

By: Senator(s) Kirby

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2476

1 AN ACT TO BRING FORWARD SECTION 25-53-191, MISSISSIPPI CODE
2 OF 1972, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
3 PURPOSES.

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

5 **SECTION 1.** Section 25-53-191, Mississippi Code of 1972, is
6 brought forward as follows:

7 25-53-191. (1) For the purposes of this section, the
8 following terms shall have the meanings ascribed to them in this
9 section unless the context otherwise clearly requires:

10 (a) "Department" means the Mississippi Department of
11 Information Technology.

12 (b) "State agency" means any agency, department,
13 commission, board, bureau, institution or other instrumentality of
14 the state.

15 (c) "Wireless communication device" means a cellular
16 telephone, pager or a personal digital assistant device having
17 wireless communication capability.



18 (2) Before a wireless communication device may be assigned,
19 issued or made available to an agency officer or employee, the
20 agency head, or his designee, shall sign a statement certifying
21 the need or reason for issuing the device. No officer or employee
22 of any state agency, except for an officer or employee of the
23 Mississippi Emergency Management Agency, shall be assigned or
24 issued more than one (1) such wireless communication device. No
25 officer or employee of any state agency to whom has been assigned,
26 issued or made available the use of a wireless communication
27 device, the cost of which is paid through the use of public funds,
28 shall use such device for personal use.

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

32 (4) Every state agency that, at the expense of the state
33 agency, assigns, issues or makes available to any of its officers
34 or employees a wireless communication device shall obtain and
35 maintain detailed billing for every wireless communication device
36 account. A list of approved vendors for the procurement of
37 wireless communication devices and the delivery of wireless
38 communication device services shall be developed for all state
39 agencies by the Mississippi Department of Information Technology
40 Services in conjunction with the Wireless Communication Commission
41 created in Section 25-53-171. The department, in conjunction with
42 the Wireless Communication Commission, shall exercise the option



43 of selecting one (1) vendor from which to procure wireless
44 communication devices and to provide wireless communication device
45 services, or if it deems such to be most advantageous to the state
46 agencies, it may select multiple vendors. The department, in
47 conjunction with the Wireless Communication Commission, shall
48 select a vendor or vendors on the basis of lowest and best bid
49 proposals. A state agency may not procure a wireless
50 communication device from any vendor or contract for wireless
51 communication device services with any vendor unless the vendor
52 appears on the list approved by the department, in conjunction
53 with the Wireless Communication Commission. A contract entered
54 into in violation of this section shall be void and unenforceable.

55 (5) The department shall promulgate a model acceptable use
56 policy defining the appropriate use of all wireless communication
57 devices. The acceptable use policy should specify that these
58 resources, including both devices and services, are provided at
59 the state agency's expense as tools for accomplishing the business
60 missions of the state agency; that all those resources are for
61 business use; and that more than incidental personal use of those
62 resources is prohibited. The acceptable use policy should require
63 that each official and employee issued one (1) of the above
64 devices or authorized to access one (1) of the above services sign
65 the policy and that the signed copy be placed in the personnel
66 file of the official or employee. The acceptable use policy
67 should also require that the use of these resources be tracked,



68 verified and signed by the official or employee and the supervisor
69 of the official or employee at each billing cycle or other
70 appropriate interval. All state agencies shall adopt the model
71 policy or adopt a policy that is, at minimum, as stringent as the
72 model policy and shall provide a copy of the policy to the
73 department.

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

77 (7) The University of Mississippi Medical Center and its
78 employees, the Mississippi State University Extension Service and
79 its agents and faculty members, the Mississippi State University
80 Agricultural and Forestry Experiment Station and its faculty
81 members, the Mississippi State University Forestry and Wildlife
82 Research Center and its faculty members, and the Mississippi State
83 University College of Veterinary Medicine and its faculty members
84 shall be exempt from the application of this section.

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

87 **SECTION 2.** This act shall take effect and be in force from
88 and after July 1, 2023.

