

1996 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 1007

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Appropriations
on February 12, 1996)

(Patron Prior to Substitute—Delegate Murphy)

A *BILL* 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.

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.

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- 60 Board of Visitors, Longwood College.
61 Board of Visitors, Mary Washington College.
62 Board of Visitors to Mount Vernon.
63 Board of Visitors, Norfolk State University.
64 Board of Visitors, Old Dominion University.
65 Board of Visitors, Radford University.
66 Board of Visitors, University of Virginia.
67 Board of Visitors, Virginia Commonwealth University.
68 Board of Visitors, Virginia Military Institute.
69 Board of Visitors, Virginia Polytechnic Institute and State University.
70 Board of Visitors, Virginia State University.
71 Governing Board, Virginia College Building Authority.
72 Governing Board, Virginia Public School Authority.
73 Library Board, The Library of Virginia.
74 Motor Vehicle Dealer Board.
75 State Board for Community Colleges, Virginia Community College System.
76 Commissions
77 Alexandria Historical Restoration and Preservation Commission.
78 Charitable Gaming Commission
79 Chesapeake Bay Bridge and Tunnel Commission.
80 Hampton Roads Sanitation District Commission.
81 Districts
82 Chesapeake Bay Bridge and Tunnel District.
83 Hampton Roads Sanitation District.
84 Educational Institutions
85 Christopher Newport University.
86 College of William and Mary in Virginia.
87 Frontier Culture Museum of Virginia.
88 George Mason University.
89 James Madison University.
90 Jamestown-Yorktown Foundation.
91 Longwood College.
92 Mary Washington College.
93 Miller School of Albemarle.
94 Norfolk State University.
95 Old Dominion University.
96 Radford University.
97 The Science Museum of Virginia.
98 University of Virginia.
99 Virginia Commonwealth University.
100 Virginia Community College System.
101 Virginia Military Institute.
102 Virginia Museum of Fine Arts.
103 Virginia Polytechnic Institute and State University.
104 The Library of Virginia.
105 Virginia State University.
106 Foundations
107 Chippokes Plantation Farm Foundation.
108 Rural Virginia Development Foundation.
109 Virginia Conservation and Recreation Foundation.
110 Virginia Historic Preservation Foundation.
111 Virginia Outdoor Foundation.
112 Museum
113 Virginia Museum of Natural History.
114 Plantation
115 Gunston Hall Plantation.
116 System
117 Virginia Retirement System.
118 CHAPTER 46.
119 VIRGINIA GEOGRAPHIC INFORMATION AUTHORITY.
120 § 9-350. Short title.
121 This chapter shall be known and may be cited as the "Virginia Geographic Information Authority."

122 § 9-351. Definitions.

123 As used in this chapter:

124 "Attribute" means nongraphic data that are typically linked to graphic data within a geographic
125 information system and that provide additional information (e.g., population or demographic data) about
126 the graphic element (e.g., census block).

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

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

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

131 "Board of directors" means a group of individuals who provide oversight and policy direction to the
132 activities of the Authority as set forth in § 9-356.

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

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

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

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

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

145 § 9-352. Declaration of public purpose.

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

150 § 9-353. Data development.

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

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

156 1. Transportation,

157 2. Hydrography,

158 3. Topography,

159 4. Political boundaries, and

160 5. Geodetic survey control.

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

169 § 9-354. Board of directors.

170 A. The Authority shall be governed by a board of directors consisting of fifteen members appointed
171 as follows: (i) ten members to be appointed by the Governor, including: three state agency officials, one
172 from the Virginia Economic Development Partnership, one from the Virginia Department of
173 Transportation, and one from a state university; two elected officials of localities in the Commonwealth;
174 one elected official who serves on a planning district commission; two representatives of utilities or
175 transportation industries utilizing geographic data; and two representatives of private businesses with
176 expertise and experience in the establishment, operation, and maintenance of geographic information
177 systems, and (ii) five members of the General Assembly, three of whom shall be members of the House
178 of Delegates, to be appointed by the Speaker of the House of Delegates, and two of whom shall be
179 members of the Senate, to be appointed by the Senate Committee on Privileges and Elections. The two
180 representatives of private businesses who are providers of geographic information services, and their
181 companies, are precluded from contracting to provide goods or services to the Authority.

182 B. The gubernatorial appointees to the board of directors shall serve five-year terms, except that

183 three initial appointees shall serve three-year terms, three shall serve four-year terms, and four shall
184 serve five-year terms. Directors appointed by the Governor shall serve no more than two consecutive
185 full terms. All members of the board of directors appointed by the Governor shall be confirmed by each
186 house of the General Assembly.

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

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

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

201 § 9-355. Executive director.

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

207 § 9-356. Powers.

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

210 1. To sue and be sued, implead and be impleaded, complain and defend in all courts.

211 2. To adopt, use, and alter at will a corporate seal.

212 3. To acquire, purchase, hold, use, lease or otherwise dispose of any project and property, real,
213 personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out
214 the purposes of the Authority, and, without limitation of the foregoing, to lease as lessee, any project
215 and any property, real, personal or mixed, or any interest therein, at such annual rental and on such
216 terms and conditions as may be determined by the board of the Authority and to lease as lessor to any
217 person, any project and any property, real, personal or mixed, tangible or intangible, or any interest
218 therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual
219 rental and on such terms and conditions as may be determined by the board of the Authority, and to
220 sell, transfer or convey any property, real, personal or mixed, tangible or intangible or any interest
221 therein, at any time acquired or held by the Authority on such terms and conditions as may be
222 determined by the board of the Authority.

223 4. To plan, develop, undertake, carry out, construct, improve, rehabilitate, repair, furnish, maintain,
224 and operate projects.

225 5. To make bylaws for the management and regulation of its affairs.

226 6. To fix, alter, charge, and collect rates, rentals, and other charges for the use of projects of, or for
227 the sale of products of or for the services rendered by, the Authority, at rates to be determined by it for
228 the purpose of providing for the payment of the expenses of the Authority, the planning, development,
229 construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its projects
230 and properties, the payment of the costs of accomplishing its purposes set forth in § 9-352, the payment
231 of the principal of and interest on its obligations, and to fulfill the terms and provisions of any
232 agreements made with the purchasers or holders of any such obligations. The Authority shall fund its
233 operations, after start-up, from revenues generated from subscribers, sales, or licensing and from
234 money, goods, or in-kind services donated or contracted through private sources. The Authority shall
235 work to support and provide funding for state agency GIS needs.

236 7. To borrow money.

237 8. To make and enter into all contracts and agreements necessary or incidental to the performance
238 of its duties, the furtherance of its purposes and the execution of its powers under this chapter,
239 including agreements with any person or federal agency.

240 9. To employ, in its discretion, consultants, attorneys, photogrammetrists, surveyors, engineers,
241 accountants, financial experts, investment bankers, superintendents, managers and such other employees
242 and agents as may be necessary, and to fix their compensation to be payable from funds made available
243 to the Authority.

244 10. To receive and accept from any federal or private agency, foundation, corporation, association

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245 or person grants to be expended in accomplishing the objectives of the Authority, and to receive and
 246 accept from the Commonwealth or any state, and any municipality, county or other political subdivision
 247 thereof and from any other source, aid or contributions of either money, property, or other things of
 248 value, to be held, used and applied only for the purposes for which such grants and contributions may
 249 be made. The Authority may apply for and accept any gifts, grants, loan guarantees, loans of funds or
 250 property, or financial or other aid in any form from the federal government or any agency or
 251 instrumentality thereof; from the state or any agency or instrumentality thereof; or from any other
 252 source for any or all of the purposes specified in this chapter. The Authority shall comply, subject to the
 253 provisions of this chapter, with the terms and conditions thereof.

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

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

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

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

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

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

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

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

282 § 9-357. Moneys received deemed trust funds.

283 All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of
 284 bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in
 285 this chapter. The resolution authorizing the bonds of any issue or the trust agreement securing such
 286 bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys
 287 shall be deposited shall act as a trustee of such moneys and shall hold and apply the same for the
 288 purposes hereof, subject to such regulations as this chapter and such resolution or trust agreement may
 289 provide.

290 § 9-358. Grants or loans of public or private funds.

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

298 § 9-359. Exemption from taxes or assessments.

299 The exercise of the powers granted by this chapter will be in all respects for the benefit of the
 300 people of the Commonwealth, for the increase of their commerce and prosperity, and for the
 301 improvement of their health and living conditions, and as the operation and maintenance of projects by
 302 the Authority and the undertaking of activities in furtherance of the purpose of the Authority will
 303 constitute the performance of essential governmental functions, the Authority shall not be required to
 304 pay any taxes or assessments upon any project or any property acquired or used by the Authority under
 305 the provisions of this chapter or upon the income therefrom, including sales and use taxes on tangible

306 personal property used in the operations of the Authority, and any bonds issued under the provisions of
307 this chapter, their transfer and the income therefrom (including any profit made on the sale thereof)
308 shall at all times be free from state and local taxation. The exemption hereby granted shall not be
309 construed to extend to persons conducting on the premises of a facility businesses for which local or
310 state taxes would otherwise be required.

311 § 9-360. Auxiliaries.

312 A. The Authority shall establish a nonstock corporation to carry out the purposes of this chapter.
313 The board of directors of the nonstock corporation shall consist of fifteen members, to be appointed by
314 the board of directors of the Authority. However, neither General Assembly members nor any other
315 elected officials serving on the board of the Authority shall serve on the board of directors of the
316 nonstock corporation. The articles of incorporation of the nonstock corporation shall provide that upon
317 dissolution the net assets of the corporation shall be transferred to the Commonwealth of Virginia. The
318 nonstock corporation shall ensure that the economic benefits attributable to the income and property
319 rights arising from any transactions in which the nonstock corporation is involved are allocated on a
320 basis which is equitable in the reasonable business judgment of the board of directors, with due account
321 being given to the interest of the citizens of the Commonwealth and the needs of the nonstock
322 corporation. Any such nonstock corporation shall not be deemed to be a state or governmental agency,
323 advisory agency, public body or agency or instrumentality for purposes of Chapters 10 (§ 2.1-110 et
324 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
325 (§ 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
326 et seq.) of Title 11 and Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1, nor shall any director, officer or
327 employee of any such nonstock corporation or entity be deemed to be an officer or employee for
328 purposes of Chapter 40.1 (§ 2.1-639.1 et seq.) of Title 2.1. Notwithstanding the foregoing, the Auditor of
329 Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of
330 the Authority and any such nonstock corporation entity, provided that the working papers and files of
331 the Auditor of Public Accounts relating to such audits shall not be subject to the provisions of Chapter
332 21 (§ 2.1-340 et seq.) of Title 2.1.

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

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

342 § 9-361. Exemption of Authority from personnel and procurement procedures.

343 The provisions of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1 and Chapter 7 (§ 11-35 et seq.) of Title
344 11 shall not apply to the Authority in the exercise of any power conferred under this chapter.

345 § 9-362. Moneys of Authority.

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

354 § 9-363. Title to property.

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