

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 861

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

20 (a) Coordination of remote sensing and geographic
21 information system activities within Mississippi;

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

27 (c) Oversight of MDITS' implementation of these
28 responsibilities;

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

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

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

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

42 (g) Establishing and designating the members of an
43 advisory committee made up of policy level officials from major
44 state, local, regional and federal agencies, as well as members of
45 the private sector;

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

50 (i) Coordinate with the State Tax Commission to assure
51 that state and local governmental entities do not have to comply
52 with two (2) sets of requirements imposed by different
53 organizations;

54 (2) The Mississippi Coordinating Council for Remote Sensing
55 and Geographic Information Systems will be composed of the
56 following members:

57 (a) The Executive Director of the Mississippi
58 Department of Environmental Quality;

59 (b) The Executive Director of the Mississippi
60 Department of Information Technology Services;

61 (c) The Executive Director of the Mississippi
62 Department of Transportation;

63 (d) The Executive Director of the Mississippi Emergency
64 Management Agency;

65 (e) The Executive Director of Mississippi Development

66 Authority;

67 (f) The Secretary of State;

68 (g) The chairman of the State Tax Commission;

69 (h) The Commissioner of Agriculture and Commerce;

70 (i) A representative from Mississippi Automated
71 Resource Information System, appointed by the Governor;

72 (j) The Commissioner of the Institutions of Higher
73 Learning;

74 (k) Two (2) mayors, one (1) appointed by the Lieutenant
75 Governor and one (1) appointed by the Speaker of the House of
76 Representatives;

77 (l) The Executive Director of the Mississippi Municipal
78 League;

79 (m) Two (2) county supervisors, one (1) appointed by
80 the Lieutenant Governor and one (1) appointed by the Speaker of
81 the House of Representatives;

82 (n) The Executive Director of the Mississippi
83 Association of Supervisors;

84 (o) A member of the Tax Assessors/Collectors
85 Association, to be appointed by the Lieutenant Governor;

86 (p) A representative of the Planning and Development
87 Districts, appointed by the Lieutenant Governor;

88 (q) A county E911 coordinator appointed by the Speaker
89 of the House of Representatives;

90 (r) A Senator, as a nonvoting member, appointed by the
91 Lieutenant Governor;

92 (s) A Representative, as a nonvoting member, appointed
93 by the Speaker of the House;

94 (t) The Executive Director of the University of
95 Mississippi National Remote Sensing and Space Law Center;

96 (u) The Executive Director of the University of
97 Mississippi Geoinformatics Center; and

98 (v) The Executive Director of the Mississippi Council
99 of Consulting Engineers.

100 The members of the council shall serve for a term concurrent

with their service as an elected or appointed official or concurrent with the term of the appointing official.

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

If any member is unable to attend any meeting of the council, the member may not designate another person to attend or vote at such meeting. A majority of the members of the council constitutes a quorum. All members must be notified in writing of all meetings, and such notices must be mailed at least five (5) days before the date on which a meeting is to be held.

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

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

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

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

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

(a) The authority shall provide for the development of plans for the efficient acquisition and utilization of computer

equipment and services by all agencies of state government, and provide for their implementation. In so doing, the authority may use the MDITS staff, at the discretion of the executive director of the authority, or the authority may contract for the services of qualified consulting firms in the field of information technology and utilize the service of such consultants as may be necessary for such purposes.

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

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

(d) The authority shall adopt rules, regulations, and procedures governing the acquisition of computer and telecommunications equipment and services which shall, to the fullest extent practicable, insure the maximum of competition between all manufacturers of supplies or equipment or services. In the writing of specifications, in the making of contracts relating to the acquisition of such equipment and services, and in the performance of its other duties the authority shall provide for the maximum compatibility of all information systems hereafter installed or utilized by all state agencies and may require the

171 use of common computer languages where necessary to accomplish the
172 purposes of this chapter. The authority may establish by
173 regulation and charge reasonable fees on a nondiscriminatory basis
174 for the furnishing to bidders of copies of bid specifications and
175 other documents issued by the authority.

176 (e) The authority shall adopt rules and regulations
177 governing the sharing with, or the sale or lease of information
178 technology services to any nonstate agency or person. Such
179 regulations shall provide that any such sharing, sale, or lease
180 shall be restricted in that same shall be accomplished only where
181 such services are not readily available otherwise within the
182 state, and then only at a charge to the user not less than the
183 prevailing rate of charge for similar services by private
184 enterprise within this state.

185 (f) The authority may, in its discretion, establish a
186 special technical advisory committee or committees to study and
187 make recommendations on technology matters within the competence
188 of the authority as the authority may see fit. Persons serving on
189 the Information Resource Council, its task forces, or any such
190 technical advisory committees shall be entitled to receive their
191 actual and necessary expenses actually incurred in the performance
192 of such duties, together with mileage as provided by law for state
193 employees, provided the same has been authorized by a resolution
194 duly adopted by the authority and entered on its minutes prior to
195 the performance of such duties.

196 (g) The authority may provide for the development and
197 require the adoption of standardized computer programs and may
198 provide for the dissemination of information to and the
199 establishment of training programs for the personnel of the
200 various information technology centers of state agencies and
201 personnel of the agencies utilizing the services thereof.

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

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

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

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

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

241 (1) The authority is authorized to purchase, lease, or
242 rent computer equipment or services and to operate said equipment
243 and utilize said services in providing services to one or more
244 state agencies when in its opinion such operation will provide
245 maximum efficiency and economy in the functions of any such agency
246 or agencies.

247 (m) The authority shall assist political subdivisions
248 and instrumentalities in their development of plans for the
249 efficient acquisition and utilization of computer equipment and
250 services. An appropriate fee shall be charged the political
251 subdivision by the authority for such assistance.

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

275 (o) The authority shall make a report in writing to the

Legislature each year in the month of January. Such report shall contain a full and detailed account of the work of the authority for the preceding year as specified in Section 25-53-29(3).

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

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

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

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

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

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

(s) The authority shall work closely with the council
to bring about effective coordination of policies, standards and
procedures relating to procurement of remote sensing and
geographic information systems (GIS) resources. This paragraph
shall not apply to remote sensing and geographic information
systems (GIS) programs at state institutions of higher learning.

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

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

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

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

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

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

(e) To enter into, and to authorize the executive
director to execute with the approval of the commission,
contracts, grants and cooperative agreements with any federal or
state agency or subdivision thereof, or any public or private
institution located inside or outside the State of Mississippi, or
any person, corporation or association in connection with carrying

out the provisions of this chapter; but this authority under this chapter and under any and all statutes within the commission's jurisdiction, except those statutes relating to the Bureau of Recreation and Parks, shall not include contracts, grants or cooperative agreements which do not develop data or information usable by the commission, or which provide goods, services or facilities to the commission or any of its bureaus, and shall exclude any monies for special interest groups for purposes of lobbying or otherwise promoting their special interests; and

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

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

(a) Geodetic control;

(b) Elevation and bathymetry;

(c) Orthoimagery;

(d) Hydrography;

(e) Transportation;

(f) Government boundaries; and

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

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

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

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

1 AN ACT TO CREATE THE MISSISSIPPI COORDINATING COUNCIL FOR
2 REMOTE SENSING AND GEOGRAPHIC INFORMATION SYSTEMS; TO AMEND
3 SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO ASSIGN ADDITIONAL
4 DUTIES TO THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES; TO
5 AMEND SECTION 49-2-9, MISSISSIPPI CODE OF 1972, TO ASSIGN
6 ADDITIONAL DUTIES TO THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL
7 QUALITY OFFICE OF GEOLOGY AND NATURAL RESOURCES; TO PROVIDE THAT
8 CERTAIN PROCEDURES SHALL NOT APPLY TO 615 PROGRAMS AT STATE
9 INSTITUTIONS OF HIGHER LEARNING; AND FOR RELATED PURPOSES.