

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1304

 Session of
2007

INTRODUCED BY FAIRCHILD, THOMAS, BASTIAN, CALTAGIRONE, CAPPELLI,
COHEN, DENLINGER, GEIST, HARPER, MARKOSEK, MENSCH, PICKETT,
PYLE, RUBLEY, SONNEY, STURLA, YOUNGBLOOD AND SHAPIRO,
MAY 18, 2007

AS REPORTED FROM COMMITTEE ON INTERGOVERNMENTAL AFFAIRS, HOUSE
OF REPRESENTATIVES, AS AMENDED, APRIL 2, 2008

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, establishing the Pennsylvania
3 Geospatial Coordinating ADVISORY Council; providing for the <—
4 powers and duties of the Pennsylvania Geospatial Coordinating
5 ADVISORY Council and for the Pennsylvania Mapping and <—
6 Geospatial Technologies Fund.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Title 27 of the Pennsylvania Consolidated
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 64

12 PENNSYLVANIA GEOSPATIAL COORDINATING ADVISORY COUNCIL <—

13 Sec.

14 6401. Short title of chapter.

15 6402. Definitions.

16 6403. Pennsylvania Geospatial Coordinating ADVISORY Council. <—

17 6404. General powers of council.

18 6405. Discretionary powers.

1 6406. Reports.

2 6407. Creation and general powers of committees.

3 6408. Composition and duties of committees.

4 6409. Pennsylvania Mapping and Geospatial Technologies Fund.

5 § 6401. Short title of chapter.

6 This chapter shall be known and may be cited as the
7 Pennsylvania Geospatial Coordinating Council ADVISORY Act. <—

8 § 6402. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Council." The Pennsylvania Geospatial Coordinating ADVISORY <—
13 Council established in section 6403 (relating to Pennsylvania
14 Geospatial Coordinating Council) as an agency independent of the <—
15 executive branch ADVISORY COUNCIL). <—

16 "Fund." The Pennsylvania Mapping and Geospatial Technologies
17 Fund established in section 6409 (relating to Pennsylvania
18 Mapping and Geospatial Technologies Fund).

19 § 6403. Pennsylvania Geospatial Coordinating ADVISORY Council. <—

20 (a) Establishment.--The Pennsylvania Geospatial Coordinating
21 ADVISORY Council is hereby established. <—

22 (b) Membership.--The council shall consist of up to 35 THE <—
23 FOLLOWING members who shall serve until the expiration of their
24 terms, membership or employment or until their successors are
25 appointed. The following persons shall serve on the council: <—

26 APPOINTED: <—

27 (1) The Secretary of Environmental Protection of the
28 Commonwealth.

29 (2) The Secretary of Conservation and Natural Resources
30 of the Commonwealth.

1 (3) The Secretary of Transportation of the Commonwealth.

2 (4) The Director of the Pennsylvania Emergency
3 Management Agency.

4 ~~(5) Three persons nominated by the Governor who shall be~~ <—
5 ~~appointed without the advice and consent of the Senate. The~~
6 ~~persons nominated by the Governor shall be selected from~~
7 ~~either the Governor's Office or other State agencies under~~
8 ~~the Governor's jurisdiction and shall serve three year terms.~~

9 ~~(6) A member~~ (5) TWO MEMBERS of the Senate from the <—
10 majority party designated by the President pro tempore of the
11 Senate who shall serve a three-year term.

12 ~~(7) A member~~ (6) TWO MEMBERS of the Senate from the <—
13 minority party designated by the Minority Leader of the
14 Senate who shall serve a three-year term.

15 ~~(8) A member~~ (7) TWO MEMBERS of the House of <—
16 Representatives from the majority party designated by the
17 Speaker of the House of Representatives who shall serve a
18 three-year term.

19 ~~(9) A member~~ (8) TWO MEMBERS of the House of <—
20 Representatives from the minority party designated by the
21 Minority Leader of the House of Representatives who shall
22 serve a three-year term.

23 ~~(10) (9)~~ A designee of the Chief Justice of the <—
24 Pennsylvania Supreme Court who shall serve a three-year term.

25 ~~(11) (10)~~ A designee of the Pennsylvania Historical and <—
26 Museum Commission who shall serve a three-year term.

27 ~~(12) Six~~ (11) FIVE persons nominated by the County <—
28 Commissioners Association of Pennsylvania to serve three-year
29 terms. The nominees shall be appointed by the Governor
30 without the advice and consent of the Senate. At least four <—

~~of the six nominees shall be current county commissioners.~~

~~(13) A designee of the Statewide organization representing school boards who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(14) A designee of the Statewide organization representing authorities who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(15) A designee of the Statewide organization representing boroughs who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(16) A designee of the Statewide organization representing cities who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(17) A designee of the Statewide organization representing first class townships who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(18) A designee of the Statewide organization representing second class townships who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(19) A designee of the Pennsylvania Society of Land Surveyors who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(20) A designee of the Pennsylvania Association of~~

~~Colleges and Universities who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(21) A designee of the Pennsylvania Association of Private Geospatial Organizations who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(22) A designee of the Pennsylvania One Call System who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(23) A designee of a Federal agency with an office in this Commonwealth from the Federal Geographic Data Commission or its successor who shall be appointed by the Governor without the advice and consent of the Senate. The designee shall serve a three year term.~~

~~(24) Up to five persons who shall be nominated by the council and appointed by the Governor. The nominees shall be appointed without the advice and consent of the Senate and shall serve three year terms. Members may be nominated from State executive agencies or independent boards, commissions or legislative service agencies not otherwise represented on the council, State row offices, county or local governments, regional counterterrorism task forces, local law enforcement, professional organizations or other interested private citizens and groups. ONE OF THE NOMINEES SHALL BE A CURRENT COUNTY COMMISSIONER.~~

~~(12) SIX PERSONS APPOINTED BY THE GOVERNOR TO SERVE THREE-YEAR TERMS WHO SHALL REPRESENT SOME OF THE FOLLOWING:~~

~~(I) THE STATEWIDE ASSOCIATION REPRESENTING SCHOOL~~

<—

BOARDS.

(II) THE STATEWIDE ASSOCIATION REPRESENTING
AUTHORITIES.

(III) THE STATEWIDE ASSOCIATION REPRESENTING
BOROUGHES.

(IV) THE STATEWIDE ASSOCIATION REPRESENTING CITIES.

(V) THE STATEWIDE ASSOCIATION REPRESENTING FIRST
CLASS TOWNSHIPS.

(VI) THE STATEWIDE ASSOCIATION REPRESENTING SECOND
CLASS TOWNSHIPS.

(VII) THE PENNSYLVANIA SOCIETY OF LAND SURVEYORS.

(VIII) THE PENNSYLVANIA ASSOCIATION OF COLLEGES AND
UNIVERSITIES.

(IX) THE PENNSYLVANIA ASSOCIATION OF PRIVATE
GEOSPATIAL ORGANIZATIONS.

(X) THE PENNSYLVANIA ONE-CALL SYSTEM.

(XI) A FEDERAL AGENCY WITH AN OFFICE IN THIS
COMMONWEALTH FROM THE FEDERAL GEOGRAPHIC DATA COMMITTEE
OR ITS SUCCESSOR.

(c) Executive director.--The Management and Operations
Committee identified in section 6408 (relating to composition
and duties of committees) shall nominate an executive director
to be approved by the council. The executive director shall
appoint staff to any position created and funded by the council.

(d) Vacancies.--Vacancies on the council shall be filled by
the appointment of a successor in accordance with the procedures
set forth in this chapter.

(e) Meetings.--The council shall meet quarterly and at other
times at the call of the chair. The Secretary of Transportation
CONSERVATION AND NATURAL RESOURCES shall call the first

<—

<—

1 organizational meeting of the council and preside until a chair
2 is elected.

3 (f) Officers.--The council shall elect a chair and vice
4 chair from among its membership at the first organizational
5 meeting to serve until the first quarterly meeting of the
6 following year. Thereafter, the council shall elect a chair and
7 vice chair from its membership at the first quarterly meeting in
8 each calendar year to serve one-year terms. No person may serve
9 as chair for more than two consecutive terms or for more than a
10 total of four full one-year terms.

11 (g) Quorum and bylaws.--A simple majority of the members
12 appointed on the council shall constitute a quorum. The council
13 shall establish bylaws to govern its proceedings as required for
14 the council to take official action. The bylaws shall provide
15 for the duties of the executive director regarding personnel,
16 accounting, budgeting and other matters necessary to the
17 functioning of the council.

18 (h) Reimbursement for expenses.--Members of the council
19 shall serve without compensation and shall be reimbursed by the
20 council for reasonable expenses actually incurred in connection
21 with official duties of the council in accordance with this
22 chapter and the bylaws of the council.

23 (i) Organization.--The council shall be organized within the
24 ~~Pennsylvania Historical and Museum Commission~~ DEPARTMENT OF <—
25 CONSERVATION AND NATURAL RESOURCES for organizational, budgetary
26 and administrative purposes.

27 § 6404. General powers of council.

28 (a) Cooperation.--The council shall encourage cooperation
29 and cost-sharing among Federal, State and local government
30 agencies, academic institutions and the private sector to

1 improve the quality, access, cost-effectiveness and utility of
2 Pennsylvania's geospatial information and to promote geospatial
3 information and technology as a strategic resource in this
4 Commonwealth.

5 (b) Forum for policy and technology.--The council shall
6 serve IN AN ADVISORY CAPACITY as a forum on geospatial ~~policy~~ <—
7 ADVICE AND RECOMMENDATIONS and technology issues within this <—
8 Commonwealth to enhance cooperation and coordination among the
9 governments, associations and organizations represented on the
10 council.

11 (c) Strategic planning.--The council shall engage in
12 strategic planning AND RECOMMENDATIONS on geospatial issues and <—
13 on the coordination and sharing of geospatial data and
14 technology across this Commonwealth.

15 ~~(d) Policy development. The council shall develop and~~ <—

16 (D) ADVISORY ROLE.--THE COUNCIL SHALL DEVELOP AND REVIEW <—
17 RECOMMENDATIONS AND propose policies concerning the substance,
18 documentation, standards and sharing of geographic data,
19 geospatial technology systems and other related technologies and
20 advise Federal, State, county and local elected officials
21 regarding needed directions, priorities, responsibilities and
22 funding of geospatial information and technology in this
23 Commonwealth.

24 (e) Technical assistance program.--The council shall
25 administer, within the limits of available resources, a
26 technical assistance program for political subdivisions,
27 authorities and regional planning agencies to develop geospatial
28 technology capabilities that are consistent with the council's
29 overall plan.

30 (f) ~~Fundraising~~ FUNDING.--The council shall seek public and <—

1 private grants, donations, appropriations and contributions from <—
2 ~~its members~~ THROUGH PUBLIC AND PRIVATE PARTNERSHIPS and from <—
3 foundations and other external entities for the purposes of the
4 council.

5 (g) Final approval.--The council shall have final approval
6 of all ~~policy~~ recommendations proposed by any committee and <—
7 working group established by the council.

8 § 6405. Discretionary powers.

9 (a) Staff and administrative expenses.--The council may make
10 expenditures for staff and administrative expenses of the
11 council and for other council purposes from funds designated by
12 the council for such purposes.

13 (b) Contracting.--The council may enter into contracts to
14 purchase products and services required for council operations
15 and for the purposes as expressed in the general and
16 discretionary powers of the council.

17 (c) Study of specific topic.--The council may designate one
18 or more additional nonvoting, ex officio members of the council
19 on a temporary, ad hoc basis to assist with the council's study
20 or deliberation of a specific topic.

21 § 6406. Reports.

22 The council shall report at least annually to the Governor,
23 the President pro tempore of the Senate, the Speaker of the
24 House of Representatives and its membership on the status of
25 recommended improvements of geospatial technology in this
26 Commonwealth.

27 § 6407. Creation and general powers of committees.

28 (a) Duty of council.--

29 (1) The council shall oversee and may abolish the
30 standing committees created in subsection (b), provided that

1 the Management and Operations Committee created under
2 subsection (b)(6) may not be abolished by the council.

3 (2) The council may establish, abolish and oversee
4 working groups and additional standing committees as needed.

5 (b) Bylaws.--The following standing committees are hereby
6 created:

7 (1) State Government Committee.

8 (2) Local Government Committee.

9 (3) Federal Interagency Committee.

10 (4) Statewide Mapping Advisory Committee.

11 (5) Statewide Geospatial Technology Advisory Committee.

12 (6) Management and Operations Committee.

13 Each standing committee created under this subsection shall
14 adopt bylaws, subject to the council's approval, to govern its
15 proceedings.

16 § 6408. Composition and duties of committees.

17 (a) State Government Committee.--Membership shall consist of
18 representatives from all interested State government entities.

19 The committee shall annually elect one of its members serving
20 pursuant to section 6403(b)(1), (2), (3), (4), (5), (6), (7),

21 (8), (9), ~~(10)~~ and ~~(11)~~ AND (10) (relating to Pennsylvania <—

22 Geospatial Coordinating ADVISORY Council) to serve as chair of <—
23 the State Government Committee and as its representative on the
24 council.

25 (b) Local Government Committee.--Membership shall consist of
26 representatives from organizations and professional associations
27 that currently serve or represent local government geospatial
28 technology users and other groups. The committee shall annually
29 elect one of its members serving pursuant to section

30 ~~6403(b)(12), (13), (14), (15), (16), (17) and (18)~~ 6403(B)(11) <—

1 AND (12) to serve as chair of the Local Government Committee and
2 as its representative on the council.

3 (c) Federal Interagency Committee.--Membership shall consist
4 of representatives from all interested Federal agencies with an
5 office located in this Commonwealth. The appointed Federal <—
6 representative serving pursuant to section 6403(b)(23) shall
7 serve as chair of the Federal Interagency Committee.

8 (d) Statewide Mapping Advisory Committee.--Membership shall
9 consist of interested members of the council and representatives
10 of other organizations and professional groups with an interest
11 in Statewide mapping issues. The committee shall consolidate
12 Statewide mapping requirements and attempt to gain Statewide
13 support for financing cooperative programs. The committee shall
14 also advise the council on issues, problems and opportunities
15 relating to Federal, State and local government geospatial data
16 and technology programs. The committee shall annually elect one
17 of its members serving pursuant to section 6403(b) to serve as
18 chair of the Statewide Mapping Advisory Committee and as its
19 representative on the council.

20 (e) Statewide Geospatial Technology Advisory Committee.--
21 Membership shall consist of interested members of the council
22 and representatives of other organizations and professional
23 groups with an interest in Statewide issues concerning
24 geospatial technology. The committee shall advise and make
25 recommendations on the Statewide technical infrastructure for
26 geospatial technology and anticipate and respond to geospatial
27 technology technical opportunities and issues affecting State,
28 county and local governments in this Commonwealth. The committee
29 shall annually elect one of its members serving pursuant to
30 section 6403(b) to serve as chair of the Statewide Geospatial

Technology Advisory Committee and as its representative on the council.

(f) Management and Operations Committee.--The Management and Operations Committee shall consider management and operational matters related to geospatial technology and other matters that are formally requested by the council. The committee membership shall consist of the chair of the council, the executive director, the chair of each of the standing committees of the council and other members of the council appointed by the chair of the council and approved by the council.

§ 6409. Pennsylvania Mapping and Geospatial Technologies Fund.

(a) Establishment.--The Pennsylvania Mapping and Geospatial Technologies Fund is hereby established in the Treasury Department.

(b) Source of funds.--The fund shall be comprised of public and private grants, donations, appropriations and contributions from members of the council and from foundations and other external entities.

(c) Purposes of fund.--Moneys from the fund shall be used for administrative and personnel costs of the council and its staff and for the purposes as expressed in the general and discretionary powers of the council.

(d) Investment.--The State Treasurer shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) No lapsing of moneys.--Money remaining in the fund at the end of each fiscal year shall remain in the fund and shall not lapse to the General Fund.

1 Section 2. This act shall take effect in 90 days.