

By: Senator(s) Doxey, Thames

To: Fees, Salaries and Administration

SENATE BILL NO. 2704  
(As Passed the Senate)

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, THE DEPARTMENT OF MILITARY, AND  
4 DURING DECLARED DISASTERS THE DEPARTMENT OF HUMAN SERVICES FROM  
5 THE PROVISION WHICH PROHIBITS MORE THAN ONE WIRELESS COMMUNICATION  
6 DEVICE BEING ISSUED TO A STATE EMPLOYEE; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

30 the Department of Human Services. No officer or employee of any  
31 state agency to whom has been assigned, issued or made available  
32 the use of a wireless communication device, the cost of which is  
33 paid through the use of public funds, shall use such device for  
34 personal use.

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

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

61 (5) The department shall promulgate a model acceptable use  
62 policy defining the appropriate use of all wireless communication

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

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

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

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