

By: Representatives Brown, Morris

To: Conservation and Water Resources

HOUSE BILL NO. 861  
(As Sent to Governor)

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 shall  
17 not oversee or regulate the activities of higher education  
18 entities where it relates to the fields of teaching or research;  
19 however, the council shall be informed of these activities for the  
20 purpose of coordinating these higher education activities with  
21 other public remote sensing and GIS initiatives to achieve the  
22 maximum benefit for the State of Mississippi and its taxpayers.  
23 The council's responsibilities include, but are not limited to:

24 (a) Coordination of remote sensing and geographic  
25 information system activities within Mississippi;

26 (b) Establishing policies and standards to guide  
27 Mississippi Department of Information Technology Services (MDITS)  
28 in the review and approval of state and local government



29 procurement of both hardware and software development relate to  
30 remote sensing and geographic information system;

31 (c) Oversight of MDITS' implementation of these  
32 responsibilities;

33 (d) Preparing a plan, with proposed state funding  
34 priorities, for Mississippi's remote sensing and geographic  
35 information system activities, including development, operation  
36 and maintenance of the Mississippi Digital Earth Model;

37 (e) Oversight of the Mississippi Department of  
38 Environmental Quality's development and maintenance of the  
39 Mississippi Digital Earth Model, including establishing policies  
40 and standards for the procurement of remote sensing and geographic  
41 information system data by state and local governmental entities  
42 and establishing the order in which the seven (7) core data layers  
43 shall be developed;

44 (f) Designating Mississippi's official representative  
45 to the National States Geographic Information Council and to any  
46 other national or regional remote sensing or geographical  
47 information system organizations on which Mississippi has an  
48 official seat;

49 (g) Establishing and designating the members of an  
50 advisory committee made up of policy level officials from major  
51 state, local, regional and federal agencies, including, but not  
52 limited to, the National Association of Space Administration, the  
53 Mississippi Institute for Forestry Inventory, the Mississippi  
54 Department of Wildlife, Fisheries and Parks, the Mississippi  
55 Public Utilities Staff, the Department of Marine Resources, the  
56 county E911 coordinator, the State Health Officer, the  
57 Commissioner of Agriculture and Commerce, the State Tax  
58 Commission, the Council of Consulting Engineers and the  
59 Mississippi Band of Choctaw Indians, as well as members of the  
60 private sector;



61 (h) Creating a staff level technical users committee,  
62 in which any public or private sector entity in Mississippi  
63 interested in remote sensing and geographic information may be  
64 allowed to participate;

65 (i) Coordinate with the State Tax Commission to assure  
66 that state and local governmental entities do not have to comply  
67 with two (2) sets of requirements imposed by different  
68 organizations;

69 (2) The Mississippi Coordinating Council for Remote Sensing  
70 and Geographic Information Systems will be composed of the  
71 following members:

72 (a) The Executive Director of the Mississippi  
73 Department of Environmental Quality;

74 (b) The Executive Director of the Mississippi  
75 Department of Information Technology Services;

76 (c) The Executive Director of the Mississippi  
77 Department of Transportation;

78 (d) The Executive Director of the Mississippi Emergency  
79 Management Agency;

80 (e) The Executive Director of Mississippi Development  
81 Authority;

82 (f) The Secretary of State;

83 (g) The Executive Director of the Mississippi Forestry  
84 Commission;

85 (h) The Director of the Mississippi State Board of  
86 Registered Professional Geologists;

87 (i) A representative from the Institutions of Higher  
88 Learning, appointed by the Commissioner of the Institutions of  
89 Higher Learning;

90 (j) One (1) mayor, serving a municipality, appointed by  
91 the Executive Director of the Mississippi Municipal League;

92 (k) The Executive Director of the Mississippi Municipal  
93 League or his designee who will serve as the member;



94 (1) One (1) county supervisor appointed by the  
95 Executive Director of the Mississippi Association of Supervisors;

96 (m) The Executive Director of the Mississippi  
97 Association of Supervisors or his designee who will serve as the  
98 member;

99 (n) A member of the Tax Assessors/Collectors  
100 Association, to be appointed by the president of that association;

101 (o) A representative of the Planning and Development  
102 Districts, appointed by the Governor;

103 (p) A Senator, as a nonvoting member, appointed by the  
104 Lieutenant Governor; and

105 (q) A Representative, as a nonvoting member, appointed  
106 by the Speaker of the House.

107 The members of the council shall serve for a term concurrent  
108 with their service as an elected or appointed official or  
109 concurrent with the term of the appointing official.

110 The Executive Director of the Department of Environmental  
111 Quality shall serve as council chair and the Executive Director of  
112 Information Technology Services as vicechair for the first two (2)  
113 years. After the first two (2) years, the council shall elect  
114 from its members a chair and vicechair, for terms to be specified  
115 by the council.

116 With regard to the designee chosen by the Executive Director  
117 of the Mississippi Municipal League or the Executive Director of  
118 the Mississippi Association of Supervisors, the designee shall  
119 become a permanent member of the council for a term concurrent  
120 with the term of the appointing executive director.

121 (3) At the direction of the chairman of the council and  
122 contingent upon the availability of sufficient funds, each member  
123 may receive reimbursement for reasonable expenses, including  
124 travel expenses in accordance with rates established pursuant to  
125 Section 25-3-41, incurred in attending meetings of the council.  
126 Any member of the council who is also a state employee may not



127 receive per diem compensation for attending meetings of the study  
128 committee, but may be reimbursed in accordance with Section  
129 25-3-41 for mileage and actual expenses incurred in the  
130 performance of the duties, if authorized by vote, at a meeting of  
131 the council, which action must be recorded in the official minutes  
132 of the meeting. Legislative members of the council will be paid  
133 from the contingent expense funds of their respective houses in  
134 the same amounts as provided for committee meetings when the  
135 Legislature is not in session.

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

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

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

143 25-53-5. The authority shall have the following powers,  
144 duties, and responsibilities:

145 (a) The authority shall provide for the development of  
146 plans for the efficient acquisition and utilization of computer  
147 equipment and services by all agencies of state government, and  
148 provide for their implementation. In so doing, the authority may  
149 use the MDITS staff, at the discretion of the executive director  
150 of the authority, or the authority may contract for the services  
151 of qualified consulting firms in the field of information  
152 technology and utilize the service of such consultants as may be  
153 necessary for such purposes.

154 (b) The authority shall immediately institute  
155 procedures for carrying out the purposes of this chapter and  
156 supervise the efficient execution of the powers and duties of the  
157 office of executive director of the authority. In the execution  
158 of its functions under this chapter, the authority shall maintain  
159 as a paramount consideration the successful internal organization



160 and operation of the several agencies so that efficiency existing  
161 therein shall not be adversely affected or impaired. In executing  
162 its functions in relation to the institutions of higher learning  
163 and junior colleges in the state, the authority shall take into  
164 consideration the special needs of such institutions in relation  
165 to the fields of teaching and scientific research.

166 (c) Title of whatever nature of all computer equipment  
167 now vested in any agency of the State of Mississippi is hereby  
168 vested in the authority, and no such equipment shall be disposed  
169 of in any manner except in accordance with the direction of the  
170 authority or under the provisions of such rules and regulations as  
171 may hereafter be adopted by the authority in relation thereto.

172 (d) The authority shall adopt rules, regulations, and  
173 procedures governing the acquisition of computer and  
174 telecommunications equipment and services which shall, to the  
175 fullest extent practicable, insure the maximum of competition  
176 between all manufacturers of supplies or equipment or services.  
177 In the writing of specifications, in the making of contracts  
178 relating to the acquisition of such equipment and services, and in  
179 the performance of its other duties the authority shall provide  
180 for the maximum compatibility of all information systems hereafter  
181 installed or utilized by all state agencies and may require the  
182 use of common computer languages where necessary to accomplish the  
183 purposes of this chapter. The authority may establish by  
184 regulation and charge reasonable fees on a nondiscriminatory basis  
185 for the furnishing to bidders of copies of bid specifications and  
186 other documents issued by the authority.

187 (e) The authority shall adopt rules and regulations  
188 governing the sharing with, or the sale or lease of information  
189 technology services to any nonstate agency or person. Such  
190 regulations shall provide that any such sharing, sale, or lease  
191 shall be restricted in that same shall be accomplished only where  
192 such services are not readily available otherwise within the



193 state, and then only at a charge to the user not less than the  
194 prevailing rate of charge for similar services by private  
195 enterprise within this state.

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

207 (g) The authority may provide for the development and  
208 require the adoption of standardized computer programs and may  
209 provide for the dissemination of information to and the  
210 establishment of training programs for the personnel of the  
211 various information technology centers of state agencies and  
212 personnel of the agencies utilizing the services thereof.

213 (h) The authority shall adopt reasonable rules and  
214 regulations requiring the reporting to the authority through the  
215 office of executive director of such information as may be  
216 required for carrying out the purposes of this chapter and may  
217 also establish such reasonable procedures to be followed in the  
218 presentation of bills for payment under the terms of all contracts  
219 for the acquisition of computer equipment and services now or  
220 hereafter in force as may be required by the authority or by the  
221 executive director in the execution of their powers and duties.

222 (i) The authority shall require such adequate  
223 documentation of information technology procedures utilized by the  
224 various state agencies and may require the establishment of such  
225 organizational structures within state agencies relating to



226 information technology operations as may be necessary to  
227 effectuate the purposes of this chapter.

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

243 (k) The authority shall establish rules and regulations  
244 which shall provide for the submission of all contracts proposed  
245 to be executed by the executive director for computer equipment or  
246 services to the authority for approval before final execution, and  
247 the authority may provide that such contracts involving the  
248 expenditure of less than such specified amount as may be  
249 established by the authority may be finally executed by the  
250 executive director without first obtaining such approval by the  
251 authority.

252 (l) The authority is authorized to purchase, lease, or  
253 rent computer equipment or services and to operate said equipment  
254 and utilize said services in providing services to one or more  
255 state agencies when in its opinion such operation will provide  
256 maximum efficiency and economy in the functions of any such agency  
257 or agencies.



258           (m) The authority shall assist political subdivisions  
259 and instrumentalities in their development of plans for the  
260 efficient acquisition and utilization of computer equipment and  
261 services. An appropriate fee shall be charged the political  
262 subdivision by the authority for such assistance.

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

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



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

307 (p) When applicable, the authority may procure  
308 equipment, systems and related services in accordance with the law  
309 or regulations, or both, which govern the Bureau of Purchasing of  
310 the Office of General Services or which govern the Mississippi  
311 Department of Information Technology Services procurement of  
312 telecommunications equipment, software and services.

313 (q) The authority is authorized to purchase, lease, or  
314 rent information technology and services for the purpose of  
315 establishing pilot projects to investigate emerging technologies.  
316 These acquisitions shall be limited to new technologies and shall  
317 be limited to an amount set by annual appropriation of the  
318 Legislature. These acquisitions shall be exempt from the  
319 advertising and bidding requirement.

320 (r) All fees collected by the Mississippi Department of  
321 Information Technology Services shall be deposited into the



322 Mississippi Department of Information Technology Services  
323 Revolving Fund unless otherwise specified by the Legislature.

324 (s) The authority shall work closely with the council  
325 to bring about effective coordination of policies, standards and  
326 procedures relating to procurement of remote sensing and  
327 geographic information systems (GIS) resources. In addition, the  
328 authority is responsible for development, operation and  
329 maintenance of a delivery system infrastructure for geographic  
330 information systems data. The authority shall provide a warehouse  
331 for Mississippi's geographic information systems data.

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

334 49-2-9. (1) Effective July 1, 1979, the commission shall  
335 have the following powers and duties:

336 (a) To formulate the policy of the department regarding  
337 natural resources within the jurisdiction of the department;

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

346 (c) To apply for, receive and expend any federal or  
347 state funds or contributions, gifts, devises, bequests or funds  
348 from any other source;

349 (d) To commission or conduct studies designed to  
350 determine alternative methods of managing or using the natural  
351 resources of this state, in a manner to insure efficiency and  
352 maximum productivity;

353 (e) To enter into, and to authorize the executive  
354 director to execute with the approval of the commission,



355 contracts, grants and cooperative agreements with any federal or  
356 state agency or subdivision thereof, or any public or private  
357 institution located inside or outside the State of Mississippi, or  
358 any person, corporation or association in connection with carrying  
359 out the provisions of this chapter; but this authority under this  
360 chapter and under any and all statutes within the commission's  
361 jurisdiction, except those statutes relating to the Bureau of  
362 Recreation and Parks, shall not include contracts, grants or  
363 cooperative agreements which do not develop data or information  
364 usable by the commission, or which provide goods, services or  
365 facilities to the commission or any of its bureaus, and shall  
366 exclude any monies for special interest groups for purposes of  
367 lobbying or otherwise promoting their special interests; and

368 (f) To discharge such other duties, responsibilities  
369 and powers as are necessary to implement the provisions of this  
370 chapter.

371 (2) The Mississippi Department of Environmental Quality,  
372 Office of Geology and Energy Resources shall be responsible for  
373 program management, procurement, development and maintenance of  
374 the Mississippi Digital Earth Model, which should include the  
375 following seven (7) core data layers of a digital land base  
376 computer model of the State of Mississippi:

377 (a) Geodetic control;

378 (b) Elevation and bathymetry;

379 (c) Orthoimagery;

380 (d) Hydrography;

381 (e) Transportation;

382 (f) Government boundaries; and

383 (g) Cadastral. With respect to the cadastral layer,

384 the authority and responsibility of the Mississippi Department of

385 Environmental Quality, Office of Geology and Energy Resources

386 shall be limited to compiling information submitted by counties.



387       For all seven (7) framework layers, the Mississippi  
388 Department of Environmental Quality, Office of Geology and Energy  
389 Resources shall be the integrator of data from all sources and the  
390 guarantor of data completeness and consistency and shall  
391 administer the council's policies and standards for the  
392 procurement of remote sensing and geographic information system  
393 data by state and local governmental entities.

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

