

By: Representatives Reeves, Stringer

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1143

1 AN ACT TO AMEND SECTION 25-53-191, MISSISSIPPI CODE OF 1972,
2 TO REVISE WIRELESS COMMUNICATION DEVICE LIMITATIONS FOR CERTAIN
3 STATE EMPLOYEES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 25-53-191, Mississippi Code of 1972, is
6 amended as follows:

7 25-53-191. (1) For the purposes of this section, the
8 following terms shall have the meanings ascribed to them in this
9 section unless the context otherwise clearly requires:

10 (a) "Department" means the Mississippi Department of
11 Information Technology.

12 (b) "State agency" means any agency, department,
13 commission, board, bureau, institution or other instrumentality of
14 the state.

15 (c) "Wireless communication device" means a cellular
16 telephone, pager or a personal digital assistant device having
17 wireless communication capability.

18 (2) Before a wireless communication device may be assigned,
19 issued or made available to an agency officer or employee, the
20 agency head, or his designee, shall sign a statement certifying
21 the need or reason for issuing the device. No officer or employee
22 of any state agency, except for an officer or employee of the
23 Mississippi Emergency Management Agency, shall be assigned or
24 issued more than one (1) such wireless communication device;
25 however, a physician employed by the University of Mississippi
26 Medical Center may be assigned or issued not more than two (2)
27 wireless communication devices. No officer or employee of any

28 state agency to whom has been assigned, issued or made available
29 the use of a wireless communication device, the cost of which is
30 paid through the use of public funds, shall use such device for
31 personal use.

32 (3) A state agency shall not reimburse any officer or
33 employee for use of his or her personal wireless communication
34 device.

35 (4) Every state agency that, at the expense of the state
36 agency, assigns, issues or makes available to any of its officers
37 or employees a wireless communication device shall obtain and
38 maintain detailed billing for every wireless communication device
39 account. A list of approved vendors for the procurement of
40 wireless communication devices and the delivery of wireless
41 communication device services shall be developed for all state
42 agencies by the Mississippi Department of Information Technology
43 Services in conjunction with the Wireless Communication Commission
44 created in Section 25-53-171. The department, in conjunction with
45 the Wireless Communication Commission, shall exercise the option
46 of selecting one (1) vendor from which to procure wireless
47 communication devices and to provide wireless communication device
48 services, or if it deems such to be most advantageous to the state
49 agencies, it may select multiple vendors. The department, in
50 conjunction with the Wireless Communication Commission, shall
51 select a vendor or vendors on the basis of lowest and best bid
52 proposals. A state agency may not procure a wireless
53 communication device from any vendor or contract for wireless
54 communication device services with any vendor unless the vendor
55 appears on the list approved by the department, in conjunction
56 with the Wireless Communication Commission. A contract entered
57 into in violation of this section shall be void and unenforceable.

58 (5) The department shall promulgate a model acceptable use
59 policy defining the appropriate use of all wireless communication
60 devices. The acceptable use policy should specify that these

61 resources, including both devices and services, are provided at
62 the state agency's expense as tools for accomplishing the business
63 missions of the state agency; that all those resources are for
64 business use * * *. The acceptable use policy should require that
65 each official and employee issued one (1) of the above devices or
66 authorized to access one (1) of the above services sign the policy
67 and that the signed copy be placed in the personnel file of the
68 official or employee. The acceptable use policy should also
69 require that the use of these resources be tracked, verified and
70 signed by the official or employee and the supervisor of the
71 official or employee at each billing cycle or other appropriate
72 interval. All state agencies shall adopt the model policy or
73 adopt a policy that is, at minimum, as stringent as the model
74 policy and shall provide a copy of the policy to the department.

75 (6) All state agencies shall purchase or acquire only the
76 lowest cost cellular telephone, pager or personal digital
77 assistance device which will carry out its intended use.

78 (7) The State Auditor shall conduct necessary audits to
79 ensure compliance with the provisions of this section.

80 **SECTION 2.** This act shall take effect and be in force from
81 and after its passage.