

By: Senator(s) Hyde-Smith

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2726
(As Passed the Senate)

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;

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

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



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

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

99 The members of the council shall serve for a term concurrent
100 with their service as an elected or appointed official or
101 concurrent with the term of the appointing official.

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

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

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

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



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

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

131 25-53-5. The authority shall have the following powers,
132 duties and responsibilities:

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

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

154 (c) Title of whatever nature of all computer equipment
155 now vested in any agency of the State of Mississippi is hereby
156 vested in the authority, and no such equipment shall be disposed
157 of in any manner except in accordance with the direction of the



158 authority or under the provisions of such rules and regulations as
159 may hereafter be adopted by the authority in relation thereto.

160 (d) The authority shall adopt rules, regulations, and
161 procedures governing the acquisition of computer and
162 telecommunications equipment and services which shall, to the
163 fullest extent practicable, insure the maximum of competition
164 between all manufacturers of supplies or equipment or services.
165 In the writing of specifications, in the making of contracts
166 relating to the acquisition of such equipment and services, and in
167 the performance of its other duties the authority shall provide
168 for the maximum compatibility of all information systems hereafter
169 installed or utilized by all state agencies and may require the
170 use of common computer languages where necessary to accomplish the
171 purposes of this chapter. The authority may establish by
172 regulation and charge reasonable fees on a nondiscriminatory basis
173 for the furnishing to bidders of copies of bid specifications and
174 other documents issued by the authority.

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

184 (f) The authority may, in its discretion, establish a
185 special technical advisory committee or committees to study and
186 make recommendations on technology matters within the competence
187 of the authority as the authority may see fit. Persons serving on
188 the Information Resource Council, its task forces, or any such
189 technical advisory committees shall be entitled to receive their
190 actual and necessary expenses actually incurred in the performance



191 of such duties, together with mileage as provided by law for state
192 employees, provided the same has been authorized by a resolution
193 duly adopted by the authority and entered on its minutes prior to
194 the performance of such duties.

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

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

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

216 (j) The authority may adopt such further reasonable
217 rules and regulations as may be necessary to fully implement the
218 purposes of this chapter. All rules and regulations adopted by
219 the authority shall be published and disseminated in readily
220 accessible form to all affected state agencies, and to all current
221 suppliers of computer equipment and services to the state, and to
222 all prospective suppliers requesting the same. Such rules and
223 regulations shall be kept current, be periodically revised, and



224 copies thereof shall be available at all times for inspection by
225 the public at reasonable hours in the offices of the authority.
226 Whenever possible no rule, regulation or any proposed amendment to
227 such rules and regulations shall be finally adopted or enforced
228 until copies of said proposed rules and regulations have been
229 furnished to all interested parties for their comment and
230 suggestions.

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

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

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

251 (n) The authority shall adopt rules and regulations
252 governing the protest procedures to be followed by any actual or
253 prospective bidder, offerer or contractor who is aggrieved in
254 connection with the solicitation or award of a contract for the
255 acquisition of computer equipment or services. Such rules and
256 regulations shall prescribe the manner, time and procedure for



257 making protests and may provide that a protest not timely filed
258 shall be summarily denied. The authority may require the
259 protesting party, at the time of filing the protest, to post a
260 bond, payable to the state, in an amount that the authority
261 determines sufficient to cover any expense or loss incurred by the
262 state, the authority or any state agency as a result of the
263 protest if the protest subsequently is determined by a court of
264 competent jurisdiction to have been filed without any substantial
265 basis or reasonable expectation to believe that the protest was
266 meritorious; however, in no event may the amount of the bond
267 required exceed a reasonable estimate of the total project cost.
268 The authority, in its discretion, also may prohibit any
269 prospective bidder, offerer or contractor who is a party to any
270 litigation involving any such contract with the state, the
271 authority or any agency of the state to participate in any other
272 such bid, offer or contract, or to be awarded any such contract,
273 during the pendency of the litigation.

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

278 All acquisitions of computer equipment and services involving
279 the expenditure of funds in excess of the dollar amount
280 established in Section 31-7-13(c), or rentals or leases in excess
281 of the dollar amount established in Section 31-7-13(c) for the
282 term of the contract, shall be based upon competitive and open
283 specifications, and contracts therefor shall be entered into only
284 after advertisements for bids are published in one or more daily
285 newspapers having a general circulation in the state not less than
286 fourteen (14) days prior to receiving sealed bids therefor. The
287 authority may reserve the right to reject any or all bids, and if
288 all bids are rejected, the authority may negotiate a contract
289 within the limitations of the specifications so long as the terms



290 of any such negotiated contract are equal to or better than the
291 comparable terms submitted by the lowest and best bidder, and so
292 long as the total cost to the State of Mississippi does not exceed
293 the lowest bid. If the authority accepts one (1) of such bids, it
294 shall be that which is the lowest and best.

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

301 (q) The authority is authorized to purchase, lease, or
302 rent information technology and services for the purpose of
303 establishing pilot projects to investigate emerging technologies.
304 These acquisitions shall be limited to new technologies and shall
305 be limited to an amount set by annual appropriation of the
306 Legislature. These acquisitions shall be exempt from the
307 advertising and bidding requirement.

308 (r) All fees collected by the Mississippi Department of
309 Information Technology Services shall be deposited into the
310 Mississippi Department of Information Technology Services
311 Revolving Fund unless otherwise specified by the Legislature.

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

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

320 49-2-9. (1) Effective July 1, 1979, the commission shall
321 have the following powers and duties:



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

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

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

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

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



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

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

362 (a) Geodetic control;
363 (b) Elevation and bathymetry;
364 (c) Orthoimagery;
365 (d) Hydrography;
366 (e) Transportation;
367 (f) Government boundaries; and
368 (g) Cadastral. With respect to the cadastral layer,
369 the authority and responsibility of the Office of Geology and
370 Energy Resources shall be limited to compiling information
371 submitted by counties.

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

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

