

By: Senator(s) DeLano

To: Technology; Judiciary,
Division A

SENATE BILL NO. 2729
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 25-53-21, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY LIMITATION OF LIABILITY REQUIREMENTS FOR INFORMATION
3 TECHNOLOGY CONTRACTS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 25-53-21, Mississippi Code of 1972, is
6 amended as follows:

7 25-53-21. The executive director shall have the following
8 duties, responsibilities and authority:

9 (a) He shall conduct continuing studies of all
10 information technology activities carried out by all agencies of
11 the state and shall develop a long-range plan for the efficient
12 and economical performance of such activities in state government.
13 Such plan shall be submitted to the authority for its approval
14 and, having been approved by the authority, shall be implemented
15 by the executive director and all state agencies. Such plan shall
16 be continuously reviewed and modifications thereof shall be
17 proposed to the authority by the executive director as
18 developments in information technology techniques and changes in



19 the structure, activities, and functions of state government may
20 require.

21 (b) He shall review the purchasing practices of all
22 state agencies in the area of the purchasing of supplies for
23 information technology and make recommendations to the authority
24 and to the Public Procurement Review Board for the institution of
25 purchasing procedures which will ensure the most economical
26 procurement of such supplies commensurate with the efficient
27 operation of all departments and agencies of state government.

28 (c) He shall see that all reports required of all
29 agencies are promptly and accurately made in accordance with the
30 rules and regulations adopted by the authority. Either in person
31 or through his authorized agents, he shall make such inspections
32 of information technology operations being conducted by any of the
33 agencies of the state as may be necessary for the performance of
34 his duties.

35 (d) He shall suggest and cause to be brought about
36 cooperation between the several state agencies in order to provide
37 efficiency in information technology operation. He shall,
38 together with the heads of the agencies involved, reduce to
39 writing and execute cooperative plans for the acquisition and
40 operation of information technology equipment, and any such plan
41 so adopted shall be carried out in accordance with the provisions
42 of such plan unless the same shall be amended by the joint action
43 of the executive director and the heads of agencies involved. The



44 executive director shall report to the authority the details of
45 any plan so adopted and all amendments or modifications thereof,
46 and shall otherwise report to the authority and to the Public
47 Procurement Review Board any failure on the part of any agency to
48 carry out the provisions of such plan. In the event the head of
49 any agency involved or the executive director shall propose
50 amendments to a plan so adopted and such amendment is disapproved
51 by the head of another agency involved or the executive director,
52 an appeal may be taken to the authority which may, after full
53 consideration thereof, order the adoption of the proposed
54 amendment or any modification thereof. The executive director
55 shall make decisions on all questions of the division of the cost
56 of information technology operations among the several agencies,
57 but his findings shall be subject to the approval or modification
58 by the authority on appeal to it.

59 (e) He shall review all contracts for acquisition of
60 computer and/or telecommunications equipment or services now or
61 hereafter in force and may require the renegotiation, termination,
62 amendment or execution of any such contracts in proper form and in
63 accordance with the policies and rules and regulations and subject
64 to the direction of the authority. In the negotiation and
65 execution of such contracts, the executive director may negotiate
66 a limitation on the liability to the state of prospective
67 contractors provided such limitation affords the state reasonable



68 protection and the limitation is approved by the state entity for
69 whom the acquisition is being made.

70 (f) He shall act as the purchasing and contracting
71 agent for the State of Mississippi in the negotiation and
72 execution of all contracts for the acquisition of computer
73 equipment or services. He shall receive, review, and promptly
74 approve or disapprove all requests of agencies of the state for
75 the acquisition of computer equipment or services, which are
76 submitted in accordance with rules and regulations of the
77 authority. In the event that any such request is disapproved, he
78 shall immediately notify the requesting agency and the members of
79 the authority in writing of such disapproval, stating his reasons
80 therefor. The disapproval of any request by the executive
81 director of the authority may be appealed to the authority or to
82 the Public Procurement Review Board, respectively, in such manner
83 as may be authorized by such reasonable rules and regulations
84 hereby authorized to be adopted by the authority and by the Public
85 Procurement Review Board to govern the same. The executive
86 director shall report the approval of all such requests to the
87 authority in such manner as may be directed by the authority, and
88 shall execute any such contracts only after complying with rules
89 and regulations which may be adopted by the authority in relation
90 thereto. Any contracts for personal or professional services
91 entered into by the executive director shall be exempted from the



92 requirements of Section 25-9-120(3) relating to submission of such
93 contract to the State Personal Service Contract Review Board.

94 (g) He shall suggest and cause to be brought about
95 cooperation between the several state agencies, departments and
96 institutions in order that work may be done by one agency for
97 another agency, and equipment in one agency may be made available
98 to another agency, and suggest and cause to be brought about such
99 improvements as may be necessary in joint or cooperative
100 information technology operations.

101 (h) He shall be designated as the "Chief Information
102 Confidentiality Officer" after being duly sworn to the oath of
103 this office by the chairman of the authority and shall be
104 responsible for administering the oath to other qualified officers
105 he may designate.

106 (i) He shall appoint employees of the Mississippi
107 Department of Information Technology Services, or at his
108 discretion, employees of other state agencies and institutions
109 that are responsible for handling or processing data for any
110 agency or institution other than that for which they are employed,
111 to a position of information custodial care that shall be known as
112 "Information Confidentiality Officer." The selection and swearing
113 of all officers shall be reported to the authority at the next
114 regular meeting and names, affirmation dates and employment dates
115 shall be recorded in the permanent minutes of the authority.



116 **SECTION 2.** This act shall take effect and be in force from
117 and after July 1, 2023, and shall stand repealed on June 30, 2023.

