

PRELIMINARY DRAFT

AN ACT

	AN ACT	5
1	<u>E</u> stablishing the Mapping and Geographic Information Services	8
2	<u>C</u> ouncil and the Mapping and Geographic Information Services	10
3	<u>I</u> nvestment Fund; Designating the State Geographer; and	11
4	providing <u>f</u> or their powers and duties.	12
5	<u>T</u> he General Assembly of the Commonwealth of Pennsylvania	13
6	<u>h</u> ereby enacts as follows:	14
7	<u>S</u> ection 1. Short title.	16
8	<u>T</u> his act shall be known and may be cited as the <u>M</u> apping and	19
9	<u>G</u> eographic Information Services Act.	
10	<u>S</u> ection 2. Definitions.	21
11	<u>T</u> he following words and phrases when used in this act shall	23
12	<u>h</u> ave the meanings given to them in this section unless the	24
13	<u>c</u> ontext clearly indicates otherwise:	25
14	<u>"Bureau."</u> The Bureau of Topographic and Geologic Survey <u>i</u> n	27
15	the Department of Conservation and Natural Resources.	
16	<u>"Council."</u> The Mapping and Geographic Information <u>S</u> ervices	29
17	Council established in section 3 (relating to Mapping <u>a</u> nd	30
18	Geographic Information Services Council).	

1	"Executive director." The Executive Director of the Mapping	32
2	and Geographic Information Services Council.	
3	"Fund." The Mapping and Geographic Information Services	33
4	Investment Fund established in section 6 (relating to Mapping	34
5	and Geographic Information Services Investment Fund).	35
6	"Political subdivision." A county, city, borough,	36
7	incorporated town, township, school district, vocational school	37
8	district or county institution district.	38
9	Section 3. Mapping and Geographic Information Services Council.	40
10	(a) Establishment.--The Mapping and Geographic Information	42
11	Services Council is hereby established.	43
12	(b) Membership.--The council shall consist of the following	44
13	members to serve for a term of four years each and thereafter	45
14	until their successors are appointed and qualified:	46
15	(1) Four members appointed by the Governor, without the	47
16	advice and consent of the Senate, representing the Governor's	49
17	Office and State agencies under the Governor's jurisdiction.	50
18	(2) One member from each of the following organizations:	52
19	(i) The County Commissioners Association of	53
20	Pennsylvania.	54
21	(ii) The Pennsylvania State Association of Boroughs.	56
22	(iii) The Pennsylvania League of Cities and	58
23	Municipalities.	
24	(iv) The Pennsylvania State Association of Township	59
25	Commissioners.	60
26	(v) The Pennsylvania State Association of Township	62
27	Supervisors.	
28	(vi) The Pennsylvania School Boards Association.	64
29	(vii) The Pennsylvania Municipal Authorities	65
30	Association.	66

1	(viii) The Pennsylvania Mapping and Geographic	67
2	<u>Information Consortium.</u>	68
3	(ix) The Pennsylvania Society of <u>Land Surveyors.</u>	70
4	(x) The Pennsylvania Association of Colleges <u>and</u>	72
5	<u>Universities.</u>	
6	(xi) The Pennsylvania Chamber of Business and	73
7	<u>Industry.</u>	74
8	(xii) The Pennsylvania One Call <u>System, Inc.</u>	76
9	<u>Each organization shall submit the name of a <u>nominee</u> whom the</u>	79
10	<u>Governor shall appoint, without the <u>advice</u> and consent of the</u>	80
11	<u>Senate. <u>One</u> member appointed by the President pro tempore of</u>	81
12	<u>the Senate. <u>One</u> member appointed by the Minority Leader of</u>	82
13	<u>the Senate. <u>One</u> member appointed by the Speaker of the House</u>	83
14	<u>of Representatives. <u>One</u> member appointed by the Minority</u>	84
15	<u>Leader of the <u>House</u> of Representatives. <u>One</u> member appointed</u>	86
16	<u>by the Chief Justice of the Supreme Court. <u>One</u> member</u>	87
17	<u>appointed by the Attorney General. <u>One</u> member appointed by</u>	88
18	<u>the State Treasurer. <u>One</u> member appointed by the Auditor</u>	89
19	<u>General. <u>One</u> member, ex officio, representing the <u>United</u></u>	91
20	<u>States Geological Survey. <u>One</u> member, ex officio,</u>	92
21	<u>representing the Pennsylvania Historical and <u>Museum</u></u>	93
22	<u>Commission.</u>	
23	(c) <u>Vacancies.--Vacancies shall be filled by the appointment</u>	94
24	<u>of a <u>successor</u> for a full term of four years. <u>No</u> appointed</u>	96
25	<u>member shall serve more than two full terms.</u>	
26	(d) <u>Meetings.--The council shall meet quarterly <u>and</u> at other</u>	98
27	<u>times at the <u>call</u> of the chairman. <u>The</u> executive director shall</u>	100
28	<u>call the first organizational meeting <u>of</u> the council and preside</u>	101
29	<u>until a chairman is elected.</u>	
30	(e) <u>Officers.--The council shall elect a chairman and vice</u>	102

1 chairman from among its membership at the first organizational 103
2 meeting to serve until January of the following year. 104
3 Thereafter, the council shall elect a chairman and vice chairman 106
4 from its membership at the first quarterly meeting in each
5 calendar year to serve one-year terms, and the chairman and vice 107
6 chairman may succeed themselves up to four successive terms. 108
7 (f) Quorum.--Thirteen voting members of the council shall 109
8 constitute a quorum. The affirmative votes of a majority of 111
9 appointed voting members present, but at least nine appointed 112
10 voting members, shall be required for the council to take 113
11 official action other than to adjourn or to meet to hear reports 114
12 or testimony.

13 (g) Reimbursement for expenses.--Members of the council 115
14 shall be reimbursed for expenses actually incurred in connection 116
15 with official duties. 117

16 (h) Offices.-- 118

17 (1) The executive director shall operate from the 120
18 offices of the bureau. 121

19 (2) The executive director shall direct and supervise 122
20 such clerical, technical and professional staff as may be 123
21 available for council purposes from the bureau within the 124
22 budget of the bureau. The compensation of such employees 125
23 shall be set by the bureau.

24 (3) The council may authorize and make appropriations 127
25 from the fund for staff.

26 (4) The executive director shall direct and supervise 128
27 such clerical, technical and professional staff that the 130
28 council may authorize and support by appropriations from the
29 fund. The compensation of such employees shall be set by the 131
30 council.

1	<u>Section 4. General powers.</u>	133
2	<u>The council shall:</u>	136
3	<u>(1) Serve as the custodian for the legal descriptions of</u>	138
4	the boundaries of this Commonwealth and <u>its political</u>	139
5	subdivisions to include the following duties:	
6	<u>(i) Promote the full and accurate description and</u>	140
7	<u>monumentation of the boundaries of this Commonwealth and</u>	142
8	<u>its political subdivisions.</u>	
9	<u>(ii) Promote the preservation of original and</u>	143
10	<u>historical boundary documents and monuments.</u>	144
11	<u>(iii) Promote the reestablishment of boundary</u>	145
12	<u>segments determined to be of unknown location.</u>	147
13	<u>(iv) Create and maintain an electronic database of</u>	148
14	<u>images of legal descriptions and supporting documents of</u>	149
15	<u>the boundaries of this Commonwealth and its political</u>	150
16	<u>subdivisions.</u>	
17	<u>(v) Create and maintain an electronic database of</u>	151
18	<u>boundary segments whose locations are in dispute or</u>	152
19	<u>unknown.</u>	
20	<u>(vi) Impose a mandatory geodetic boundary monument</u>	153
21	<u>reestablishment fee of no less than three times actual</u>	154
22	<u>costs on those responsible for destroying or otherwise</u>	155
23	<u>rendering unusable or inaccurate any geodetic boundary</u>	156
24	<u>monument in this Commonwealth if those actions occur on</u>	157
25	<u>or after the effective date of this section.</u>	
26	<u>(vii) Deposit all fees in a separate account in the</u>	158
27	<u>fund to support the reestablishment of geodetic boundary</u>	159
28	<u>monuments.</u>	
29	<u>(viii) Reestablish those geodetic boundary monuments</u>	160
30	<u>for which reestablishment fees have been imposed and</u>	161

1	collected <u>and</u> others as funds permit.	162
2	(ix) Provide technical assistance to facilitate	163
3	resolution of <u>boundary</u> disputes.	164
4	(2) Develop, approve, maintain and update standards <u>for</u>	166
5	sharing geospatial data among the jurisdictions, offices <u>and</u>	167
6	organizations within the council.	
7	(3) Develop, approve, maintain and update standards <u>for</u>	168
8	<u>interoperable</u> geographic information systems and services	169
9	among <u>the</u> jurisdictions, offices and organizations within the	170
10	council.	
11	(4) Develop a strategic investment strategy and plan to	171
12	<u>support</u> data sharing and interoperable geographic information	172
13	systems and <u>services</u> and establish policies supporting the	173
14	plan.	
15	(5) Adopt and promulgate such rules and regulations as	174
16	may be <u>required</u> for the proper administration of the fund <u>and</u>	176
17	the several accounts thereof and for the transaction of the	
18	<u>business</u> of the council.	177
19	(6) Use the fund as a pass-through to pool investment	178
20	from the <u>Federal</u> Government, members of the council and other	179
21	<u>sources</u> earmarked for purchase of specific imagery,	180
22	<u>equipment</u> , services or other geospatial products.	181
23	(7) Charge up to 2% of pooled funds when received for	182
24	<u>pass-through</u> administrative fees.	183
25	(8) Deposit all administrative fees into a separate	184
26	account in the fund <u>to</u> support the administration and	185
27	expenses of the council.	
28	(9) Deposit with the State Treasurer such money in the	186
29	fund <u>not</u> currently needed to meet the obligations of the fund	187
30	<u>to</u> be invested in the same manner as other public money may	188

1	be <u>invested</u> .	189
2	<u>(10)</u> Deposit into the fund all interest and other	190
3	proceeds <u>that</u> accrue from the investment of money in the fund	191
4	to be used for the <u>purposes</u> of the council.	192
5	<u>(11)</u> Prepare, publish and distribute an annual financial	193
6	report and <u>statement</u> of accounts showing the balance of the	194
7	fund and each account <u>within</u> the fund at the beginning of the	195
8	year, <u>appropriations</u> and contributions made <u>to</u> and the	197
9	expenditures from the fund <u>and</u> each of its accounts during	198
10	the year, interest earned and the <u>balance</u> of the fund and	199
11	each account at the end of the year.	
12	<u>(12)</u> Keep the financial records necessary <u>to</u> fully audit	201
13	the fund.	
14	<u>(13)</u> Disclose the financial records of the fund <u>to</u> the	203
15	Auditor General upon request.	
16	<u>(14)</u> Prepare, publish and distribute an annual report	204
17	summarizing <u>each</u> program supported by the fund, and any	205
18	grants, contracts or other <u>expenditures</u> from the fund broken	206
19	down by program, recipient and purpose.	
20	<u>(15)</u> Publish plans and procedures to guide <u>the</u>	208
21	allocation of the fund.	
22	<u>(16)</u> Create and administer a grant program from the fund	209
23	for <u>political</u> subdivisions or other members of the council to	210
24	<u>establish</u> and maintain interoperable geographic <u>information</u>	212
25	services and data.	
26	<u>(17)</u> Create and administer a grant program from the fund	213
27	for <u>private</u> firms and individuals to support development <u>and</u>	215
28	marketing of value-added geospatial products <u>using</u> data and	216
29	services supplied by members of the council.	
30	<u>(18)</u> Establish policies for licensing, <u>royalties</u> and	218

1	fees for value-added products developed <u>by</u> private industry	219
2	from data and services supplied by members <u>of</u> the council.	220
3	<u>(19)</u> Grant licenses and impose royalties and fees for	221
4	the <u>sale</u> and distribution by private firms of <u>value-added</u>	223
5	products developed from data and services <u>supplied</u> by members	224
6	of the council.	
7	<u>(20)</u> Deposit all royalties and fees from licensing	225
8	value-added <u>geospatial</u> products and services in the fund.	226
9	<u>(21)</u> Coordinate with institutions of higher education in	227
10	this <u>Commonwealth</u> to provide seminars to the council <u>and</u>	229
11	government, public and business <u>sectors</u> concerning emerging	230
12	opportunities for new <u>geographic</u> information products and	231
13	services for <u>possible</u> commercialization <u>by</u> Pennsylvania	233
14	industry.	
15	<u>(22)</u> Provide policy support, guidance and administrative	234
16	<u>oversight</u> to the executive director and council staff	235
17	employees.	
18	<u>(23)</u> Keep a record of all council proceedings, which	236
19	shall <u>be</u> open to inspection by the public.	237
20	<u>Section 5.</u> Discretionary powers.	239
21	<u>The council may:</u>	242
22	<u>(1)</u> Make expenditures for staff and administrative	243
23	<u>expenses</u> of the council from accounts in the fund <u>designated</u>	245
24	for such purposes.	
25	<u>(2)</u> Enter into contracts for products and services in	246
26	<u>furtherance</u> of the purposes of the council.	247
27	<u>(3)</u> Designate one or more additional nonvoting, ex	248
28	officio <u>members</u> of the council on a temporary, ad hoc basis	249
29	to <u>assist</u> with the council's study or deliberation of a	250
30	specific topic.	

1	<u>Section 6. Mapping and Geographic Information Services</u>	252
2	<u>Investment Fund.</u>	253
3	<u>(a) Establishment.--The Mapping and Geographic Information</u>	255
4	<u>Services Investment Fund is hereby established in the State</u>	256
5	<u>Treasury.</u>	
6	<u>(b) Contents.--The fund shall consist of:</u>	258
7	<u>(1) Appropriations to the fund by the General Assembly</u>	260
8	<u>and other government entities.</u>	
9	<u>(2) Pooled funds earmarked for purchase of specific</u>	261
10	<u>imagery, equipment, services or other geospatial products.</u>	262
11	<u>(3) Grants or gifts from private industry, not-for-</u>	263
12	<u>profit organizations, institutions of higher education or</u>	264
13	<u>private foundations.</u>	
14	<u>(4) Fees charged for the administration of accounts.</u>	266
15	<u>(5) Mandatory geodetic boundary monument replacement</u>	267
16	<u>fees.</u>	268
17	<u>(6) Royalties for products licensed by the council.</u>	270
18	<u>(c) Use of fund.--The fund shall be used to support:</u>	272
19	<u>(1) Stewardship of the boundaries of this Commonwealth</u>	273
20	<u>and its political subdivisions.</u>	274
21	<u>(2) Strategic planning to create, maintain and expand</u>	276
22	<u>geospatial capabilities throughout the political subdivisions</u>	277
23	<u>of this Commonwealth, the creation and adoption of geospatial</u>	278
24	<u>data standards and sharing and interoperable geographic</u>	279
25	<u>services.</u>	
26	<u>(3) Strategic planning to foster economic development</u>	280
27	<u>through support for the development of value-added geospatial</u>	281
28	<u>products and services by private firms.</u>	282
29	<u>(4) A grant-in-aid program to guide strategic investment</u>	284
30	<u>in interoperable geographic services and data among the</u>	285

1	members of the council.	
2	<u>(5)</u> A competitive grant program to support development	286
3	of new, <u>value-added</u> geospatial products and services by	287
4	private industry in this <u>Commonwealth</u> .	288
5	<u>(6)</u> Aggregation and pooling of government and other	289
6	funds <u>to</u> expand and augment acquisition of <u>common</u> geographic	291
7	services, including, <u>but</u> not limited to, imagery collection	292
8	and data extraction.	
9	<u>(d)</u> Separate accounts.--Separate accounts shall be	293
10	established <u>in</u> the fund for:	294
11	<u>(1)</u> Appropriations to the <u>fund</u> .	296
12	<u>(2)</u> Grants and gifts to the <u>fund</u> .	298
13	<u>(3)</u> Pooled <u>funds</u> .	300
14	<u>(4)</u> Fees charged to administer pooled <u>funds</u> .	302
15	<u>(5)</u> Fees charged for geodetic monument <u>replacement</u> .	304
16	<u>(6)</u> Grants.	305
17	<u>(7)</u> Royalties.	307
18	<u>(8)</u> Fund administration <u>and</u> accounting.	310
19	<u>(9)</u> Council <u>administration</u> .	312
20	<u>(10)</u> Each earmarked pooling <u>of</u> funds.	314
21	<u>(e)</u> Investment.--The State Treasurer shall invest money in	315
22	the <u>fund</u> not currently needed to meet the obligations of the	316
23	fund <u>in</u> the same manner as other public money may be <u>invested</u> .	318
24	<u>Interest</u> that accrues from these investments shall be deposited	319
25	in the <u>fund</u> .	320
26	<u>(f)</u> No lapsing of moneys.--Money remaining <u>in</u> the fund at	322
27	the end of each <u>fiscal</u> year shall remain in the fund and shall	323
28	not lapse to the <u>General</u> Fund.	324
29	<u>Section 7. State Geographer.</u>	326
30	<u>(a)</u> Designation.--The Director of the Department of	328

1	Conservation and <u>N</u> atural Resources Bureau of Topographic and	329
2	Geologic Survey shall be <u>d</u> esignated the State Geographer.	330
3	<u>(b)</u> Duties.--The State Geographer <u>s</u> hall:	332
4	<u>(1)</u> Serve as the executive director of the <u>c</u> ouncil.	334
5	<u>(2)</u> Implement the decisions and policies of the council.	335
6	<u>(3)</u> Advise the council on geographic matters.	338
7	<u>(4)</u> Compile, analyze and disseminate geographic <u>d</u> ata and	340
8	information to the council.	
9	<u>(5)</u> Administer and maintain required records for the	341
10	<u>f</u> und.	342
11	<u>(6)</u> Prepare all periodic reports required <u>o</u> f the	344
12	council.	
13	<u>(7)</u> Operate from the offices of the <u>b</u> ureau.	346
14	<u>(8)</u> Direct and supervise such clerical, technical and	347
15	professional staff as may be made available by the bureau <u>f</u> or	349
16	council purposes within the budget of the bureau. <u>T</u> he	350
17	compensation of such employees shall be set by the bureau.	
18	<u>(9)</u> Direct and supervise such clerical, <u>t</u> echnical and	352
19	professional staff <u>t</u> hat the council may authorize and <u>s</u> upport	354
20	by appropriations from the fund. <u>T</u> he compensation of such	355
21	employees <u>s</u> hall be set by the council.	356
22	<u>S</u> ection 8. Effective date.	358
23	<u>T</u> his act shall take effect in 60 <u>d</u> ays.	361