

By: Senator(s) Doxey, Thames

To: Fees, Salaries and Administration

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 LAW REGULATING WIRELESS COMMUNICATION DEVICES ISSUED TO STATE
5 EMPLOYEES; 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, except for an officer or employee of the
25 Mississippi Emergency Management Agency, shall be assigned or
26 issued more than one (1) such wireless communication device.
27 No officer or employee of any state agency to whom has been
28 assigned, issued or made available the use of a wireless

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

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

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

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

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

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

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

81 (8) The provisions of this section shall not apply to the
82 University of Mississippi Medical Center, the Department of Public
83 Safety and the Department of Military, and the employees thereof.

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