

VIRGINIA ACTS OF ASSEMBLY -- 1996 RECONVENED SESSION

CHAPTER 1004

An Act to amend and reenact § 2.1-1.5 of the Code of Virginia and to amend the Code of Virginia by adding in Title 9 a chapter numbered 46, consisting of sections numbered 9-350 through 9-363, creating the Virginia Geographic Information Authority.

[H 1007]

Approved April 17, 1996

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-1.5 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 9 a chapter numbered 46, consisting of sections numbered 9-350 through 9-363, as follows:

§ 2.1-1.5. Entities not subject to standard nomenclature.

The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics or enabling legislation of the entities:

Authorities

Assistive Technology Loan Fund Authority.
Richmond Eye and Ear Hospital Authority.
Small Business Financing Authority.
State Education Assistance Authority.
Virginia Agriculture Development Authority.
Virginia College Building Authority.
Virginia Economic Development Partnership.
Virginia Education Loan Authority.
Virginia Geographic Information Authority.
Virginia Housing Development Authority.
Virginia Innovative Technology Authority.
Virginia Port Authority.
Virginia Public Building Authority.
Virginia Public School Authority.
Virginia Resources Authority.
Virginia Student Assistance Authorities.

Boards

Board of Commissioners, Virginia Agriculture Development Authority.
Board of Commissioners, Virginia Port Authority.
Board of Directors, Assistive Technology Loan Fund Authority.
Board of Directors, Richmond Eye and Ear Hospital Authority.
Board of Directors, Small Business Financing Authority.
Board of Directors, Virginia Economic Development Partnership.
Board of Directors, Virginia Student Assistance Authorities.
Board of Directors, Virginia Innovative Technology Authority.
Board of Directors, Virginia Resources Authority.
Board of Regents, Gunston Hall Plantation.
Board of Regents, James Monroe Memorial Law Office and Library.
Board of Trustees, Family and Children's Trust Fund.
Board of Trustees, Frontier Culture Museum of Virginia.
Board of Trustees, Jamestown-Yorktown Foundation.
Board of Trustees, Miller School of Albemarle.
Board of Trustees, Rural Virginia Development Foundation.
Board of Trustees, The Science Museum of Virginia.
Board of Trustees, Virginia Museum of Fine Arts.
Board of Trustees, Virginia Museum of Natural History.
Board of Trustees, Virginia Outdoor Foundation.
Board of the Virginia Higher Education Tuition Trust Fund.
Board of Visitors, Christopher Newport University.
Board of Visitors, The College of William and Mary in Virginia.
Board of Visitors, George Mason University.
Board of Visitors, Gunston Hall Plantation.
Board of Visitors, James Madison University.
Board of Visitors, Longwood College.

Board of Visitors, Mary Washington College.
 Board of Visitors to Mount Vernon.
 Board of Visitors, Norfolk State University.
 Board of Visitors, Old Dominion University.
 Board of Visitors, Radford University.
 Board of Visitors, University of Virginia.
 Board of Visitors, Virginia Commonwealth University.
 Board of Visitors, Virginia Military Institute.
 Board of Visitors, Virginia Polytechnic Institute and State University.
 Board of Visitors, Virginia State University.
 Governing Board, Virginia College Building Authority.
 Governing Board, Virginia Public School Authority.
 Library Board, The Library of Virginia.
 Motor Vehicle Dealer Board.
 State Board for Community Colleges, Virginia Community College System.

Commissions

Alexandria Historical Restoration and Preservation Commission.
 Charitable Gaming Commission.
 Chesapeake Bay Bridge and Tunnel Commission.
 Hampton Roads Sanitation District Commission.

Districts

Chesapeake Bay Bridge and Tunnel District.
 Hampton Roads Sanitation District.

Educational Institutions

Christopher Newport University.
 College of William and Mary in Virginia.
 Frontier Culture Museum of Virginia.
 George Mason University.
 James Madison University.
 Jamestown-Yorktown Foundation.
 Longwood College.
 Mary Washington College.
 Miller School of Albemarle.
 Norfolk State University.
 Old Dominion University.
 Radford University.
 The Science Museum of Virginia.
 University of Virginia.
 Virginia Commonwealth University.
 Virginia Community College System.
 Virginia Military Institute.
 Virginia Museum of Fine Arts.
 Virginia Polytechnic Institute and State University.
 The Library of Virginia.
 Virginia State University.

Foundations

Chippokes Plantation Farm Foundation.
 Rural Virginia Development Foundation.
 Virginia Conservation and Recreation Foundation.
 Virginia Historic Preservation Foundation.
 Virginia Outdoor Foundation.

Museum

Virginia Museum of Natural History.

Plantation

Gunston Hall Plantation.

System

Virginia Retirement System.

CHAPTER 46.

VIRGINIA GEOGRAPHIC INFORMATION AUTHORITY.

§ 9-350. *Short title.*

This chapter shall be known and may be cited as the "Virginia Geographic Information Authority."

§ 9-351. *Definitions.*

As used in this chapter:

"Attribute" means nongraphic data that are typically linked to graphic data within a geographic

information system and that provide additional information (e.g., population or demographic data) about the graphic element (e.g., census block).

"Authority" means the political subdivision of the Commonwealth of Virginia created by this chapter.

"Base map" means the digitized map of the Commonwealth to which all data layers are keyed to create a geographic information system.

"Board" means the board of directors of the Authority.

"Board of directors" means a group of individuals who provide oversight and policy direction to the activities of the Authority as set forth in this chapter.

"Digital orthophoto" means a digital map, based on aerial photography of the Commonwealth, utilizing a uniform map scale. The photographs are rectified to remove distortion and then scanned into digital form. Digital orthophoto is used to create a digital base map.

"Geographic information system (GIS)" means a computerized system that stores and links graphic data with nongraphic data (attributes) to allow integrated information processing, mapping, and analysis.

"Hydrography" means the description of bodies of water, such as lakes, rivers, and streams.

"Map scale" means the ratio of units of linear measurement on a map to units of measurement on the earth, expressed as a ratio (e.g., 1:12,000) or in specific units of measurement (e.g., 1"=100' or one inch equals 100 feet).

"Topographic features" means features that define elevation, including contour lines, point elevations, and elevation values.

§ 9-352. Authority created; purpose.

There is hereby created, as a political subdivision of the Commonwealth, the Virginia Geographic Information Authority.

The Virginia Geographic Information Authority shall oversee the development of systems standards, procure a statewide base map, coordinate the development or purchase of priority data layers, and foster the creative utilization of geographic information via the timely distribution of common data sets to state agencies and local and regional governments.

§ 9-353. Data development.

A. The Authority shall maintain, store, and distribute, in the most cost-effective manner feasible, a shared repository and catalog of Virginia geographic information. An initial digital base map shall be prepared by acquiring digital orthophotography with color infrared film at a scale of 1:12,000 mapping resolution. Additional digital base maps may be prepared as the Authority deems necessary.

B. Geographic information data layers shall be developed according to priority categories, including:

1. Transportation,
2. Hydrography,
3. Topography,
4. Political boundaries, and
5. Geodetic survey control.

C. Any other geographic information product that is identified by the Authority may be considered a high-priority geographic information resource if it is deemed as such by the board of directors. Otherwise, any other geographic information product shall be considered special to particular applications and shall not take precedence over the timely and expedient development of the five high-priority geographic information resources. Products that are required for particular applications or that require immediate development may be developed at the discretion of the requesting agency. Such products, if not exempt from the Freedom of Information Act (§ 2.1-340 et seq.), shall be reported to the Authority to be included in the inventory of state geographic information resources.

§ 9-354. Board of directors.

A. The Authority shall be governed by a board of directors consisting of fifteen members appointed as follows: (i) ten members to be appointed by the Governor, including: three state agency officials, one from the Virginia Economic Development Partnership, one from the Virginia Department of Transportation, and one from a state university; two elected officials of localities in the Commonwealth; 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 two representatives of private businesses who are providers of geographic information services, and their companies, are precluded from contracting to provide goods or services to the Authority.

B. The gubernatorial appointees to the board of directors shall serve five-year terms, except that three initial appointees shall serve three-year terms, three shall serve four-year terms, and four shall serve five-year terms. Directors appointed by the Governor shall serve no more than two consecutive full terms. All members of the board of directors appointed by the Governor shall be confirmed by each house of the General Assembly.

C. The terms of General Assembly members appointed to the board of directors shall be coincident with their service in the house from which appointed.

D. Vacancies among the gubernatorial appointees to the board of directors shall be filled by appointment of the Governor for the unexpired portion of the term. Vacancies among General Assembly members shall be filled by the Speaker of the House of Delegates, for House of Delegate members, and by the Senate Committee on Privileges and Elections, for Senate members.

E. The board shall establish a fifteen-member technical advisory committee, comprised of the following: the Director of the Council on Information Management or his designee; one member of the Virginia State Bar; one member of the Virginia Association of Land Surveyors; three employees of state agencies that employ automated land information systems or geographic information systems; four members of local governments, regional bodies, or planning district commissions that employ land information systems or geographic information systems; two members representing private businesses engaged in the sale or service of geographic information systems; one member representing users of geographic information systems and products; and two members representing state universities.

§ 9-355. Executive director.

The board shall employ an executive director to administer, manage, and direct the affairs and business of the Authority, subject to the policies, control, and direction of the board. The executive director shall employ such other persons as he shall deem necessary to assist him in carrying out his duties under this section. The executive director shall serve as an ex officio member of the board of directors of the nonstock corporation established pursuant to § 9-360.

§ 9-356. Powers.

The Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of its statutory purposes, including the following rights and powers:

1. To sue and be sued, implead and be impleaded, complain and defend in all courts.
2. To adopt, use, and alter at will a corporate seal.
3. To acquire, purchase, hold, use, lease or otherwise dispose of any project and property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and, without limitation of the foregoing, to lease as lessee, any project and any property, real, personal or mixed, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the board of the Authority and to lease as lessor to any person, any project and any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the board of the Authority, and to sell, transfer or convey any property, real, personal or mixed, tangible or intangible or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the board of the Authority.
4. To plan, develop, undertake, carry out, construct, improve, rehabilitate, repair, furnish, maintain, and operate projects.
5. To make bylaws for the management and regulation of its affairs.
6. To fix, alter, charge, and collect rates, rentals, and other charges for the use of projects of, or for the sale of products of or for the services rendered by, the Authority, at rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority, the planning, development, construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its projects and properties, the payment of the costs of accomplishing its purposes set forth in § 9-352, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations. The Authority shall fund its operations, after start-up, from revenues generated from subscribers, sales, or licensing and from money, goods, or in-kind services donated or contracted through private sources. The Authority shall work to support and provide funding for state agency GIS needs.
7. To borrow money.
8. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes and the execution of its powers under this chapter, including agreements with any person or federal agency.
9. To employ, in its discretion, consultants, attorneys, photogrammetrists, surveyors, engineers, accountants, financial experts, investment bankers, superintendents, managers and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Authority.
10. To receive and accept from any federal or private agency, foundation, corporation, association or person grants to be expended in accomplishing the objectives of the Authority, and to receive and accept from the Commonwealth or any state, and any municipality, county or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. The Authority may apply for and accept any gifts, grants, loan guarantees, loans of funds or property, or financial or other aid in any form from the federal government or any agency or

instrumentality thereof; from the state or any agency or instrumentality thereof; or from any other source for any or all of the purposes specified in this chapter. The Authority shall comply, subject to the provisions of this chapter, with the terms and conditions thereof.

11. To pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

12. To receive, administer, and market any interest in patents, copyrights and materials which are potentially patentable or copyrightable. Nothing in this chapter shall be deemed to effect a transfer of ownership of any data from any state agency, institution, board, bureau, commission, or council to the Authority, unless so authorized by such state agency, institution, board, bureau, commission, or council.

13. To formulate recommendations for conventions and standards for geographic information.

14. To coordinate the procurement of geographic information data products, with particular emphasis on state-level activities related to this chapter, and to foster the development of a coordinated comprehensive system for providing ready access to electronic state government geographic information for individuals, businesses, and other entities.

15. To provide advice on agreements and contracts of entities from all branches of state government for geographic information resource acquisition and design, installation, and maintenance of geographic information systems. Agencies of the Commonwealth shall not purchase or procure data products that substantially duplicate any data products developed by the Authority pursuant to § 9-353 or any other provisions of this chapter.

16. To manage and coordinate the various computerized systems needed to implement the provisions of this chapter.

17. To acquire, lease, or construct such facilities and equipment as necessary to fulfill the duties of the Authority.

18. To provide technical assistance to public and/or private sector organizations in such areas as (i) acquisition of geographic information products, (ii) design, procurement, installation, management, and maintenance of geographic information systems, (iii) technical training and demonstrations to local professional groups, such as police departments, assessors, utility companies, and planners, (iv) creation and promulgation of standards, specifications, procedures, and techniques related to manipulation and management of geographic information, (v) effecting economies in the acquisition of geographic information and geographic information systems, and (vi) planning for and forecasting future needs in geographic information and services.

§ 9-357. Moneys received deemed trust funds.

All moneys received pursuant to the authority of this chapter shall be deemed to be trust funds to be held and applied solely as provided in this chapter.

§ 9-358. Grants or loans of public or private funds.

The Authority is authorized to accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both or otherwise, to accomplish, in whole or in part, any of the purposes of this chapter. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth.

§ 9-359. Exemption from taxes or assessments.

The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this chapter or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and any bonds issued under the provisions of this chapter, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from state and local taxation. The exemption hereby granted shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

§ 9-360. Auxiliaries.

A. The Authority shall establish a nonstock corporation to carry out the purposes of this chapter. The board of directors of the nonstock corporation shall consist of fifteen members, to be appointed by the board of directors of the Authority. However, neither General Assembly members nor any other elected officials serving on the board of the Authority shall serve on the board of directors of the nonstock corporation. The articles of incorporation of the nonstock corporation shall provide that upon dissolution the net assets of the corporation shall be transferred to the Commonwealth of Virginia. The nonstock corporation shall ensure that the economic benefits attributable to the income and property rights arising from any transactions in which the nonstock corporation is involved are allocated on a

basis which is equitable in the reasonable business judgment of the board of directors, with due account being given to the interest of the citizens of the Commonwealth and the needs of the nonstock corporation. Any such nonstock corporation shall not be deemed to be a state or governmental agency, advisory agency, public body or agency or instrumentality for purposes of Chapters 10 (§ 2.1-110 et seq.), 13 (§ 2.1-153 et seq.), 14 (§ 2.1-173 et seq.), 18 (§ 2.1-327 et seq.), 21 (§ 2.1-340 et seq.), 23 (§ 2.1-359 et seq.), 26 (§ 2.1-377 et seq.) and 40.1 (§ 2.1-639.1 et seq.) of Title 2.1, Chapter 7 (§ 11-35 et seq.) of Title 11 and Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1, nor shall any director, officer or employee of any such nonstock corporation or entity be deemed to be an officer or employee for purposes of Chapter 40.1 (§ 2.1-639.1 et seq.) of Title 2.1. Notwithstanding the foregoing, the Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Authority and any such nonstock corporation entity, provided that the working papers and files of the Auditor of Public Accounts relating to such audits shall not be subject to the provisions of Chapter 21 (§ 2.1-340 et seq.) of Title 2.1.

B. Notwithstanding the provisions of subsection A of this section, as an entity receiving state funds, any such nonstock corporation shall be subject to periodic external review either (i) under the provisions of the Legislative Program Review and Evaluation Act (§ 30-64 et seq.) or (ii) by an entity appointed for that purpose by the Governor. Any such nonstock corporation shall be deemed to be an institution of higher education within the meaning of §§ 23-3.1 and 23-9.2, but only for the limited purposes therein stated.

C. The board of directors of the nonstock corporation shall submit quarterly reports, including financial statements, to the board of directors of the Authority, the Governor, the House Committee on Appropriations, and the Senate Committee on Finance.

§ 9-361. Exemption of Authority from personnel and procurement procedures.

The provisions of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1 and Chapter 7 (§ 11-35 et seq.) of Title 11 shall not apply to the Authority in the exercise of any power conferred under this chapter.

§ 9-362. Moneys of Authority.

All moneys of the Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Such moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts. All banks and trust companies are authorized to give such security for such deposits, if required by the Authority. The moneys in such accounts shall be paid out on the warrant or other order of the treasurer of the Authority or of other person or persons as the Authority may authorize to execute such warrants or orders. The Auditor of Public Accounts of the Commonwealth, and his legally authorized representatives, shall examine the accounts and books of the Authority.

§ 9-363. Title to property.

The Authority may acquire title to property in its own name or in the name of the Commonwealth for and on behalf of the Authority.

2. That the costs of establishing and commencing operations of the Virginia Geographic Information Authority created by this act shall not be funded by a general fund appropriation, but shall be funded by the proceeds of a treasury loan provided by the Secretary of Finance. The treasury loan shall (i) bear no interest; (ii) not exceed the principal sum of \$6,021,000; (iii) be payable over a five-year period commencing in the 1997-1998 fiscal year; and (iv) be subject to such additional terms and conditions as are specified in the general appropriations act.

3. That the provisions of this act shall not become effective unless reenacted by the 1997 Session of the General Assembly.