

By: Representatives Reeves, Stringer

To: Appropriations

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 STATE
3 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 a physician employed by the
23 University of Mississippi Medical Center or an officer or employee
24 of the Mississippi Emergency Management Agency, shall be assigned
25 or issued more than one (1) such wireless communication device.
26 No officer or employee of any state agency to whom has been
27 assigned, issued or made available the use of a wireless

28 communication device, the cost of which is paid through the use of
29 public funds, shall use such device for personal use.

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

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

56 (5) The department shall promulgate a model acceptable use
57 policy defining the appropriate use of all wireless communication
58 devices. The acceptable use policy should specify that these
59 resources, including both devices and services, are provided at
60 the state agency's expense as tools for accomplishing the business

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

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

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

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