

By: Senator(s) Carter, Tate

To: Technology

SENATE BILL NO. 2140
(As Sent to Governor)

1 AN ACT TO CREATE A NEW SECTION WITHIN TITLE 25, CHAPTER 53,
2 MISSISSIPPI CODE OF 1972, TO CREATE THE NATIONAL SECURITY ON STATE
3 DEVICES AND NETWORKS ACT; TO AMEND SECTION 25-53-191, MISSISSIPPI
4 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** (1) This section shall be known and may be cited
7 as the "National Security on State Devices and Networks Act."

8 (2) For the purposes of this section, the following words
9 and phrases shall have the meanings ascribed in this section
10 unless the context clearly indicates otherwise:

11 (a) "Prohibited technology" means any information
12 technology deemed to pose an unacceptable risk to the security of
13 the United States and/or the State of Mississippi by Mississippi
14 and/or federal law, regulation, or guidance.

15 (b) "State-issued devices" means any desktop computer,
16 laptop computer, cell phone, tablet or any other device capable of
17 internet connectivity that is issued to a state employee pursuant
18 to his or her employment and for use in carrying out his or her
19 professional duties.



20 (c) "State-operated networks" means any
21 telecommunications network, including, but not limited to,
22 wireless local area networks, wireless guest networks, virtual
23 private networks, or other information technology network systems
24 owned or operated by the Mississippi Department of Information
25 Technology Services or any other state agency.

26 (d) "State agency" means any agency, department,
27 commission, board, bureau, institution or other instrumentality of
28 the state.

29 (e) "State employee" means an employee or agent
30 complying with and performing duties on behalf of the state.

31 (3) No state employee shall download, access, or use a
32 prohibited technology on a state-issued device or a state-operated
33 network.

34 (4) The Mississippi Department of Information Technology
35 Services, or any other appropriate state agency, shall restrict
36 the download, access or use of prohibited technologies on
37 state-operated networks. The Mississippi Department of
38 Information Technology Services shall maintain and timely update a
39 publicly available list of such prohibited technologies on its
40 website.

41 (5) The provisions of this section shall not apply to law
42 enforcement agencies of the state or its political subdivisions
43 when downloading, accessing, or using a prohibited technology is



44 necessary to carry out their official duties for bona fide law
45 enforcement, investigative or public safety purposes.

46 **SECTION 2.** Section 25-53-191, Mississippi Code of 1972, is
47 amended as follows:

48 25-53-191. (1) For the purposes of this section, the
49 following terms shall have the meanings ascribed to them in this
50 section unless the context otherwise clearly requires:

51 (a) "Department" means the Mississippi Department of
52 Information Technology.

53 (b) "State agency" means any agency, department,
54 commission, board, bureau, institution or other instrumentality of
55 the state.

56 (c) "Wireless communication device" means a cellular
57 telephone, pager or a personal digital assistant device having
58 wireless communication capability.

59 (2) Before a wireless communication device may be assigned,
60 issued or made available to an agency officer or employee, the
61 agency head, or his designee, shall sign a statement certifying
62 the need or reason for issuing the device. No officer or employee
63 of any state agency, except for an officer or employee of the
64 Mississippi Emergency Management Agency, shall be assigned or
65 issued more than one (1) such wireless communication device. No
66 officer or employee of any state agency to whom has been assigned,
67 issued or made available the use of a wireless communication



68 device, the cost of which is paid through the use of public funds,
69 shall use such device for personal use.

70 (3) A state agency shall not reimburse any officer or
71 employee for use of his or her personal wireless communication
72 device.

73 (4) Every state agency that, at the expense of the state
74 agency, assigns, issues or makes available to any of its officers
75 or employees a wireless communication device shall obtain and
76 maintain detailed billing for every wireless communication device
77 account. A list of approved vendors for the procurement of
78 wireless communication devices and the delivery of wireless
79 communication device services shall be developed for all state
80 agencies by the Mississippi Department of Information Technology
81 Services * * *. The department * * * shall exercise the option of
82 selecting one (1) vendor from which to procure wireless
83 communication devices and to provide wireless communication device
84 services, or if it deems such to be most advantageous to the state
85 agencies, it may select multiple vendors. The department * * *
86 shall select a vendor or vendors on the basis of lowest and best
87 bid proposals. A state agency may not procure a wireless
88 communication device from any vendor or contract for wireless
89 communication device services with any vendor unless the vendor
90 appears on the list approved by the department * * *. A contract
91 entered into in violation of this section shall be void and
92 unenforceable.



93 (5) The department shall promulgate a model acceptable use
94 policy defining the appropriate use of all wireless communication
95 devices. The department shall include in its definition of
96 appropriate use a prohibition on the downloading, accessing, or
97 using of a prohibited technology pursuant to the National Security
98 on State Devices and Networks Act. The acceptable use policy
99 should specify that these resources, including both devices and
100 services, are provided at the state agency's expense as tools for
101 accomplishing the business missions of the state agency; that all
102 those resources are for business use; and that more than
103 incidental personal use of those resources is prohibited. The
104 acceptable use policy should require that each official and
105 employee issued one (1) of the above devices or authorized to
106 access one (1) of the above services sign the policy and that the
107 signed copy be placed in the personnel file of the official or
108 employee. The acceptable use policy should also require that the
109 use of these resources be tracked, verified and signed by the
110 official or employee and the supervisor of the official or
111 employee at each billing cycle or other appropriate interval. All
112 state agencies shall adopt the model policy or adopt a policy that
113 is, at minimum, as stringent as the model policy and shall provide
114 a copy of the policy to the department.

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



118 (7) The University of Mississippi Medical Center and its
119 employees, the Mississippi State University Extension Service and
120 its agents and faculty members, the Mississippi State University
121 Agricultural and Forestry Experiment Station and its faculty
122 members, the Mississippi State University Forestry and Wildlife
123 Research Center and its faculty members, and the Mississippi State
124 University College of Veterinary Medicine and its faculty members
125 shall be exempt from the application of this section.

126 (8) Employees of State Institutions of Higher Learning shall
127 be exempt from the provisions of this section when incurring
128 international usage charges for the business-related use of their
129 personal wireless communication devices during business-related
130 international travel. Such exemption shall only apply after a
131 determination by the employer-institution that reimbursement to
132 the employee for the use of his or her personal wireless
133 communication device is the lowest-cost option to prevent business
134 interruption during such travel.

135 (9) The State Auditor shall conduct necessary audits to
136 ensure compliance with the provisions of this section.

137 **SECTION 3.** Section 1 of this act shall be codified as a new
138 section in Title 25, Chapter 53, Mississippi Code of 1972.

139 **SECTION 4.** This act shall take effect and be in force from
140 and after July 1, 2023.

