

By: Senator(s) Doxey, Thames

To: Fees, Salaries and Administration

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2704

1 AN ACT TO AMEND SECTION 25-53-191, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER, THE
3 DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF MILITARY FROM
4 THE PROVISION WHICH PROHIBITS MORE THAN ONE WIRELESS COMMUNICATION
5 DEVICE BEING ISSUED TO A STATE EMPLOYEE; AND FOR RELATED PURPOSES.

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

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

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

12 (a) "Department" means the Mississippi Department of
13 Information Technology.

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

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

20 (2) Before a wireless communication device may be assigned,
21 issued or made available to an agency officer or employee, the
22 agency head, or his designee, shall sign a statement certifying
23 the need or reason for issuing the device. No officer or employee
24 of any state agency * * * shall be assigned or issued more than
25 one (1) such wireless communication device, except for officers or
26 employees of the University of Mississippi Medical Center, the
27 Mississippi Emergency Management Agency, the Department of Public
28 Safety and the Department of Military. No officer or employee of

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

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

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

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

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

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

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

83 **SECTION 2.** This act shall take effect and be in force from
84 and after July 1, 2007.