

By: Representatives Harness, Holloway,
Denton, Gibbs (36th), Thompson

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 775

1 AN ACT TO AMEND SECTION 25-53-191, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT STATE INSTITUTIONS OF HIGHER LEARNING AND THEIR AGENTS
3 AND FACULTY MEMBERS FROM THE PROVISIONS GOVERNING THE ACQUISITION
4 AND USE OF CERTAIN WIRELESS COMMUNICATIONS DEVICES; TO AUTHORIZE
5 STATE IHLS, WITH APPROVAL OF THE IHL BOARD, TO USE THE EXPRESS
6 PRODUCTS LIST (EPL) COMPILED BY THE MISSISSIPPI DEPARTMENT OF
7 INFORMATION TECHNOLOGY SERVICES (MDITS) TO NEGOTIATE BEST PRICING
8 WHEN MAKING PURCHASES OF ALL NEEDED INFORMATION WIRELESS
9 COMMUNICATION DEVICES, TELECOMMUNICATIONS EQUIPMENT, SOFTWARE
10 PROGRAMS AND SERVICES AND SERVICE PLANS TO PROMOTE ACCESS,
11 FUNCTIONALITY AND EFFICIENT USE IN THE DELIVERY OF EDUCATIONAL
12 INSTRUCTION; AND FOR RELATED PURPOSES.

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

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

16 25-53-191. (1) For the purposes of this section, the
17 following terms shall have the meanings ascribed to them in this
18 section unless the context otherwise clearly requires:

19 (a) "Department" means the Mississippi Department of
20 Information Technology.

21 (b) "State agency" means any agency, department,
22 commission, board, bureau, institution or other instrumentality of
23 the state.



24 (c) "Wireless communication device" means a cellular
25 telephone, pager or a personal digital assistant device having
26 wireless communication capability.

27 (2) Before a wireless communication device may be assigned,
28 issued or made available to an agency officer or employee, the
29 agency head, or his designee, shall sign a statement certifying
30 the need or reason for issuing the device. No officer or employee
31 of any state agency, except for an officer or employee of the
32 Mississippi Emergency Management Agency, shall be assigned or
33 issued more than one (1) such wireless communication device. No
34 officer or employee of any state agency to whom has been assigned,
35 issued or made available the use of a wireless communication
36 device, the cost of which is paid through the use of public funds,
37 shall use such device for personal use.

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

41 (4) Every state agency that, at the expense of the state
42 agency, assigns, issues or makes available to any of its officers
43 or employees a wireless communication device shall obtain and
44 maintain detailed billing for every wireless communication device
45 account. A list of approved vendors for the procurement of
46 wireless communication devices and the delivery of wireless
47 communication device services shall be developed for all state
48 agencies by the Mississippi Department of Information Technology



Services in conjunction with the Wireless Communication Commission created in Section 25-53-171. The department, in conjunction with the Wireless Communication Commission, shall exercise the option of selecting one (1) vendor from which to procure wireless communication devices and to provide wireless communication device services, or if it deems such to be most advantageous to the state agencies, it may select multiple vendors. The department, in conjunction with the Wireless Communication Commission, shall select a vendor or vendors on the basis of lowest and best bid proposals. A state agency may not procure a wireless communication device from any vendor or contract for wireless communication device services with any vendor unless the vendor appears on the list approved by the department, in conjunction with the Wireless Communication Commission. A contract entered into in violation of this section shall be void and unenforceable.

(5) The department shall promulgate a model acceptable use policy defining the appropriate use of all wireless communication devices. The acceptable use policy should specify that these resources, including both devices and services, are provided at the state agency's expense as tools for accomplishing the business missions of the state agency; that all those resources are for business use; and that more than incidental personal use of those resources is prohibited. The acceptable use policy should require that each official and employee issued one (1) of the above devices or authorized to access one (1) of the above services sign



74 the policy and that the signed copy be placed in the personnel
75 file of the official or employee. The acceptable use policy
76 should also require that the use of these resources be tracked,
77 verified and signed by the official or employee and the supervisor
78 of the official or employee at each billing cycle or other
79 appropriate interval. All state agencies shall adopt the model
80 policy or adopt a policy that is, at minimum, as stringent as the
81 model policy and shall provide a copy of the policy to the
82 department.

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

86 (7) (a) The University of Mississippi Medical Center and
87 its employees, the Mississippi State University Extension Service
88 and its agents and faculty members, the Mississippi State
89 University Agricultural and Forestry Experiment Station and its
90 faculty members, the Mississippi State University Forestry and
91 Wildlife Research Center and its faculty members, and the
92 Mississippi State University College of Veterinary Medicine and
93 its faculty members shall be exempt from the application of this
94 section.

95 (b) State institutions of higher learning and their
96 agents and faculty members shall be exempt from the provisions of
97 this section. The state institutions of higher learning, with the
98 approval of the Board of Trustees of State Institutions of Higher



99 Learning, are further authorized to use the Express Products List
100 (EPL) compiled by the Mississippi Department of Information
101 Technology Services (MDITS) to negotiate best pricing with
102 approved vendors when making purchases of all needed information
103 wireless communication devices, telecommunications equipment,
104 software programs and services and service plans associated
105 therewith, to promote access, functionality and efficient use in
106 the delivery of educational instruction.

107 (8) The State Auditor shall conduct necessary audits to
108 ensure compliance with the provisions of this section.

109 **SECTION 2.** This act shall take effect and be in force from
110 and after July 1, 2021.

