

By: Representatives Reeves, Stringer

To: Appropriations

HOUSE BILL NO. 1143
(As Passed the House)

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, any person employed by the University of Mississippi
26 Medical Center in a capacity of providing medical services or
27 medical research services to persons may be assigned more than one

28 (1) wireless communication device provided that application
29 therefor is first made to the Vice Chancellor for Health Affairs
30 and a written finding is made by the vice chancellor specifying
31 why more than one (1) device is needed and specifying that any
32 approved device must be used only for the approved purpose and
33 further specifying the duration of the authority to possess more
34 than one (1) wireless communication device. No officer or
35 employee of any state agency to whom has been assigned, issued or
36 made available the use of a wireless communication device, the
37 cost of which is paid through the use of public funds, shall use
38 such device for personal use.

39 (3) A state agency shall not reimburse any officer or
40 employee for use of his or her personal wireless communication
41 device.

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

61 communication device services with any vendor unless the vendor
62 appears on the list approved by the department, in conjunction
63 with the Wireless Communication Commission. A contract entered
64 into in violation of this section shall be void and unenforceable.

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

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

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

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