

House Amendments to Senate Bill No. 2140

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE 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:

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) State agencies may restrict the download, access, or use
35 of prohibited technologies.

36 (5) The provisions of this section shall not apply to law
37 enforcement agencies of the state or its political subdivisions
38 when downloading, accessing, or using a prohibited technology is
39 necessary to carry out their official duties for bona fide law
40 enforcement, investigative or public safety purposes.

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

43 25-53-191. (1) For the purposes of this section, the
44 following terms shall have the meanings ascribed to them in this
45 section unless the context otherwise clearly requires:

46 (a) "Department" means the Mississippi Department of
47 Information Technology.

48 (b) "State agency" means any agency, department,
49 commission, board, bureau, institution or other instrumentality of
50 the state.

51 (c) "Wireless communication device" means a cellular
52 telephone, pager or a personal digital assistant device having
53 wireless communication capability.

54 (2) Before a wireless communication device may be assigned,
55 issued or made available to an agency officer or employee, the
56 agency head, or his designee, shall sign a statement certifying
57 the need or reason for issuing the device. No officer or employee
58 of any state agency, except for an officer or employee of the
59 Mississippi Emergency Management Agency, shall be assigned or
60 issued more than one (1) such wireless communication device. No
61 officer or employee of any state agency to whom has been assigned,
62 issued or made available the use of a wireless communication
63 device, the cost of which is paid through the use of public funds,
64 shall use such device for personal use.

65 (3) A state agency shall not reimburse any officer or
66 employee for use of his or her personal wireless communication
67 device.

68 (4) Every state agency that, at the expense of the state
69 agency, assigns, issues or makes available to any of its officers
70 or employees a wireless communication device shall obtain and
71 maintain detailed billing for every wireless communication device
72 account. A list of approved vendors for the procurement of
73 wireless communication devices and the delivery of wireless

74 communication device services shall be developed for all state
75 agencies by the Mississippi Department of Information Technology
76 Services * * *. The department * * * shall exercise the option of
77 selecting one (1) vendor from which to procure wireless
78 communication devices and to provide wireless communication device
79 services, or if it deems such to be most advantageous to the state
80 agencies, it may select multiple vendors. The department * * *
81 shall select a vendor or vendors on the basis of lowest and best
82 bid proposals. A state agency may not procure a wireless
83 communication device from any vendor or contract for wireless
84 communication device services with any vendor unless the vendor
85 appears on the list approved by the department * * *. A contract
86 entered into in violation of this section shall be void and
87 unenforceable.

88 (5) The department shall promulgate a model acceptable use
89 policy defining the appropriate use of all wireless communication
90 devices. The department shall include in its definition of
91 appropriate use a prohibition on the downloading, accessing, or
92 using of a prohibited technology pursuant to the National Security
93 on State Devices and Networks Act. The acceptable use policy
94 should specify that these resources, including both devices and
95 services, are provided at the state agency's expense as tools for
96 accomplishing the business missions of the state agency; that all
97 those resources are for business use; and that more than
98 incidental personal use of those resources is prohibited. The
99 acceptable use policy should require that each official and

100 employee issued one (1) of the above devices or authorized to
101 access one (1) of the above services sign the policy and that the
102 signed copy be placed in the personnel file of the official or
103 employee. The acceptable use policy should also require that the
104 use of these resources be tracked, verified and signed by the
105 official or employee and the supervisor of the official or
106 employee at each billing cycle or other appropriate interval. All
107 state agencies shall adopt the model policy or adopt a policy that
108 is, at minimum, as stringent as the model policy and shall provide
109 a copy of the policy to the department.

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

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

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

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

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

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

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.

HR43\SB2140A.J

Andrew Ketchings
Clerk of the House of Representatives