

By: Representatives Brown, Morris

To: Conservation and Water Resources

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 861

1 AN ACT TO CREATE THE MISSISSIPPI COORDINATING COUNCIL FOR
2 REMOTE SENSING AND GEOGRAPHIC INFORMATION SYSTEMS; TO AMEND
3 SECTION 25-53-5, TO ASSIGN ADDITIONAL DUTIES TO THE DEPARTMENT OF
4 INFORMATION TECHNOLOGY SERVICES; TO AMEND SECTION 49-2-9, TO
5 ASSIGN ADDITIONAL DUTIES TO THE MISSISSIPPI DEPARTMENT OF
6 ENVIRONMENTAL QUALITY OFFICE OF GEOLOGY AND NATURAL RESOURCES;
7 AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) There is established the Mississippi
10 Coordinating Council for Remote Sensing and Geographic Information
11 Systems, hereinafter referred to as the "council." The council
12 shall set and assure enforcement of policies and standards to make
13 it easier for remote sensing and geographic information system
14 users around the state to share information and to facilitate
15 cost-sharing arrangements to reduce the costs of acquiring remote
16 sensing and geographic information system data. The council's
17 responsibilities include, but are not limited to:

18 (a) Coordination of remote sensing and geographic
19 information system activities within Mississippi;

20 (b) Establishing policies and standards to guide
21 Mississippi Department of Information Technology Services (MDITS)
22 in the review and approval of state and local government
23 procurement of both hardware and software development relate to
24 remote sensing and geographic information system;

25 (c) Oversight of MDITS' implementation of these
26 responsibilities;

27 (d) Preparing a plan, with proposed state funding
28 priorities, for Mississippi's remote sensing and geographic



29 information system activities, including development, operation
30 and maintenance of the Mississippi Digital Earth Model;

31 (e) Oversight of the Mississippi Department of
32 Environmental Quality's development and maintenance of the
33 Mississippi Digital Earth Model, including establishing the order
34 in which the seven (7) core data layers shall be developed;

35 (f) Designating Mississippi's official representative
36 to the National States Geographic Information Council and to any
37 other national or regional remote sensing or geographical
38 information system organizations on which Mississippi has an
39 official seat;

40 (g) Establishing and designating the members of an
41 advisory committee made up of policy level officials from major
42 state, local, regional and federal agencies, including, but not
43 limited to, the National Association of Space Administration and
44 the Mississippi Band of Choctaw Indians, as well as members of the
45 private sector;

46 (h) Solicit input from the Mississippi Automated
47 Resource Information System (MARIS) Task Force, a staff level
48 technical users committee, at least four (4) times a year, and
49 solicit input at any appropriate time from public or private
50 sector entities interested in remote sensing and geographic
51 information, concerning Geographic Information System/Remote
52 Sensing needs and priorities, including, but not limited to,
53 Geo-Spatial data development maintenance and distribution,
54 Geo-Spatial data standards and reporting, and national Geographic
55 Information System/Remote Sensing issues and activities;

56 (i) Coordinate with the State Tax Commission to assure
57 that state and local governmental entities do not have to comply
58 with two (2) sets of requirements imposed by different
59 organizations;



60 (2) The Mississippi Coordinating Council for Remote Sensing
61 and Geographic Information Systems will be composed of the
62 following members:

63 (a) The Executive Director of the Mississippi
64 Department of Environmental Quality;

65 (b) The Executive Director of the Mississippi
66 Department of Information Technology Services;

67 (c) The Executive Director of the Mississippi
68 Department of Transportation;

69 (d) The Executive Director of the Mississippi Emergency
70 Management Agency;

71 (e) The Executive Director of Mississippi Development
72 Authority;

73 (f) The Secretary of State;

74 (g) The Chairman of the State Tax Commission;

75 (h) A representative from the Mississippi Institute for
76 Forestry Inventory, appointed by the Governor;

77 (i) The Executive Director of the Mississippi Automated
78 Resource Information System (MARIS);

79 (j) The Executive Director of the Mississippi Forestry
80 Commission;

81 (k) The Executive Director of the Mississippi
82 Department of Wildlife, Fisheries and Parks;

83 (l) The Executive Director of the Mississippi Public
84 Utilities Staff;

85 (m) The Executive Director of the Mississippi
86 Department of Marine Resources;

87 (n) The Director of the Mississippi State Board of
88 Registered Professional Geologists;

89 (o) A representative from the Institutions of Higher
90 Learning, appointed by the Commissioner of the Institutions of
91 Higher Learning;



92 (p) Two (2) mayors, serving municipalities in different
93 counties, appointed by the Executive Director of the Mississippi
94 Municipal League;

95 (q) The Executive Director of the Mississippi Municipal
96 League;

97 (r) Two (2) county supervisors, serving different
98 counties, appointed by the Executive Director of the Mississippi
99 Association of Supervisors;

100 (s) The Executive Director of the Mississippi
101 Association of Supervisors;

102 (t) A member of the Tax Assessors/Collectors
103 Association, to be appointed by the president of that association;

104 (u) A county E911 coordinator appointed by the
105 President of the Mississippi Civil Defense and Emergency Managers
106 Association, who shall not serve the same county as either of the
107 county supervisor members;

108 (v) A representative of the Planning and Development
109 Districts, appointed by the Governor;

110 (w) Mississippi's representative to the National States
111 Geographic Information Council;

112 (x) A Senator, as a nonvoting member, appointed by the
113 Lieutenant Governor; and

114 (y) A Representative, as a nonvoting member, appointed
115 by the Speaker of the House.

116 The members of the council shall serve for a term concurrent
117 with their service as an elected or appointed official or
118 concurrent with the term of the appointing official.

119 The Executive Director of the Department of Environmental
120 Quality shall serve as council chair and the Executive Director of
121 Information Technology Services as vicechair for the first two (2)
122 years. After the first two (2) years, the council shall elect
123 from its members a chair and vicechair, for terms to be specified
124 by the council.



125 If any member is unable to attend any meeting of the council,
126 the member may designate another person to attend and vote at such
127 meeting with the consent of the remaining members present at the
128 meeting and the designee may be counted toward a quorum. A
129 majority of the members of the council constitutes a quorum. All
130 members must be notified in writing of all meetings, and such
131 notices must be mailed at least five (5) days before the date on
132 which a meeting is to be held.

133 (3) Any member of the council who is also a state employee
134 may not receive per diem compensation for attending meetings of
135 the study committee, but may be reimbursed in accordance with
136 Section 25-3-41 for mileage and actual expenses incurred in the
137 performance of the duties, if authorized by vote, at a meeting of
138 the council, which action must be recorded in the official minutes
139 of the meeting. Legislative members of the council will be paid
140 from the contingent expense funds of their respective houses in
141 the same amounts as provided for committee meetings when the
142 Legislature is not in session.

143 (4) The council may accept money from any source, public or
144 private, to be expended in implementing the duties under this act.

145 (5) The council may utilize staff employed by the agencies
146 affected by this act and any other assistance made available to
147 it.

148 **SECTION 2.** Section 25-53-5, Mississippi Code of 1972, is
149 amended as follows:

150 25-53-5. The authority shall have the following powers,
151 duties, and responsibilities:

152 (a) The authority shall provide for the development of
153 plans for the efficient acquisition and utilization of computer
154 equipment and services by all agencies of state government, and
155 provide for their implementation. In so doing, the authority may
156 use the MDITS staff, at the discretion of the executive director
157 of the authority, or the authority may contract for the services



158 of qualified consulting firms in the field of information
159 technology and utilize the service of such consultants as may be
160 necessary for such purposes.

161 (b) The authority shall immediately institute
162 procedures for carrying out the purposes of this chapter and
163 supervise the efficient execution of the powers and duties of the
164 office of executive director of the authority. In the execution
165 of its functions under this chapter, the authority shall maintain
166 as a paramount consideration the successful internal organization
167 and operation of the several agencies so that efficiency existing
168 therein shall not be adversely affected or impaired. In executing
169 its functions in relation to the institutions of higher learning
170 and junior colleges in the state, the authority shall take into
171 consideration the special needs of such institutions in relation
172 to the fields of teaching and scientific research.

173 (c) Title of whatever nature of all computer equipment
174 now vested in any agency of the State of Mississippi is hereby
175 vested in the authority, and no such equipment shall be disposed
176 of in any manner except in accordance with the direction of the
177 authority or under the provisions of such rules and regulations as
178 may hereafter be adopted by the authority in relation thereto.

179 (d) The authority shall adopt rules, regulations, and
180 procedures governing the acquisition of computer and
181 telecommunications equipment and services which shall, to the
182 fullest extent practicable, insure the maximum of competition
183 between all manufacturers of supplies or equipment or services.
184 In the writing of specifications, in the making of contracts
185 relating to the acquisition of such equipment and services, and in
186 the performance of its other duties the authority shall provide
187 for the maximum compatibility of all information systems hereafter
188 installed or utilized by all state agencies and may require the
189 use of common computer languages where necessary to accomplish the
190 purposes of this chapter. The authority may establish by



191 regulation and charge reasonable fees on a nondiscriminatory basis
192 for the furnishing to bidders of copies of bid specifications and
193 other documents issued by the authority.

194 (e) The authority shall adopt rules and regulations
195 governing the sharing with, or the sale or lease of information
196 technology services to any nonstate agency or person. Such
197 regulations shall provide that any such sharing, sale, or lease
198 shall be restricted in that same shall be accomplished only where
199 such services are not readily available otherwise within the
200 state, and then only at a charge to the user not less than the
201 prevailing rate of charge for similar services by private
202 enterprise within this state.

203 (f) The authority may, in its discretion, establish a
204 special technical advisory committee or committees to study and
205 make recommendations on technology matters within the competence
206 of the authority as the authority may see fit. Persons serving on
207 the Information Resource Council, its task forces, or any such
208 technical advisory committees shall be entitled to receive their
209 actual and necessary expenses actually incurred in the performance
210 of such duties, together with mileage as provided by law for state
211 employees, provided the same has been authorized by a resolution
212 duly adopted by the authority and entered on its minutes prior to
213 the performance of such duties.

214 (g) The authority may provide for the development and
215 require the adoption of standardized computer programs and may
216 provide for the dissemination of information to and the
217 establishment of training programs for the personnel of the
218 various information technology centers of state agencies and
219 personnel of the agencies utilizing the services thereof.

220 (h) The authority shall adopt reasonable rules and
221 regulations requiring the reporting to the authority through the
222 office of executive director of such information as may be
223 required for carrying out the purposes of this chapter and may



224 also establish such reasonable procedures to be followed in the
225 presentation of bills for payment under the terms of all contracts
226 for the acquisition of computer equipment and services now or
227 hereafter in force as may be required by the authority or by the
228 executive director in the execution of their powers and duties.

229 (i) The authority shall require such adequate
230 documentation of information technology procedures utilized by the
231 various state agencies and may require the establishment of such
232 organizational structures within state agencies relating to
233 information technology operations as may be necessary to
234 effectuate the purposes of this chapter.

235 (j) The authority may adopt such further reasonable
236 rules and regulations as may be necessary to fully implement the
237 purposes of this chapter. All rules and regulations adopted by
238 the authority shall be published and disseminated in readily
239 accessible form to all affected state agencies, and to all current
240 suppliers of computer equipment and services to the state, and to
241 all prospective suppliers requesting the same. Such rules and
242 regulations shall be kept current, be periodically revised, and
243 copies thereof shall be available at all times for inspection by
244 the public at reasonable hours in the offices of the authority.
245 Whenever possible no rule, regulation or any proposed amendment to
246 such rules and regulations shall be finally adopted or enforced
247 until copies of said proposed rules and regulations have been
248 furnished to all interested parties for their comment and
249 suggestions.

250 (k) The authority shall establish rules and regulations
251 which shall provide for the submission of all contracts proposed
252 to be executed by the executive director for computer equipment or
253 services to the authority for approval before final execution, and
254 the authority may provide that such contracts involving the
255 expenditure of less than such specified amount as may be
256 established by the authority may be finally executed by the



257 executive director without first obtaining such approval by the
258 authority.

259 (l) The authority is authorized to purchase, lease, or
260 rent computer equipment or services and to operate said equipment
261 and utilize said services in providing services to one or more
262 state agencies when in its opinion such operation will provide
263 maximum efficiency and economy in the functions of any such agency
264 or agencies.

265 (m) The authority shall assist political subdivisions
266 and instrumentalities in their development of plans for the
267 efficient acquisition and utilization of computer equipment and
268 services. An appropriate fee shall be charged the political
269 subdivision by the authority for such assistance.

270 (n) The authority shall adopt rules and regulations
271 governing the protest procedures to be followed by any actual or
272 prospective bidder, offerer or contractor who is aggrieved in
273 connection with the solicitation or award of a contract for the
274 acquisition of computer equipment or services. Such rules and
275 regulations shall prescribe the manner, time and procedure for
276 making protests and may provide that a protest not timely filed
277 shall be summarily denied. The authority may require the
278 protesting party, at the time of filing the protest, to post a
279 bond, payable to the state, in an amount that the authority
280 determines sufficient to cover any expense or loss incurred by the
281 state, the authority or any state agency as a result of the
282 protest if the protest subsequently is determined by a court of
283 competent jurisdiction to have been filed without any substantial
284 basis or reasonable expectation to believe that the protest was
285 meritorious; however, in no event may the amount of the bond
286 required exceed a reasonable estimate of the total project cost.
287 The authority, in its discretion, also may prohibit any
288 prospective bidder, offerer or contractor who is a party to any
289 litigation involving any such contract with the state, the



290 authority or any agency of the state to participate in any other
291 such bid, offer or contract, or to be awarded any such contract,
292 during the pendency of the litigation.

293 (o) The authority shall make a report in writing to the
294 Legislature each year in the month of January. Such report shall
295 contain a full and detailed account of the work of the authority
296 for the preceding year as specified in Section 25-53-29(3).

297 All acquisitions of computer equipment and services involving
298 the expenditure of funds in excess of the dollar amount
299 established in Section 31-7-13(c), or rentals or leases in excess
300 of the dollar amount established in Section 31-7-13(c) for the
301 term of the contract, shall be based upon competitive and open
302 specifications, and contracts therefor shall be entered into only
303 after advertisements for bids are published in one or more daily
304 newspapers having a general circulation in the state not less than
305 fourteen (14) days prior to receiving sealed bids therefor. The
306 authority may reserve the right to reject any or all bids, and if
307 all bids are rejected, the authority may negotiate a contract
308 within the limitations of the specifications so long as the terms
309 of any such negotiated contract are equal to or better than the
310 comparable terms submitted by the lowest and best bidder, and so
311 long as the total cost to the State of Mississippi does not exceed
312 the lowest bid. If the authority accepts one (1) of such bids, it
313 shall be that which is the lowest and best.

314 (p) When applicable, the authority may procure
315 equipment, systems and related services in accordance with the law
316 or regulations, or both, which govern the Bureau of Purchasing of
317 the Office of General Services or which govern the Mississippi
318 Department of Information Technology Services procurement of
319 telecommunications equipment, software and services.

320 (q) The authority is authorized to purchase, lease, or
321 rent information technology and services for the purpose of
322 establishing pilot projects to investigate emerging technologies.



323 These acquisitions shall be limited to new technologies and shall
324 be limited to an amount set by annual appropriation of the
325 Legislature. These acquisitions shall be exempt from the
326 advertising and bidding requirement.

327 (r) All fees collected by the Mississippi Department of
328 Information Technology Services shall be deposited into the
329 Mississippi Department of Information Technology Services
330 Revolving Fund unless otherwise specified by the Legislature.

331 (s) The authority shall work closely with the council
332 to bring about effective coordination of policies, standards and
333 procedures relating to procurement of remote sensing and
334 geographic information systems (GIS) resources. In addition, the
335 authority is responsible for development, operation and
336 maintenance of a delivery system infrastructure for geographic
337 information systems data. The authority shall provide a warehouse
338 for Mississippi's geographic information systems data.

339 **SECTION 3.** Section 49-2-9, Mississippi Code of 1972, is
340 amended as follows:

341 49-2-9. (1) Effective July 1, 1979, the commission shall
342 have the following powers and duties:

343 (a) To formulate the policy of the department regarding
344 natural resources within the jurisdiction of the department;

345 (b) To adopt, modify, repeal, and promulgate, after due
346 notice and hearing, and where not otherwise prohibited by federal
347 or state law, to make exceptions to and grant exemptions and
348 variances from, and to enforce rules and regulations implementing
349 or effectuating the powers and duties of the commission under any
350 and all statutes within the commission's jurisdiction, and as the
351 commission may deem necessary to prevent, control and abate
352 existing or potential pollution;

353 (c) To apply for, receive and expend any federal or
354 state funds or contributions, gifts, devises, bequests or funds
355 from any other source;



356 (d) To commission or conduct studies designed to
357 determine alternative methods of managing or using the natural
358 resources of this state, in a manner to insure efficiency and
359 maximum productivity;

360 (e) To enter into, and to authorize the executive
361 director to execute with the approval of the commission,
362 contracts, grants and cooperative agreements with any federal or
363 state agency or subdivision thereof, or any public or private
364 institution located inside or outside the State of Mississippi, or
365 any person, corporation or association in connection with carrying
366 out the provisions of this chapter; but this authority under this
367 chapter and under any and all statutes within the commission's
368 jurisdiction, except those statutes relating to the Bureau of
369 Recreation and Parks, shall not include contracts, grants or
370 cooperative agreements which do not develop data or information
371 usable by the commission, or which provide goods, services or
372 facilities to the commission or any of its bureaus, and shall
373 exclude any monies for special interest groups for purposes of
374 lobbying or otherwise promoting their special interests; and
375 (f) To discharge such other duties, responsibilities
376 and powers as are necessary to implement the provisions of this
377 chapter.

378 (2) The Office of Geology and Energy Resources is
379 responsible for program management, development and maintenance of
380 the Mississippi Digital Earth Model, which should include the
381 following seven (7) core data layers of a digital land base
382 computer model of the State of Mississippi:

- 383 (a) Geodetic control;
384 (b) Elevation and bathymetry;
385 (c) Orthoimagery;
386 (d) Hydrography;
387 (e) Transportation;
388 (f) Government boundaries; and



389 (g) Cadastral. With respect to the cadastral layer,
390 the authority and responsibility of the Office of Geology and
391 Energy Resources shall be limited to compiling information
392 submitted by counties.

393 For all seven (7) framework layers, the Office of Geology and
394 Energy Resources will be the integrator of data from all sources
395 and the guarantor of data completeness and consistency.

396 **SECTION 4.** This act shall take effect and be in force from
397 and after July 1, 2003.

