

1997 SESSION

SENATE SUBSTITUTE

972830484

HOUSE BILL NO. 1597

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws
on February 12, 1997)

(Patron Prior to Substitute—Delegate Watkins)

A BILL to amend and reenact §§ 2.1-1.6 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.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6 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

Dentistry, Board of

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

- 122 Real Estate Board
- 123 Reciprocity Board, Department of Motor Vehicles
- 124 Recreational Fishing Advisory Board, Virginia
- 125 Recreation Specialists, Board of
- 126 Reforestation Board
- 127 Rehabilitation Providers, Advisory Board on
- 128 Rehabilitative Services, Board of
- 129 Respiratory Therapy, Advisory Board on
- 130 Retirement System Review Board
- 131 Rockfish State Scenic River Advisory Board
- 132 Safety and Health Codes Board
- 133 Seed Potato Board
- 134 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 135 Shenandoah State Scenic River Advisory Board
- 136 Small Business Advisory Board
- 137 Small Business Environmental Compliance Advisory Board
- 138 Small Grains Board, Virginia
- 139 Social Services, Board of
- 140 Social Work, Board of
- 141 Soil and Water Conservation Board, Virginia
- 142 Soybean Board, Virginia
- 143 State Air Pollution Control Board
- 144 Substance Abuse Certification Board
- 145 Surface Mining Review, Board of
- 146 Sweet Potato Board, Virginia
- 147 T & M Vehicle Dealers' Advisory Board
- 148 Teacher Education and Licensure, Advisory Board on
- 149 Tourism and Travel Services Advisory Board
- 150 Transportation Board, Commonwealth
- 151 Transportation Safety, Board of
- 152 Treasury Board, The, Department of the Treasury
- 153 Veterans' Affairs, Board on
- 154 Veterinary Medicine, Board of
- 155 Virginia Board for Asbestos Licensing
- 156 Virginia Coal Mine Safety Board
- 157 Virginia Correctional Enterprises Advisory Board
- 158 Virginia Employment Commission, State Advisory Board for the
- 159 *Virginia Geographic Information Network Advisory Board*
- 160 Virginia Higher Education Tuition Trust Fund, Board of the
- 161 Virginia Horse Industry Board
- 162 Virginia Manufactured Housing Board
- 163 Virginia Retirement System, Board of Trustees
- 164 Virginia Sheep Industry Board
- 165 Virginia Veterans Cemetery Board
- 166 Virginia Waste Management Board
- 167 Visually Handicapped, Virginia Board for the
- 168 Voluntary Formulary Board, Virginia
- 169 War Memorial Foundation, Virginia, Board of Trustees
- 170 Waste Management Facility Operators, Board for
- 171 Water Resources Research Center Statewide Advisory Board, Virginia
- 172 Waterworks and Wastewater Works Operators, Board for
- 173 Well Review Board, Virginia.
- 174 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 175 referred to as boards:
- 176 Compensation Board
- 177 State Board of Elections
- 178 State Water Control Board
- 179 Virginia Parole Board
- 180 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 § 2.1-563.38 A 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.

§ 9-6.25:1. 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

306	Advisory Board on Teacher Education and Licensure
307	Advisory Council on Revenue Estimates
308	Advisory Council on the Virginia Business-Education Partnership Program
309	Appomattox State Scenic River Advisory Board
310	Aquaculture Advisory Board
311	Art and Architectural Review Board
312	Board for the Visually Handicapped
313	Board of Directors, Virginia Truck and Ornamentals Research Station
314	Board of Forestry
315	Board of Military Affairs
316	Board of Rehabilitative Services
317	Board of Transportation Safety
318	Board of Trustees of the Family and Children's Trust Fund
319	Board of Visitors, Gunston Hall Plantation
320	Board on Veterans' Affairs
321	Catoctin Creek State Scenic River Advisory Board
322	Cave Board
323	Chickahominy State Scenic River Advisory Board
324	Clinch Scenic River Advisory Board
325	Coal Surface Mining Reclamation Fund Advisory Board
326	Coastal Land Management Advisory Council, Virginia
327	Commonwealth Competition Council
328	Council on Indians
329	Council on the Status of Women
330	Debt Capacity Advisory Committee
331	Emergency Medical Services Advisory Board
332	Falls of the James Committee
333	Forensic Science Advisory Board
334	Goose Creek Scenic River Advisory Board
335	Governor's Council on Alcohol and Drug Abuse Problems
336	Governor's Mined Land Reclamation Advisory Committee
337	Hemophilia Advisory Board
338	Human Services Information and Referral Advisory Council
339	Interagency Coordinating Council on Housing for the Disabled
340	Interdepartmental Board of the State Department of Minority Business Enterprise
341	Litter Control and Recycling Fund Advisory Board
342	Local Advisory Board to the Blue Ridge Community College
343	Local Advisory Board to the Central Virginia Community College
344	Local Advisory Board to the Dabney S. Lancaster Community College
345	Local Advisory Board to the Danville Community College
346	Local Advisory Board to the Eastern Shore Community College
347	Local Advisory Board to the Germanna Community College
348	Local Advisory Board to the J. Sargeant Reynolds Community College
349	Local Advisory Board to the John Tyler Community College
350	Local Advisory Board to the Lord Fairfax Community College
351	Local Advisory Board to the Mountain Empire Community College
352	Local Advisory Board to the New River Community College
353	Local Advisory Board to the Northern Virginia Community College
354	Local Advisory Board to the Patrick Henry Community College
355	Local Advisory Board to the Paul D. Camp Community College
356	Local Advisory Board to the Piedmont Virginia Community College
357	Local Advisory Board to the Rappahannock Community College
358	Local Advisory Board to the Southside Virginia Community College
359	Local Advisory Board to the Southwest Virginia Community College
360	Local Advisory Board to the Thomas Nelson Community College
361	Local Advisory Board to the Tidewater Community College
362	Local Advisory Board to the Virginia Highlands Community College
363	Local Advisory Board to the Virginia Western Community College
364	Local Advisory Board to the Wytheville Community College
365	Maternal and Child Health Council
366	Medical Advisory Board, Department of Motor Vehicles
367	Medical Board of the Virginia Retirement System

- 368 Migrant and Seasonal Farmworkers Board
- 369 Motor Vehicle Dealer's Advisory Board
- 370 Nottoway State Scenic River Advisory Board
- 371 Personnel Advisory Board
- 372 Plant Pollination Advisory Board
- 373 Private College Advisory Board
- 374 Private Enterprise Commission
- 375 Private Security Services Advisory Board
- 376 Psychiatric Advisory Board
- 377 Radiation Advisory Board
- 378 Rappahannock Scenic River Advisory Board
- 379 Recreational Fishing Advisory Board, Virginia
- 380 Reforestation Board
- 381 Retirement System Review Board
- 382 Rockfish State Scenic River Advisory Board
- 383 Shenandoah State Scenic River Advisory Board
- 384 Small Business Advisory Board
- 385 Small Business Environmental Compliance Advisory Board
- 386 St. Mary's Scenic River Advisory Committee
- 387 State Advisory Board on Air Pollution
- 388 State Advisory Board for the Virginia Employment Commission
- 389 State Building Code Technical Review Board
- 390 State Health Benefits Advisory Council
- 391 State Land Evaluation Advisory Council
- 392 State Networking Users Advisory Board
- 393 State Public Records Advisory Council
- 394 Statewide Independent Living Council
- 395 Statewide Rehabilitation Advisory Council
- 396 Statewide Rehabilitation Advisory Council for the Blind
- 397 Staunton Scenic River Advisory Committee
- 398 Telecommunications Relay Service Advisory Board
- 399 Virginia-Israel Advisory Board
- 400 Virginia Advisory Commission on Intergovernmental Relations
- 401 Virginia Advisory Council for Adult Education and Literacy
- 402 Virginia Coal Mine Safety Board
- 403 Virginia Coal Research and Development Advisory Board
- 404 Virginia Commission for the Arts
- 405 Virginia Commission on the Bicentennial of the United States Constitution
- 406 Virginia Correctional Enterprises Advisory Board
- 407 Virginia Council on Coordinating Prevention
- 408 Virginia Equal Employment Opportunity Council
- 409 *Virginia Geographic Information Network Advisory Board*
- 410 Virginia Interagency Coordinating Council
- 411 Virginia Military Advisory Council
- 412 Virginia Public Buildings Board
- 413 Virginia Recycling Markets Development Council
- 414 Virginia Technology Council
- 415 Virginia Transplant Council
- 416 Virginia Veterans Cemetery Board
- 417 Virginia Water Resources Research Center, Statewide Advisory Board
- 418 Virginia Winegrowers Advisory Board.