

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.

