

By: Representatives DeLano, Monsour

To: County Affairs;  
Municipalities

HOUSE BILL NO. 1377

1 AN ACT TO AMEND SECTION 17-1-23, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT FILINGS FOR NEW SUBDIVISIONS IN MUNICIPALITIES AND  
3 COUNTIES SHALL BE IN A DIGITAL MEDIA FORMAT BY A CERTAIN DATE; TO  
4 AMEND SECTION 25-58-21, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
5 MISSISSIPPI COORDINATING COUNCIL FOR REMOTE SENSING AND GEOGRAPHIC  
6 INFORMATION SYSTEMS TO CREATE THE STANDARD FORMAT FOR DIGITAL PLAT  
7 SUBMISSIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 17-1-23, Mississippi Code of 1972, is  
10 amended as follows:

11 17-1-23. (1) When new subdivisions are laid out, the  
12 governing authority of each municipality or county may, before  
13 allowing dedication, impose such terms as may be deemed necessary  
14 to make the provisions of Sections 17-1-1 through 17-1-27,  
15 inclusive, effective, and such governing authorities may receive  
16 easements in the land affected whereby such sections may be made  
17 effective. From and after January 1, 2012, the governing  
18 authority of each municipality or county shall require each filing  
19 for a new subdivision to be submitted in digital media format that  
20 is prescribed by the Mississippi Coordinating Council for Remote  
21 Sensing and Geographic Information Systems.

22 (2) The board of supervisors of any county may order that no  
23 plat of a subdivision shall be recorded until it has been approved  
24 by the board of supervisors, and the board of supervisors shall  
25 have power to require the installation of utilities and laying out  
26 of streets in subdivisions or to accept performance bonds in lieu  
27 thereof; the board of supervisors of any county bordering on the  
28 State of Tennessee having a population of more than sixty-seven  
29 thousand nine hundred (67,900) but less than seventy thousand



30 (70,000) according to the 1990 federal census and having a land  
31 area of more than four hundred seventy (470) square miles but less  
32 than five hundred (500) square miles may also, in lieu thereof,  
33 require the deposit of monies with the county which shall be  
34 placed in a special interest-bearing account in the county  
35 treasury, and such board of supervisors at the appropriate time  
36 shall spend monies from such account solely for the purpose of  
37 constructing or improving the roads and other infrastructure  
38 within the subdivision with respect to which the deposit or  
39 deposits were made.

40 (3) The governing authorities of a municipality may provide  
41 that any person desiring to subdivide a tract of land within the  
42 corporate limits shall submit a map and plat of such subdivision,  
43 and a correct abstract of title of the land platted, to said  
44 governing authorities, to be approved by them before the same  
45 shall be filed for record in the land records of the county; and  
46 where the municipality has adopted an ordinance so providing, no  
47 such map or plat of any such subdivision shall be recorded by the  
48 chancery clerk unless same has been approved by said governing  
49 authorities. In all cases where a map or plat of the subdivision  
50 is submitted to the governing authorities of a municipality, and  
51 is by them approved, all streets, roads, alleys and other public  
52 ways set forth and shown on said map or plat shall be thereby  
53 dedicated to the public use, and shall not be used otherwise  
54 unless and until said map or plat is vacated in the manner  
55 provided by law, notwithstanding that said streets, roads, alleys  
56 or other public ways have not been actually opened for the use of  
57 the public. If any easement dedicated pursuant to the provisions  
58 of this section for a street, road, alley or other public purpose  
59 is determined to be not needed for the public purpose, the  
60 easement may be declared abandoned, and ownership of the fee  
61 underlying the easement shall revert, regardless of the date of  
62 dedication, to the adjoining property owner or owners at the time



63 of abandonment. Ownership of such easement shall extend to the  
64 centerline of said abandoned street, road or public way. Such  
65 abandonment and reversion shall not affect any private easements  
66 which might exist.

67 (4) If the owner of any land which shall have been laid off,  
68 mapped or platted as a city, town or village, or addition thereto,  
69 or subdivision thereof, or other platted area, whether inside or  
70 outside a municipality, desires to alter or vacate such map or  
71 plat, or any part thereof, he may petition the board of  
72 supervisors of the county or the governing authorities of the  
73 municipality for relief in the premises, setting forth the  
74 particular circumstances of the case and giving an accurate  
75 description of the property, the map or plat of which is to be  
76 vacated or altered and the names of the persons to be adversely  
77 affected thereby or directly interested therein. However, before  
78 taking such action, the parties named shall be made aware of the  
79 action and must agree in writing to the vacation or alteration.  
80 Failure to gain approval from the parties named shall prohibit the  
81 board of supervisors or governing authorities from altering or  
82 vacating the map or plat, or any part thereof. Any alterations of  
83 a plat or map must be recorded in the appropriate location and a  
84 note shall be placed on the original plat denoting the altered or  
85 revised plat. No land shall be subdivided nor shall the map or  
86 plat of any land be altered or vacated in violation of any duly  
87 recorded covenant running with the land. Any municipality which  
88 shall approve such a vacation or alteration pursuant to this  
89 section shall be exempt from the sale of surplus real property  
90 provisions as set forth in Section 21-17-1.

91 (5) Subdivision regulation under this section shall not  
92 conflict with Article VII of the Chickasaw Trail Economic  
93 Development Compact described in Section 57-36-1.

94 **SECTION 2.** Section 25-58-21, Mississippi Code of 1972, is  
95 amended as follows:



96           25-58-21. (1) There is established the Mississippi  
97 Coordinating Council for Remote Sensing and Geographic Information  
98 Systems, hereinafter referred to as the "council." The council  
99 shall set and assure enforcement of policies and standards to make  
100 it easier for remote sensing and geographic information system  
101 users around the state to share information and to facilitate  
102 cost-sharing arrangements to reduce the costs of acquiring remote  
103 sensing and geographic information system data. The council shall  
104 not oversee or regulate the activities of higher education  
105 entities where it relates to the fields of teaching or research;  
106 however, the council shall be informed of these activities for the  
107 purpose of coordinating these higher education activities with  
108 other public remote sensing and GIS initiatives to achieve the  
109 maximum benefit for the State of Mississippi and its taxpayers.

110 The council's responsibilities include, but are not limited to:

111           (a) Coordination of remote sensing and geographic  
112 information system activities within Mississippi;

113           (b) Establishing policies and standards to guide  
114 Mississippi Department of Information Technology Services (MDITS)  
115 in the review and approval of state and local government  
116 procurement of both hardware and software development relating to  
117 remote sensing and geographic information systems;

118           (c) Oversight of MDITS' implementation of these  
119 responsibilities;

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

124           (e) Oversight of the Mississippi Department of  
125 Environmental Quality's development and maintenance of the  
126 Mississippi Digital Earth Model, including establishing policies  
127 and standards for the procurement of remote sensing and geographic  
128 information system data by state and local governmental entities



129 and establishing the order in which the seven (7) core data layers  
130 shall be developed;

131 (f) Designating Mississippi's official representative  
132 to the National States Geographic Information Council and to any  
133 other national or regional remote sensing or geographical  
134 information system organizations on which Mississippi has an  
135 official seat;

136 (g) Establishing and designating the members of an  
137 advisory committee made up of policy level officials from major  
138 state, local, regional and federal agencies, including, but not  
139 limited to, the National Association of Space Administration, the  
140 Mississippi Institute for Forestry Inventory, the Mississippi  
141 Department of Wildlife, Fisheries and Parks, the Mississippi  
142 Public Utilities Staff, the Department of Marine Resources, the  
143 county E911 coordinator, the State Health Officer, the  
144 Commissioner of Agriculture and Commerce, the State Tax  
145 Commission, the Council of Consulting Engineers and the  
146 Mississippi Band of Choctaw Indians, as well as members of the  
147 private sector;

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

152 (i) Coordinating with the State Tax Commission to  
153 assure that state and local governmental entities do not have to  
154 comply with two (2) sets of requirements imposed by different  
155 organizations;

156 (j) Creating and designing the approved digital plat  
157 submissions standards, which include the file format, media  
158 format, data standards, layer names, feature types and  
159 descriptions that are necessary for digital media format  
160 submissions to municipalities and counties when filing new  
161 subdivision plats as required by Section 17-1-23; and



162                   (k) Providing municipalities and counties with the  
163 approved digital plat submissions standards.

164           (2) The Mississippi Coordinating Council for Remote Sensing  
165 and Geographic Information Systems will be composed of the  
166 following members:

167                   (a) The Executive Director of the Mississippi  
168 Department of Environmental Quality;

169                   (b) The Executive Director of the Mississippi  
170 Department of Information Technology Services;

171                   (c) The Executive Director of the Mississippi  
172 Department of Transportation;

173                   (d) The Executive Director of the Mississippi Emergency  
174 Management Agency;

175                   (e) The Executive Director of the Mississippi  
176 Development Authority;

177                   (f) The Secretary of State;

178                   (g) The Executive Director of the Mississippi Forestry  
179 Commission;

180                   (h) The Director of the Mississippi State Board of  
181 Registered Professional Geologists;

182                   (i) A representative from the Institutions of Higher  
183 Learning, appointed by the Commissioner of the Institutions of  
184 Higher Learning;

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

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

189                   (l) One (1) county supervisor appointed by the  
190 Executive Director of the Mississippi Association of Supervisors;

191                   (m) The Executive Director of the Mississippi  
192 Association of Supervisors or his designee who will serve as the  
193 member;



194 (n) A member of the Tax Assessors/Collectors  
195 Association or the executive director of the association, to be  
196 appointed by the president of that association;

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

199 (p) A Senator, as a nonvoting member, appointed by the  
200 Lieutenant Governor;

201 (q) A Representative, as a nonvoting member, appointed  
202 by the Speaker of the House;

203 (r) A county surveyor who is a member of the  
204 Mississippi Association of Professional Surveyors, appointed by  
205 the president of the association; and

206 The members listed in paragraphs (a) through (g) may appoint  
207 a designee, but the designee must be the head of an office,  
208 bureau, division or branch within the member's agency.

209 The members of the council shall serve for a term concurrent  
210 with their service as an elected or appointed official or  
211 concurrent with the term of the appointing official.

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

218 With regard to the designee chosen by the Executive Director  
219 of the Mississippi Municipal League or the Executive Director of  
220 the Mississippi Association of Supervisors, the designee shall  
221 become a permanent member of the council for a term concurrent  
222 with the term of the appointing executive director.

223 (3) At the direction of the chairman of the council and  
224 contingent upon the availability of sufficient funds, each member  
225 may receive reimbursement for reasonable expenses, including  
226 travel expenses in accordance with rates established pursuant to



227 Section 25-3-41, incurred in attending meetings of the council.  
228 Any member of the council who is also a state employee may not  
229 receive per diem compensation for attending meetings of the study  
230 committee, but may be reimbursed in accordance with Section  
231 25-3-41 for mileage and actual expenses incurred in the  
232 performance of the duties, if authorized by vote, at a meeting of  
233 the council, which action must be recorded in the official minutes  
234 of the meeting. Legislative members of the council will be paid  
235 from the contingent expense funds of their respective houses in  
236 the same amounts as provided for committee meetings when the  
237 Legislature is not in session.

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

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

244 **SECTION 3.** This act shall take effect and be in force from  
245 and after July 1, 2011.

