

By: Senator(s) Hyde-Smith

To: Fees, Salaries and  
Administration;  
Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2726

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; AND FOR RELATED  
8 PURPOSES.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

64                   (e) The Executive Director of Mississippi Development  
65 Authority;

66                   (f) The Secretary of State;

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

68                   (h) The Commissioner of Agriculture and Commerce;

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

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

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

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

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

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

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

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

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

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

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



93           The members of the council shall serve for a term concurrent  
94 with their service as an elected or appointed official or  
95 concurrent with the term of the appointing official.

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

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

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

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

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

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



125           25-53-5. The authority shall have the following powers,  
126 duties and responsibilities:

127           (a) The authority shall provide for the development of  
128 plans for the efficient acquisition and utilization of computer  
129 equipment and services by all agencies of state government, and  
130 provide for their implementation. In so doing, the authority may  
131 use the MDITS staff, at the discretion of the executive director  
132 of the authority, or the authority may contract for the services  
133 of qualified consulting firms in the field of information  
134 technology and utilize the service of such consultants as may be  
135 necessary for such purposes.

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

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

154           (d) The authority shall adopt rules, regulations, and  
155 procedures governing the acquisition of computer and  
156 telecommunications equipment and services which shall, to the  
157 fullest extent practicable, insure the maximum of competition



158 between all manufacturers of supplies or equipment or services.  
159 In the writing of specifications, in the making of contracts  
160 relating to the acquisition of such equipment and services, and in  
161 the performance of its other duties the authority shall provide  
162 for the maximum compatibility of all information systems hereafter  
163 installed or utilized by all state agencies and may require the  
164 use of common computer languages where necessary to accomplish the  
165 purposes of this chapter. The authority may establish by  
166 regulation and charge reasonable fees on a nondiscriminatory basis  
167 for the furnishing to bidders of copies of bid specifications and  
168 other documents issued by the authority.

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

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

189 (g) The authority may provide for the development and  
190 require the adoption of standardized computer programs and may



191 provide for the dissemination of information to and the  
192 establishment of training programs for the personnel of the  
193 various information technology centers of state agencies and  
194 personnel of the agencies utilizing the services thereof.

195           (h) The authority shall adopt reasonable rules and  
196 regulations requiring the reporting to the authority through the  
197 office of executive director of such information as may be  
198 required for carrying out the purposes of this chapter and may  
199 also establish such reasonable procedures to be followed in the  
200 presentation of bills for payment under the terms of all contracts  
201 for the acquisition of computer equipment and services now or  
202 hereafter in force as may be required by the authority or by the  
203 executive director in the execution of their powers and duties.

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

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



223 furnished to all interested parties for their comment and  
224 suggestions.

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

234           (l) The authority is authorized to purchase, lease, or  
235 rent computer equipment or services and to operate said equipment  
236 and utilize said services in providing services to one or more  
237 state agencies when in its opinion such operation will provide  
238 maximum efficiency and economy in the functions of any such agency  
239 or agencies.

240           (m) The authority shall assist political subdivisions  
241 and instrumentalities in their development of plans for the  
242 efficient acquisition and utilization of computer equipment and  
243 services. An appropriate fee shall be charged the political  
244 subdivision by the authority for such assistance.

245           (n) The authority shall adopt rules and regulations  
246 governing the protest procedures to be followed by any actual or  
247 prospective bidder, offerer or contractor who is aggrieved in  
248 connection with the solicitation or award of a contract for the  
249 acquisition of computer equipment or services. Such rules and  
250 regulations shall prescribe the manner, time and procedure for  
251 making protests and may provide that a protest not timely filed  
252 shall be summarily denied. The authority may require the  
253 protesting party, at the time of filing the protest, to post a  
254 bond, payable to the state, in an amount that the authority  
255 determines sufficient to cover any expense or loss incurred by the





256 state, the authority or any state agency as a result of the  
257 protest if the protest subsequently is determined by a court of  
258 competent jurisdiction to have been filed without any substantial  
259 basis or reasonable expectation to believe that the protest was  
260 meritorious; however, in no event may the amount of the bond  
261 required exceed a reasonable estimate of the total project cost.  
262 The authority, in its discretion, also may prohibit any  
263 prospective bidder, offerer or contractor who is a party to any  
264 litigation involving any such contract with the state, the  
265 authority or any agency of the state to participate in any other  
266 such bid, offer or contract, or to be awarded any such contract,  
267 during the pendency of the litigation.

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

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



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

295 (q) The authority is authorized to purchase, lease, or  
296 rent information technology and services for the purpose of  
297 establishing pilot projects to investigate emerging technologies.  
298 These acquisitions shall be limited to new technologies and shall  
299 be limited to an amount set by annual appropriation of the  
300 Legislature. These acquisitions shall be exempt from the  
301 advertising and bidding requirement.

302 (r) All fees collected by the Mississippi Department of  
303 Information Technology Services shall be deposited into the  
304 Mississippi Department of Information Technology Services  
305 Revolving Fund unless otherwise specified by the Legislature.

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

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

314 49-2-9. (1) Effective July 1, 1979, the commission shall  
315 have the following powers and duties:

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

318 (b) To adopt, modify, repeal, and promulgate, after due  
319 notice and hearing, and where not otherwise prohibited by federal  
320 or state law, to make exceptions to and grant exemptions and  
321 variances from, and to enforce rules and regulations implementing



322 or effectuating the powers and duties of the commission under any  
323 and all statutes within the commission's jurisdiction, and as the  
324 commission may deem necessary to prevent, control and abate  
325 existing or potential pollution;

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

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

333 (e) To enter into, and to authorize the executive  
334 director to execute with the approval of the commission,  
335 contracts, grants and cooperative agreements with any federal or  
336 state agency or subdivision thereof, or any public or private  
337 institution located inside or outside the State of Mississippi, or  
338 any person, corporation or association in connection with carrying  
339 out the provisions of this chapter; but this authority under this  
340 chapter and under any and all statutes within the commission's  
341 jurisdiction, except those statutes relating to the Bureau of  
342 Recreation and Parks, shall not include contracts, grants or  
343 cooperative agreements which do not develop data or information  
344 usable by the commission, or which provide goods, services or  
345 facilities to the commission or any of its bureaus, and shall  
346 exclude any monies for special interest groups for purposes of  
347 lobbying or otherwise promoting their special interests; and

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

351 (2) The Office of Geology and Energy Resources is  
352 responsible for program management, development and maintenance of  
353 the Mississippi Digital Earth Model, which should include the



354 following seven (7) core data layers of a digital land base  
355 computer model of the State of Mississippi:

- 356           (a) Geodetic control;  
357           (b) Elevation and bathymetry;  
358           (c) Orthoimagery;  
359           (d) Hydrography;  
360           (e) Transportation;  
361           (f) Government boundaries; and  
362           (g) Cadastral. With respect to the cadastral layer,  
363 the authority and responsibility of the Office of Geology and  
364 Energy Resources shall be limited to compiling information  
365 submitted by counties.

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

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

