

# 1997 RECONVENED SESSION

ENROLLED

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 2.1-1.6, 9-6.23 and 9-6.25:1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 35.2 of Title 2.1 an article numbered 8, consisting of sections numbered 2.1-563.36 through 2.1-563.41, relating to the Council on Information Management; creation of the Geographic Information Network Division and the Virginia Geographic Information Network Advisory Board.*

[H 1597]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.1-1.6, 9-6.23 and 9-6.25:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 35.2 of Title 2.1 an article numbered 8, consisting of sections numbered 2.1-563.36 through 2.1-563.41, as follows:**

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board for  
Aging, Advisory Board on the  
Agriculture and Consumer Services, Board of  
Air Pollution, State Advisory Board on  
Alcoholic Beverage Control Board, Virginia  
Apple Board, Virginia State  
Appomattox State Scenic River Advisory Board  
Aquaculture Advisory Board  
Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for  
Art and Architectural Review Board  
Athletic Board, Virginia  
Auctioneers Board  
Audiology and Speech-Language Pathology, Board of  
Aviation Board, Virginia  
Barbers, Board for  
Branch Pilots, Board for  
Bright Flue-Cured Tobacco Board, Virginia  
Building Code Technical Review Board, State  
Catoctin Creek State Scenic River Advisory Board  
Cattle Industry Board, Virginia  
Cave Board  
Certified Seed Board, State  
Chesapeake Bay Local Assistance Board  
Chickahominy State Scenic River Advisory Board  
Child Abuse and Neglect, Advisory Board on  
Chippokes Plantation Farm Foundation, Board of Trustees  
Clinch Scenic River Advisory Board  
Coal Mining Examiners, Board of  
Coal Research and Development Advisory Board, Virginia  
Coal Surface Mining Reclamation Fund Advisory Board  
Coastal Land Management Advisory Council, Virginia  
Conservation and Development of Public Beaches, Board on  
Conservation and Recreation, Board of  
Contractors, Board for  
Corn Board, Virginia  
Correctional Education, Board of  
Corrections, State Board of  
Cosmetology, Board for  
Criminal Justice Services Board  
Dark-Fired Tobacco Board, Virginia  
Deaf and Hard-of-Hearing, Advisory Board for the Department for the

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57	Dentistry, Board of
58	Design-Build/Construction Management Review Board
59	Education, State Board of
60	Egg Board, Virginia
61	Emergency Medical Services Advisory Board
62	Farmers Market Board, Virginia
63	Film Office Advisory Board
64	Fire Services Board, Virginia
65	Forensic Science Advisory Board
66	Forestry, Board of
67	Funeral Directors and Embalmers, Board of
68	Game and Inland Fisheries, Board of
69	Geology, Board for
70	Goose Creek Scenic River Advisory Board
71	Health Planning Board, Virginia
72	Health Professions, Board of
73	Health, State Board of
74	Hearing Aid Specialists, Board for
75	Hemophilia Advisory Board
76	Historic Resources, Board of
77	Housing and Community Development, Board of
78	Industrial Development Services Advisory Board
79	Irish Potato Board, Virginia
80	Juvenile Justice, State Board of
81	Litter Control and Recycling Fund Advisory Board
82	Marine Products Board, Virginia
83	Medical Advisory Board, Department of Motor Vehicles
84	Medical Board of the Virginia Retirement System
85	Medicare and Medicaid, Advisory Board on
86	Medicine, Board of
87	Mental Health, Mental Retardation and Substance Abuse Services Board, State
88	Migrant and Seasonal Farmworkers Board
89	Military Affairs, Board of
90	Mineral Mining Examiners, Board of
91	Minority Business Enterprise, Interdepartmental Board of the Department of
92	Networking Users Advisory Board, State
93	Nottoway State Scenic River Advisory Board
94	Nursing, Board of
95	Nursing Home Administrators, Board of
96	Occupational Therapy, Advisory Board on
97	Oil and Gas Conservation Board, Virginia
98	Opticians, Board for
99	Optometry, Board of
100	Peanut Board, Virginia
101	Personnel Advisory Board
102	Pesticide Control Board
103	Pharmacy, Board of
104	Physical Therapy to the Board of Medicine, Advisory Board on
105	Plant Pollination Advisory Board
106	Polygraph Examiners Advisory Board
107	Pork Industry Board, Virginia
108	Poultry Products Board, Virginia
109	Private College Advisory Board
110	Private Security Services Advisory Board
111	Professional and Occupational Regulation, Board for
112	Professional Counselors, Board of
113	Professional Soil Scientists, Board for
114	Psychiatric Advisory Board
115	Psychology, Board of
116	Public Buildings Board, Virginia
117	Public Telecommunications Board, Virginia

- 118 Radiation Advisory Board
- 119 Real Estate Appraiser Board
- 120 Real Estate Board
- 121 Reciprocity Board, Department of Motor Vehicles
- 122 Recreational Fishing Advisory Board, Virginia
- 123 Recreation Specialists, Board of
- 124 Reforestation Board
- 125 Rehabilitation Providers, Advisory Board on
- 126 Rehabilitative Services, Board of
- 127 Respiratory Therapy, Advisory Board on
- 128 Retirement System Review Board
- 129 Rockfish State Scenic River Advisory Board
- 130 Safety and Health Codes Board
- 131 Seed Potato Board
- 132 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 133 Shenandoah State Scenic River Advisory Board
- 134 Small Business Advisory Board
- 135 Small Business Environmental Compliance Advisory Board
- 136 Small Grains Board, Virginia
- 137 Social Services, Board of
- 138 Social Work, Board of
- 139 Soil and Water Conservation Board, Virginia
- 140 Soybean Board, Virginia
- 141 State Air Pollution Control Board
- 142 Substance Abuse Certification Board
- 143 Surface Mining Review, Board of
- 144 Sweet Potato Board, Virginia
- 145 T & M Vehicle Dealers' Advisory Board
- 146 Teacher Education and Licensure, Advisory Board on
- 147 Tourism and Travel Services Advisory Board
- 148 Transportation Board, Commonwealth
- 149 Transportation Safety, Board of
- 150 Treasury Board, The, Department of the Treasury
- 151 Veterans' Affairs, Board on
- 152 Veterinary Medicine, Board of
- 153 Virginia Board for Asbestos Licensing
- 154 Virginia Coal Mine Safety Board
- 155 Virginia Correctional Enterprises Advisory Board
- 156 Virginia Employment Commission, State Advisory Board for the
- 157 *Virginia Geographic Information Network Advisory Board*
- 158 Virginia Higher Education Tuition Trust Fund, Board of the
- 159 Virginia Horse Industry Board
- 160 Virginia Manufactured Housing Board
- 161 Virginia Retirement System, Board of Trustees
- 162 Virginia Sheep Industry Board
- 163 Virginia Veterans Cemetery Board
- 164 Virginia Waste Management Board
- 165 Visually Handicapped, Virginia Board for the
- 166 Voluntary Formulary Board, Virginia
- 167 War Memorial Foundation, Virginia, Board of Trustees
- 168 Waste Management Facility Operators, Board for
- 169 Water Resources Research Center Statewide Advisory Board, Virginia
- 170 Waterworks and Wastewater Works Operators, Board for
- 171 Well Review Board, Virginia.
- 172 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 173 referred to as boards:
- 174 Compensation Board
- 175 State Board of Elections
- 176 State Water Control Board
- 177 Virginia Parole Board
- 178 Virginia Veterans Care Center Board of Trustees.

## Article 8.

*Virginia Geographic Information Network.**§ 2.1-563.36. Definitions.*

*As used in this article, unless the context clearly requires a different meaning:*

*"Base map data" means the digitized common geographic data that are used by most geographic information systems applications to reference or link attribute or other geographic data.*

*"Board " means the Virginia Geographic Information Network Advisory Board.*

*"Council" means the Council on Information Management.*

*"Director" means the Director of the Council on Information Management.*

*"Division" means the Geographic Information Network Division.*

*"Geographic data" means data that contain either coordinates that reference a geographic location or area or attribute data that can be related to a geographic area or location.*

*"Geographic information system (GIS)" means a computerized system that stores and links geographic data to allow a wide range of information processing and display operations, as well as map production, analysis, and modeling.*

*§ 2.1-563.37. Geographic Information Network Division established.*

*There is hereby established within the Council on Information Management, a Geographic Information Network Division, which shall foster the creative utilization of geographic information and oversee the development of a catalog of GIS data available in the Commonwealth. The Division shall be headed by a coordinator who shall report to the Director. The Division shall exercise the powers and duties conferred in this article.*

*§ 2.1-563.38. Powers and duties of the Division; Division coordinator.*

*A. The powers and duties of the Division include:*

*1. Requesting the services, expertise, supplies and facilities of the Council from the Director on issues concerning the Division.*

*2. Accepting grants from the United States government and agencies and instrumentalities thereof and any other source. To those ends, the Division shall have the power to comply with such conditions and execute such agreements as may be necessary or desirable.*

*3. Fixing, altering, charging, and collecting rates, rentals, and other charges for the use or sale of products of, or services rendered by, the Division, at rates which reflect the fair market value.*

*4. Soliciting, receiving, and considering proposals for funding projects or initiatives from any state or federal agency, local or regional government, institution of higher education, nonprofit organization, or private person or corporation.*

*5. Soliciting and accepting funds, goods and in-kind services that are part of any accepted project proposal.*

*6. Establishing ad hoc committees or project teams to investigate related technology or technical issues and providing results and recommendations for Division action.*

*7. Establishing such bureaus, sections or units as the Division deems appropriate to carry out its powers and duties.*

*B. The Division shall have a coordinator, under the supervision of the Director, who shall:*

*1. Oversee the development of and recommend to the Council the promulgation of those policies and guidelines required to support state and local government exchange, acquisition, storage, use, sharing and distribution of geographic or base map data and related technologies.*

*2. Foster the development of a coordinated comprehensive system for providing ready access to electronic state government geographic data products for individuals, businesses, and other entities.*

*3. Initiate and manage projects or conduct procurement activities relating to the development or acquisition of geographic data and /or statewide base map data.*

*4. Plan for and coordinate the development or procurement of priority geographic base map data.*

*5. Develop, maintain, and provide, in the most cost-effective manner, access to the catalog of Virginia geographic data and governmental geographic data users.*

*6. Provide, upon request, advice and guidance on all agreements and contracts from all branches of state government for geographic data acquisition and design and the installation and maintenance of geographic information systems.*

*7. Compile a data catalog consisting of descriptions of GIS coverages maintained by individual state and local government agencies.*

*Nothing in this article shall be construed to require that GIS data be physically delivered to the Division. All state agencies that maintain GIS data bases shall report to the Division the details of the data that they develop, acquire, and maintain. This information shall be reported to the Division no later than June 30, 1998, after which each agency shall submit quarterly reports to the Division specifying all updates to existing data as well as all data development and acquisition currently in progress. Data exempt from the Virginia Freedom of Information Act (§ 2.1-340 et seq.) need not be*

reported to the Division.

8. Identify and collect information and technical requirements to assist the Division in setting priorities for the development of state digital geographic data and base maps that meet the needs of state agencies, institutions of higher education, and local governments.

9. Provide services, geographic data products and access to the repository at rates established by the Division.

10. Ensure the compliance of those policies, standards, and guidelines adopted by the Council required to support and govern the security of state and local government exchange, acquisition, storage, use, sharing, and distribution of geographic or base map data and related technologies.

§ 2.1-563.39. GIS Fund created.

There is hereby created in the state treasury a special, nonreverting fund to be known as the GIS Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys collected pursuant to subsection A of § 2.1-563.38 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this article. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

§ 2.1-563.40. Additional powers and duties of Director of the Council on Information Management.

The Director of the Council on Information Management shall have the power and duty, on the recommendation of the Coordinator, to (i) receive and dispense funds; (ii) enter into contracts for the purpose of carrying out the provisions of this article; (iii) rent office space and procure equipment, goods, and services that are necessary to carry out the provisions of this article; and (iv) employ full or part-time personnel and to fix their compensation.

§ 2.1-563.41. Virginia Geographic Information Network Advisory Board created; membership; terms; meetings; quorum.

A. The Virginia Geographic Information Network Advisory Board (the "Board") is hereby created and shall advise the Division on issues related to the exercise of the Division's powers and duties.

B. The Board shall consist of seventeen members appointed as follows: (i) eleven members to be appointed by the Governor, including: four state agency officials or their designees consisting of the Commonwealth Transportation Commissioner, the Executive Director of the Economic Development Partnership Authority, an agency director from one of the natural resources agencies, and one official from a state university; one elected official representing a local government in the Commonwealth; one member of the Virginia Association of Surveyors; one elected official who serves on a planning district commission; two representatives of utilities or transportation industries utilizing geographic data; and two representatives of private businesses with expertise and experience in the establishment, operation, and maintenance of geographic information systems; and (ii) five members of the General Assembly, three of whom shall be members of the House of Delegates, to be appointed by the Speaker of the House of Delegates, and two of whom shall be members of the Senate, to be appointed by the Senate Committee on Privileges and Elections. The Director of the Council on Information Management shall serve as an ex officio, voting member. Any members of the Board who are representatives of private businesses that provide geographic information services, and their companies, are precluded from contracting to provide goods or services to the Division.

C. The gubernatorial appointees to the Board shall serve five-year terms, except that three initial appointees shall serve three-year terms, three shall serve four-year terms, and the remainder shall serve five-year terms. Members appointed by the Governor shall serve no more than two consecutive full terms. All members of the Board appointed by the Governor shall be confirmed by each house of the General Assembly. Legislative members' terms shall be coincident with their terms of office.

D. The Board shall elect from its membership a chairman, vice chairman, and any other officers deemed necessary. The duties and terms of the officers shall be prescribed by the members. A majority of the Board shall constitute a quorum. Members of the Board shall receive no compensation for their services, but the nongovernmental members shall receive actual expenses in accordance with § 14.1-5. The Board shall meet at least quarterly or at the call of its chairman or the Director.

§ 9-6.23. Prohibition against service by legislators on boards and commissions within the executive branch.

Members of the General Assembly shall be ineligible to serve on boards and commissions within the executive branch which are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards and commissions engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board or commission in the executive branch which is responsible for administering programs

established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position. The provisions of this section shall not apply, however, to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided for in § 9-138.1; to members of the Virginia Technology Council, who shall be appointed as provided for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Maternal and Child Health Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.1-750; to members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided for in § 9-326; to members of the Advisory Commission on Welfare Reform, who shall be appointed as provided for in § 63.1-133.44; to members of the Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided for in § 2.1-451.2; to members appointed to the Virginia Veterans Cemetery Board pursuant to § 2.1-739.2; ~~or~~ to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 9-343; *or to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.1-563.41.*

§ 9-6.25:1. Advisory boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following advisory boards, commissions and councils within the executive branch:

- Advisory Board for the Department for the Deaf and Hard-of-Hearing
- Advisory Board for the Department for the Aging
- Advisory Board on Child Abuse and Neglect
- Advisory Board on Medicare and Medicaid
- Advisory Board on Occupational Therapy
- Advisory Board on Physical Therapy to the Board of Medicine
- Advisory Board on Rehabilitation Providers
- Advisory Board on Respiratory Therapy to the Board of Medicine
- Advisory Board on Teacher Education and Licensure
- Advisory Council on Revenue Estimates
- Advisory Council on the Virginia Business-Education Partnership Program
- Appomattox State Scenic River Advisory Board
- Aquaculture Advisory Board
- Art and Architectural Review Board
- Board for the Visually Handicapped
- Board of Directors, Virginia Truck and Ornamentals Research Station
- Board of Forestry
- Board of Military Affairs
- Board of Rehabilitative Services
- Board of Transportation Safety
- Board of Trustees of the Family and Children's Trust Fund
- Board of Visitors, Gunston Hall Plantation
- Board on Veterans' Affairs
- Catoctin Creek State Scenic River Advisory Board
- Cave Board
- Chickahominy State Scenic River Advisory Board
- Clinch Scenic River Advisory Board
- Coal Surface Mining Reclamation Fund Advisory Board
- Coastal Land Management Advisory Council, Virginia
- Commonwealth Competition Council
- Council on Indians
- Council on the Status of Women
- Debt Capacity Advisory Committee
- Emergency Medical Services Advisory Board
- Falls of the James Committee
- Forensic Science Advisory Board
- Goose Creek Scenic River Advisory Board
- Governor's Council on Alcohol and Drug Abuse Problems
- Governor's Mined Land Reclamation Advisory Committee
- Hemophilia Advisory Board

- 362 Human Services Information and Referral Advisory Council
- 363 Interagency Coordinating Council on Housing for the Disabled
- 364 Interdepartmental Board of the State Department of Minority Business Enterprise
- 365 Litter Control and Recycling Fund Advisory Board
- 366 Local Advisory Board to the Blue Ridge Community College
- 367 Local Advisory Board to the Central Virginia Community College
- 368 Local Advisory Board to the Dabney S. Lancaster Community College
- 369 Local Advisory Board to the Danville Community College
- 370 Local Advisory Board to the Eastern Shore Community College
- 371 Local Advisory Board to the Germanna Community College
- 372 Local Advisory Board to the J. Sargeant Reynolds Community College
- 373 Local Advisory Board to the John Tyler Community College
- 374 Local Advisory Board to the Lord Fairfax Community College
- 375 Local Advisory Board to the Mountain Empire Community College
- 376 Local Advisory Board to the New River Community College
- 377 Local Advisory Board to the Northern Virginia Community College
- 378 Local Advisory Board to the Patrick Henry Community College
- 379 Local Advisory Board to the Paul D. Camp Community College
- 380 Local Advisory Board to the Piedmont Virginia Community College
- 381 Local Advisory Board to the Rappahannock Community College
- 382 Local Advisory Board to the Southside Virginia Community College
- 383 Local Advisory Board to the Southwest Virginia Community College
- 384 Local Advisory Board to the Thomas Nelson Community College
- 385 Local Advisory Board to the Tidewater Community College
- 386 Local Advisory Board to the Virginia Highlands Community College
- 387 Local Advisory Board to the Virginia Western Community College
- 388 Local Advisory Board to the Wytheville Community College
- 389 Maternal and Child Health Council
- 390 Medical Advisory Board, Department of Motor Vehicles
- 391 Medical Board of the Virginia Retirement System
- 392 Migrant and Seasonal Farmworkers Board
- 393 Motor Vehicle Dealer's Advisory Board
- 394 Nottoway State Scenic River Advisory Board
- 395 Personnel Advisory Board
- 396 Plant Pollination Advisory Board
- 397 Private College Advisory Board
- 398 Private Enterprise Commission
- 399 Private Security Services Advisory Board
- 400 Psychiatric Advisory Board
- 401 Radiation Advisory Board
- 402 Rappahannock Scenic River Advisory Board
- 403 Recreational Fishing Advisory Board, Virginia
- 404 Reforestation Board
- 405 Retirement System Review Board
- 406 Rockfish State Scenic River Advisory Board
- 407 Shenandoah State Scenic River Advisory Board
- 408 Small Business Advisory Board
- 409 Small Business Environmental Compliance Advisory Board
- 410 St. Mary's Scenic River Advisory Committee
- 411 State Advisory Board on Air Pollution
- 412 State Advisory Board for the Virginia Employment Commission
- 413 State Building Code Technical Review Board
- 414 State Health Benefits Advisory Council
- 415 State Land Evaluation Advisory Council
- 416 State Networking Users Advisory Board
- 417 State Public Records Advisory Council
- 418 Statewide Independent Living Council
- 419 Statewide Rehabilitation Advisory Council
- 420 Statewide Rehabilitation Advisory Council for the Blind
- 421 Staunton Scenic River Advisory Committee
- 422 Telecommunications Relay Service Advisory Board

- 423 Virginia-Israel Advisory Board
- 424 Virginia Advisory Commission on Intergovernmental Relations
- 425 Virginia Advisory Council for Adult Education and Literacy
- 426 Virginia Coal Mine Safety Board
- 427 Virginia Coal Research and Development Advisory Board
- 428 Virginia Commission for the Arts
- 429 Virginia Commission on the Bicentennial of the United States Constitution
- 430 Virginia Correctional Enterprises Advisory Board
- 431 Virginia Council on Coordinating Prevention
- 432 Virginia Equal Employment Opportunity Council
- 433 *Virginia Geographic Information Network Advisory Board*
- 434 Virginia Interagency Coordinating Council
- 435 Virginia Military Advisory Council
- 436 Virginia Public Buildings Board
- 437 Virginia Recycling Markets Development Council
- 438 Virginia Technology Council
- 439 Virginia Transplant Council
- 440 Virginia Veterans Cemetery Board
- 441 Virginia Water Resources Research Center, Statewide Advisory Board
- 442 Virginia Winegrowers Advisory Board.