



House of Representatives

General Assembly

File No. 55

February Session, 2018

Substitute House Bill No. 5172

House of Representatives, March 28, 2018

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING STATE AGENCY DATA MANAGEMENT AND PROCESSES, THE TRANSMITTAL OF TOWN PROPERTY ASSESSMENT INFORMATION AND THE SUSPENSION OF CERTAIN REGULATORY REQUIREMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in this section and
2 section 2 of this act:

3 (1) "Data" means the final version of statistical or factual information
4 that: (A) Is reflected in a list, table, graph, chart or other nonnarrative
5 form, that can be digitally transmitted or processed; (B) is regularly
6 created and maintained by or on behalf of an executive branch agency;
7 and (C) records a measurement, transaction or determination related to
8 the mission of the agency or is provided to the agency by third parties
9 pursuant to law.

10 (2) "Executive branch agency" includes any agency listed in section
11 4-38c of the general statutes, except the Board of Regents for Higher

12 Education.

13 (3) "High value data" means any data that (A) is critical to the
14 operation of an executive branch agency; (B) can increase executive
15 branch agency accountability and responsiveness; (C) can improve
16 public knowledge of the executive branch agency and its operations;
17 (D) can further the core mission of the executive branch agency; (E) can
18 create economic opportunity; (F) is frequently requested by the public;
19 (G) responds to a need and demand as identified by the agency
20 through public consultation; or (H) is used in any legislative or other
21 reporting requirements.

22 (4) "Open data" means any data that (A) is freely available in
23 convenient and modifiable format and can be retrieved, downloaded,
24 indexed and searched; (B) is formatted in a manner that allows for
25 automated machine processing; (C) does not have restrictions
26 governing use; (D) is published in primary forms, with the finest
27 possible level of detail that is practicable and permitted by law; and (E)
28 is described in enough detail so consumers of the data have sufficient
29 information to understand (i) the strengths, weaknesses, analytical
30 limitations and security requirements of the data, and (ii) how to
31 process such data.

32 (5) "Public data" means any data collected by an executive branch
33 agency that is permitted to be made available to the public, consistent
34 with any and all applicable laws, rules, regulations, ordinances,
35 resolutions, policies or other restrictions, requirements or rights
36 associated with the data, including, but not limited to, contractual or
37 other legal restrictions, orders or requirements.

38 (6) "Protected data" means any data the public disclosure of which
39 would (A) violate federal or state laws or regulations; (B) endanger the
40 public health, safety or welfare; (C) hinder the operation of
41 government, including criminal and civil investigations; or (D) impose
42 an undue financial, operational or administrative burden on the
43 executive branch agency.

44 Sec. 2. (NEW) (*Effective from passage*) (a) The Office of Policy and
45 Management shall be responsible for (1) directing executive branch
46 agencies in the use and management of data to enhance the efficiency
47 and effectiveness of state programs and policies, (2) facilitating the
48 sharing and use of executive branch agency data (A) between
49 executive branch agencies, and (B) with the public, and (3)
50 coordinating data analytics and transparency master planning for
51 executive branch agencies.

52 (b) The Office of Policy and Management shall operate and maintain
53 an online repository for the publication of open data by executive
54 branch agencies.

55 (c) On or before December 31, 2018, and not less than annually
56 thereafter, each executive branch agency shall conduct an inventory of
57 any high value data that is collected or possessed by the agency. Such
58 inventory shall be in a form prescribed by the Office of Policy and
59 Management. In conducting such inventory, data shall be presumed to
60 be public data unless otherwise classified by federal or state law or
61 regulation. On or before December 31, 2018, and not less than annually
62 thereafter, each executive branch agency shall submit such inventory
63 to the Office of Policy and Management.

64 (d) Each executive branch agency shall develop an open data access
65 plan. Such plan shall be in a form prescribed by the Office of Policy
66 and Management and shall detail the agency's plan to publish, as open
67 data, any public data that the agency has identified and any protected
68 data that can be made public through aggregation, de-identification or
69 other means sufficient to satisfy applicable state or federal law or
70 regulation.

71 (e) Each executive branch agency shall designate an employee of the
72 agency as the agency data officer, who shall be responsible for
73 implementing the provisions of this section and serve as the individual
74 to whom persons may direct inquiries, requests or concerns regarding
75 access to data. The agency data officer shall establish procedures to
76 ensure that requests for data are received and complied with in an

77 appropriate and prompt manner.

78 (f) Any state agency that is not an executive branch agency may
79 voluntarily opt to comply with the provisions of this section and, upon
80 submission of written notice of the agency's decision to the Office of
81 Policy and Management, the provisions of this section shall apply to
82 such agency. The Office of Policy and Management shall create and
83 maintain a list of all agencies subject to the provisions of this section,
84 including those that have voluntarily opted to comply, and shall
85 publish such list on the office's Internet web site.

86 Sec. 3. Section 4-68z of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective July 1, 2018*):

88 The Office of Policy and Management, within available
89 appropriations, shall [enter into an agreement for consultant services
90 to apply LEAN practices and principles to the permitting and
91 enforcement processes of the Departments of Energy and
92 Environmental Protection, Economic and Community Development,
93 Administrative Services and Transportation that are most frequently
94 utilized by business entities. Such agreement shall also require the
95 consultant to apply LEAN practices and principles to the licensure
96 procedures for commercial bus drivers that are currently performed by
97 the Departments of Consumer Protection, Emergency Services and
98 Public Protection, and Children and Families. Such consultant shall
99 develop recommendations for the implementation of a prepermitting
100 system for commercial bus drivers that enables businesses to utilize
101 commercial bus drivers who await the applicable licensing authority's
102 performance of a criminal background check] establish and oversee a
103 state-wide process improvement initiative, to assist executive branch
104 state agencies with business process analysis for purposes of (1)
105 streamlining processes, (2) optimizing service delivery through
106 information technology, (3) eliminating unnecessary work, (4)
107 establishing standardized work flows, and (5) prioritizing available
108 resources to promote economic growth, improve services and increase
109 workforce productivity. The Secretary of the Office of Policy and

110 Management shall establish a steering committee to support such
111 initiative. The secretary, or the secretary's designee, shall be the
112 chairperson of such committee.

113 Sec. 4. (NEW) (*Effective from passage*) (a) As used in this section:

114 (1) "Digital parcel file" means a computer file or files containing a
115 graphic vector representation of the boundary information originally
116 depicted and maintained on a town assessor's maps, including, but not
117 limited to, fee ownership, public and private rights of way and
118 easements, that are typically created in and maintained using a
119 geographic information system or computer aided design software;

120 (2) "Assessor database" means the database of property assessment
121 information maintained by the town assessor; also referred to as the
122 tax list, property list, Computer Aided Mass Appraisal system or
123 Computer Aided Mass Appraisal database; and

124 (3) "Property" means a record in an assessor database.

125 (b) On or before May 1, 2019, and not less than annually thereafter,
126 each town that possesses or contracts for services for the creation or
127 maintenance of a digital parcel file shall transmit such file to the
128 regional council of governments of which it is a member. If a town is
129 not a member of a council of governments, the town shall transmit
130 such file to the Secretary of the Office of Policy and Management. The
131 digital parcel file shall include, but need not be limited to, (1) any
132 information from the assessor database that (A) uniquely identifies
133 each property in the digital parcel file, (B) identifies the size of each
134 property, (C) identifies the address of each property, (D) identifies the
135 value of the land, buildings and other improvements for each
136 property, and (E) identifies the year in which buildings were
137 constructed for each property; and (2) any other information deemed
138 necessary by the applicable regional council of governments.

139 (c) On or before July 1, 2019, and annually thereafter, each regional
140 council of governments shall submit a report to the Secretary of the

141 Office of Policy and Management and, in accordance with the
142 provisions of section 11-4a of the general statutes, to the joint standing
143 committee of the General Assembly having cognizance of matters
144 relating to planning and development, that lists each town that (1) has
145 failed to provide its digital parcel file, or (2) does not possess a digital
146 parcel file.

147 Sec. 5. Section 4-60s of the general statutes is repealed and the
148 following is substituted in lieu thereof (*Effective July 1, 2018*):

149 (a) Each state agency of the Executive Department shall explore the
150 feasibility of converting all applications and forms used by the public
151 to electronic format and create an inventory of all forms used by such
152 agency.

153 (b) Notwithstanding the provisions of chapter 54, an agency, as
154 defined in section 4-166, may suspend any requirements for paper
155 filing or service of documents requirements contained in any
156 regulation adopted by such agency pursuant to subdivision (1) of
157 subsection (a) of section 4-167 and may establish an electronic filing
158 system for formal and informal agency proceedings. Such agency,
159 before establishing such a system, shall give at least thirty days' notice
160 by posting on its Internet web site and publishing in the Connecticut
161 Law Journal a notice of its intended action and the instructions for the
162 use of such system. Any agency establishing such a system shall grant
163 a request from a person, as defined in section 4-166, for an exemption
164 from any electronic filing requirements due to a hardship
165 communicated in writing to the agency, including, but not limited to, a
166 lack of access to a device capable of electronic filing or the
167 incompatibility of a specific filing with the electronic filing system.

168 (c) Notwithstanding the provisions of chapter 54, an agency, as
169 defined in section 4-166, may suspend any requirement established in
170 any regulation adopted by such agency for the paper or facsimile
171 submission of documents or data required to be submitted to such
172 agency by federal or state statute or regulation, or a license, as defined
173 in section 4-166, and require electronic filing of such documents or

174 data or any other information required to be submitted to such agency
 175 in writing, in a manner prescribed by the agency. Prior to the
 176 establishment of such electronic filing requirements, the agency shall
 177 provide at least thirty days' notice on its Internet web site and in the
 178 Connecticut Law Journal and include with the notice the agency's
 179 instructions for electronic filing. Such instructions shall be maintained
 180 on the agency's Internet web site as long as the agency requires
 181 electronic filing of such documents and data.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2018</i>	4-68z
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>July 1, 2018</i>	4-60s

Statement of Legislative Commissioners:

In Section 1(4) "of the data" was added for clarity, in Sec. 4(b) "shall be transmitted" was changed to "the town shall transmit" for clarity and in Sec. 4(c), "and (2)" was changed to "or (2)" for accuracy.

GAE *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill has no fiscal impact, as it is codifying current practice of state agencies, municipalities, and the Office of Policy and Management.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5172*****AN ACT CONCERNING STATE AGENCY DATA MANAGEMENT AND PROCESSES, THE TRANSMITTAL OF TOWN PROPERTY ASSESSMENT INFORMATION AND THE SUSPENSION OF CERTAIN REGULATORY REQUIREMENTS.*****SUMMARY**

The bill codifies and expands upon Executive Order 39, which pertains to open data requirements for executive branch agencies. In doing so, it authorizes the Office of Policy and Management (OPM) to direct executive branch agencies in data use, management, sharing, and analysis and requires OPM to operate and maintain the Open Data Portal. It correspondingly requires executive agencies to (1) annually inventory their data assets and submit the inventory to OPM, (2) develop an open data publishing plan, and (3) designate an agency data officer. It allows other agencies to voluntarily comply with these open data requirements.

The bill expands participation in LEANCT, the statewide government process improvement initiative, to all executive agencies and codifies the Statewide Process Improvement Steering Committee. It also requires municipalities that possess digital property data to annually submit the data to their regional council of government (COG), and COGs to annually provide a list of non-compliant and exempt municipalities to OPM and the legislative committee of cognizance.

Finally, the bill expands state agencies' ability to suspend paper filing or document service requirements. Instead, it allows them to require the electronic filing or service of any documents or data (1) required to be submitted to them by any provision of federal or state law, any regulation adopted by an agency, any order, or any license or (2) otherwise filed with the agency or served on others in formal or informal proceedings.

EFFECTIVE DATE: Upon passage, except that the process improvement initiative and electronic filing take effect on July 1, 2018.

§§ 1 & 2 — OPEN DATA

Data Categories

The bill categorizes data based on how it is used or applied. It establishes new definitions for the terms “high value data” and “open data” not included in the executive order. It defines “high value data” as any data that (1) can increase an agency’s accountability and responsiveness, improve public knowledge of an agency and its operations, further its core mission, or create economic opportunity; (2) is critical to the agency’s operation, frequently requested by the public, or used in any legislative or other reporting requirements; or (3) responds to a need and demand identified through public consultation.

Under the bill, “open data” is any data that is (1) freely available in a convenient and modifiable format and can be retrieved, downloaded, indexed, and searched; (2) formatted in a manner that allows for automated processing; (3) free of restrictions governing use; (4) published in primary forms, with the finest possible level of detail practicable and permitted by law; and (5) described in enough detail so that the data’s consumers can understand the strengths, weaknesses, analytical limitations and security requirements, and how to process it.

It also codifies definitions for the terms “data,” “public data,” (previously termed “publishable data under the executive order) and “protected data.” Under the bill, “data” means final versions of statistical or factual information that (1) is reflected in a list, table, graph, chart, or other non-narrative form and can be digitally transmitted or processed; (2) is regularly created and maintained by or on behalf of an agency; and (3) records a measurement, transaction, or determination related to the agency’s mission or is provided to the agency pursuant to law.

It defines “public data” as any data collected by an agency that may be made public, consistent with any and all applicable laws, rules,

regulations, ordinances, resolutions, policies or other restrictions, requirements, or rights associated with the data, including, but not limited to, contractual or other legal orders, restrictions, or requirements.

The bill defines “protected data” as any data the public disclosure of which would (1) violate federal or state laws or regulations; (2) endanger the public health, safety, or welfare; (3) hinder the operation of government, including criminal and civil investigations; or (4) impose an undue financial, operational, or administrative burden on the executive branch agency.

OPM Responsibilities

With respect to executive branch agencies, except the constituent units of higher education, the bill authorizes OPM to (1) direct data use and management to enhance the efficiency and effectiveness of state programs and policies, (2) facilitate data sharing and use between agencies and with the public, and (3) coordinate data analytics and transparency master planning. It also requires OPM to operate and maintain an online repository for publishing open data by executive branch agencies (e.g. the Open Data Portal).

Agency Responsibilities

The bill requires each executive branch agency, by December 31, 2018, to annually (1) inventory its high value data in a format determined by OPM and (2) submit the inventory to OPM. In doing so, agencies must presume the data to be public unless it is classified otherwise.

The bill also requires each agency to develop an open data access plan to publish, as open data, any public data that the agency has identified and any protected data that can be made public through aggregation, de-identification, or other means sufficient to satisfy applicable state or federal law or regulation. In addition, each executive branch agency must designate an employee as the agency data officer responsible for implementing these provisions and serve as the contact point for inquiries, requests, or concerns regarding

access to data. The bill authorizes these agency data officers to establish procedures to ensure that requests for data are received and complied with in an appropriate and prompt manner.

Non-Executive Branch Agencies

The bill allows non-executive branch agencies to voluntarily opt to comply with the open data provisions and, upon submission of written notice of the agency's decision to OPM, the provisions must apply to the agency. It requires OPM to create, maintain, and publish on its website, a list of all agencies subject to the open data provisions, including those that have voluntarily opted to comply.

§ 3 — LEANCT

The bill expands the scope of LEANCT, a statewide process improvement initiative. It requires OPM to establish and oversee the initiative to assist executive branch state agencies with business process analysis for (1) streamlining processes; (2) optimizing service delivery through information technology; (3) eliminating unnecessary work; (4) establishing standardized work flows; and (5) prioritizing available resources to promote economic growth, improve services, and increase workforce productivity. The bill codifies the Statewide Process Improvement Steering Committee which supports the initiative. It designates the OPM secretary, or designee, as the committee's chairperson.

Under current law, OPM, within available appropriations, must contract for consultant services to apply LEAN practices and principles to the (1) permitting and enforcement processes of the departments of Energy and Environmental Protection, Economic and Community Development, Administrative Services, and Transportation that are most frequently used by business entities and (2) licensure procedures for commercial bus drivers that the departments of Consumer Protection, Emergency Services and Public Protection, and Children and Families currently perform, including recommendations implementing a pre-permitting system that enables businesses to use such bus drivers who await the applicable licensing authority's

performance of a criminal background check.

§ 4 — DIGITAL PARCEL DATA

By May 1, 2019, the bill requires each municipality that possesses or contracts for services for the creation or maintenance of a digital parcel file (e.g., property boundaries) to annually transmit such file to its regional COG or, for towns that are not COG members, to the OPM Secretary. It requires such digital parcel files to include at a minimum:

1. any information from the assessor database that identifies a property's unique identifier in the file; size; address; value of the land, buildings and other improvements; and year constructed and
2. any other information deemed necessary by the applicable COG.

It also requires each COG, starting by July 1, 2019, to annually submit to the OPM Secretary and the Planning and Development Committee a report that lists each municipality that (1) failed to provide its digital parcel file and (2) does not possess a digital parcel file (and therefore would be exempt from the provision's requirements).

§ 5 — ELECTRONIC FILING SYSTEM

The bill expands state agencies' ability to suspend paper filing or document service requirements. Under current law, a state agency may (1) suspend any requirements in its regulations governing its rules of practice for paper filing or document service for formal and informal agency proceedings and (2) establish an electronic filing system for the filings and service.

The bill expands this authority by allowing agencies to do the following:

1. suspend paper and facsimile submission requirements contained in any agency regulation, not just regulations governing the rules of practice as current law allows;
2. suspend paper data filing requirements, not just paper document

filing requirements as current law allows; and

3. instead, require the electronic filing or service of such documents or data (a) required to be submitted to such agency by any provision of federal or state law, any regulation adopted by an agency, any order, or any license or (b) otherwise filed with the agency or served on others in formal or informal proceedings.

By law, a license includes all or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law (CGS § 4-166(8)).

By law and under the bill, before suspending the regulatory requirements or requiring electronic filing or service, the agency must give 30 days' notice on its website and in the Connecticut Law Journal, including instructions for using the system. The bill requires the agency to maintain the instructions on its website for as long as it requires the electronic filing or service of documents or data. As under existing law, agencies must exempt from electronic filing any person that requests an exemption and provides written notice to the agency of a hardship.

BACKGROUND

Related Bill

sHB 5517, reported favorably by the Government Administration and Elections Committee, also codifies and expands upon Executive Order 39, however it does not include the digital parcel data requirements.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 9 Nay 7 (03/09/2018)