, monitoring, and control of information  
11 technology activities within state government with a cost in excess of  
12 \$100,000.00. The cost of the oversight, monitoring, and control shall be  
13 assessed to the entity requesting the activity;

14           (C) to review and approve in accordance with ~~agency of~~  
15 ~~administration~~ Agency of Administration policies the assignment of  
16 appropriate project managers for information technology activities within state  
17 government with a cost in excess of \$100,000.00; and

18           (D) to provide standards for the management, organization, and  
19 tracking of information technology activities within state government with a  
20 cost in excess of \$100,000.00;

1 (5) to administer the independent review responsibilities of the ~~secretary~~  
2 ~~of administration~~ Secretary of Administration described in 3 V.S.A. § 2222(g);

3 (6) to perform the responsibilities of the ~~secretary of administration~~  
4 Secretary of Administration under 30 V.S.A. § 227b;

5 (7) to administer communication, information, and technology services,  
6 which are transferred from the ~~department of buildings and general services~~  
7 Department of Buildings and General Services;

8 (8) to inventory technology assets within state government;

9 (9) to coordinate information technology and information security  
10 training within state government;

11 (10) to support the statewide development of broadband  
12 telecommunications infrastructure and services, in a manner consistent with  
13 the telecommunications plan prepared pursuant to 30 V.S.A. § 202d and  
14 community development objectives established by the ~~agency of commerce~~  
15 ~~and community development~~ Agency of Commerce and Community  
16 Development, by:

17 (A) purchasing telecommunications services or facilities at rates  
18 competitive within the national marketplace;

19 (B) sharing bandwidth with service providers or other users;

20 (C) establishing equipment colocation arrangements with service  
21 providers; or

1 (D) making other reasonable arrangements;

2 (11) to provide technical support and services to the ~~department of~~  
3 ~~human resources and of finance and management~~ Departments of Human  
4 Resources and of Finance and Management for the statewide central  
5 accounting and encumbrance system, the statewide budget development  
6 system, the statewide human resources management system, and other ~~agency~~  
7 ~~of administration~~ Agency of Administration systems as may be assigned by the  
8 ~~secretary~~ Secretary;

9 (12) not later than July 1, 2013, to adopt rules requiring the auditing and  
10 updating of state websites; ~~and~~

11 (13) to review and approve in accordance with ~~agency of administration~~  
12 Agency of Administration policies all new information technology position  
13 requests and new information technology classifications within state  
14 government; and

15 (14) to manage the Department's Division of Geospatial Technologies  
16 as set forth in 10 V.S.A. chapter 8.

17 Sec. 5. CREATION OF POSITIONS

18 (a) The following six classified positions are established within the  
19 Department of Information and Innovation's Division of Geospatial  
20 Technologies created under Sec. 2 of this act, 10 V.S.A. § 122:

21 (1) one (1) IT Systems Administrator;

- 1           (2) one (1) Internet Website Specialist;  
2           (3) two (2) Information Technology Analyst III;  
3           (4) one (1) Senior Information Technologist; and  
4           (5) one (1) Director of Information Technology.

5           (b) Existing employees of the nonprofit Vermont Center for Geographic  
6           Information who hold the six positions similar to those set forth in subsection  
7           (a) of this section shall be permitted to transfer to the positions within the  
8           Division of Geospatial Technologies established under subsection (a) of this  
9           section upon the effective date of this act.

10       Sec. 6. REPEAL

11           10 V.S.A. §§ 124 (Board of Directors), 125 (Officers), and 126 (Audit) are  
12           repealed.

13       Sec. 7. EFFECTIVE DATE

14           This act shall take effect on July 1, 2013.