

## Senate Amendments to House Bill No. 1143

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

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

22           (2) (a) Before a wireless communication device may be  
23 assigned, issued or made available to an agency officer or  
24 employee, the agency head, or his designee, shall sign a statement  
25 certifying the need or reason for issuing the device. Except as  
26 provided in paragraph (b) of this subsection, no officer or  
27 employee of any state agency \* \* \* shall be assigned or issued  
28 more than one (1) such wireless communication device.

29           (b) The following officers and employees may be  
30 assigned more than one (1) wireless communication device:

31                   (i) Any district attorney and employee thereof;

32                   (ii) Any officer or employee of the University of  
33 Mississippi Medical Center, the Mississippi Emergency Management

34 Agency, the Department of Public Safety and the Department of  
35 Military; and

36 (iv) During declared disasters, any officer or  
37 employee of the Department of Human Services.

38 (c) No officer or employee of any state agency to whom  
39 has been assigned, issued or made available the use of a wireless  
40 communication device, the cost of which is paid through the use of  
41 public funds, shall use such device for personal use.

42 (3) A state agency shall not reimburse any officer or  
43 employee for use of his or her personal wireless communication  
44 device.

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

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

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

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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

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John O. Gilbert  
Secretary of the Senate