

By: Representative Zuber

To: State Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 958

1 AN ACT TO AMEND SECTION 25-53-1, MISSISSIPPI CODE OF 1972, TO
2 DELETE OUTDATED EXEMPTIONS TO THE REQUIREMENTS OF THE MISSISSIPPI
3 DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES; TO AMEND SECTION
4 25-53-3, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS
5 USED IN THOSE STATUTES PRESCRIBING THE POWERS AND DUTIES OF ITS
6 AND STATE AGENCIES REGARDING INFORMATION TECHNOLOGY; TO AMEND
7 SECTION 25-53-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
8 PRECEDING PROVISIONS; TO AMEND SECTION 25-53-21, MISSISSIPPI CODE
9 OF 1972, TO DELETE THE REQUIREMENT THAT THE EXECUTIVE DIRECTOR OF
10 ITS INVOLVE THE PUBLIC PROCUREMENT REVIEW BOARD IN DECISIONS
11 REGARDING INFORMATION TECHNOLOGY; TO AMEND SECTION 25-53-25,
12 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ACQUISITIONS OF
13 INFORMATION TECHNOLOGY MADE BY STATE AGENCIES WHILE EXEMPT FROM
14 PUBLIC PURCHASING REQUIREMENTS REMAIN EXEMPT UNTIL ITS DETERMINES
15 A NEW ACQUISITION IS REQUIRED; TO AMEND SECTION 25-53-29,
16 MISSISSIPPI CODE OF 1972, TO DELETE PROVISIONS REQUIRING THE STATE
17 PERSONNEL BOARD TO BE INVOLVED IN ITS STAFFING; TO AMEND SECTION
18 25-53-121, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN PROVISIONS
19 RELATING TO EQUIPMENT SUPPORT CONTRACTS ENTERED INTO BY ITS; TO
20 AMEND SECTION 25-53-123, MISSISSIPPI CODE OF 1972, TO DELETE
21 SPECIFIC PROCUREMENT REQUIREMENTS FOR THE ACQUISITION OF
22 NONREGULATED TELECOMMUNICATIONS SYSTEMS; TO AMEND SECTION
23 25-53-201, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
24 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 25-53-1, Mississippi Code of 1972, is
27 amended as follows:

28 25-53-1. The Legislature recognizes that in order for the
29 State of Mississippi to receive the maximum use and benefit from



30 information technology and services now in operation or which will
31 in the future be placed in operation, there should be full
32 cooperation and cohesive planning and effort by and between the
33 several state agencies and that it is the responsibility of the
34 Legislature to provide statutory authority therefor. The
35 Legislature, therefore, declares and determines that for these and
36 other related purposes there is hereby established an agency of
37 state government to be known as the Mississippi Department of
38 Information Technology Services (MDITS). The Legislature further
39 declares that the Mississippi Department of Information Technology
40 Services (MDITS) shall provide statewide services that facilitate
41 cost-effective information processing and telecommunication
42 solutions. State agencies shall work in full cooperation with the
43 board of MDITS to identify opportunities to minimize duplication,
44 reduce costs and improve the efficiency of providing common
45 technology services across agency boundaries. The * * *
46 provisions of this chapter shall not apply to the Department of
47 Health and the Department of Revenue for the purposes of
48 implementing, administering and enforcing the provisions of the
49 Mississippi Medical Cannabis Act, for acquisitions made before
50 June 30, 2024.

51 **SECTION 2.** Section 25-53-3, Mississippi Code of 1972, is
52 amended as follows:

53 25-53-3. (1) Whenever the term "Central Data Processing
54 Authority" or the term "authority," when referring to the Central



55 Data Processing Authority, is used in any law, rule, regulation,
56 document or elsewhere, it shall be construed to mean the
57 Mississippi Department of Information Technology Services.

58 (2) For the purposes of this chapter the following terms
59 shall have the meanings ascribed in this section unless the
60 context otherwise requires:

61 (a) "Central Data Processing Authority" and "CDPA" mean
62 "Mississippi Department of Information Technology Services (* * *
63 ITS)" and the term "authority" means "board of the * * * ITS."

64 (b) "Bureau of Systems Policy and Planning," "Bureau of
65 Telecommunications," "Bureau of Central Data Processing" and
66 "bureau" mean " * * * ITS."

67 (c) * * * "Acquisition" of * * * information technology
68 means the purchase, lease, rental, or acquisition in any other
69 manner of any such * * * information technology.

70 (* * * d) "Agency" means and includes all the various
71 state agencies, officers, departments, boards, commissions,
72 offices and institutions of the state.

73 (* * * e) "Governing authority" means boards of
74 supervisors, governing boards of all school districts, all boards
75 of directors of public water supply districts, boards of directors
76 of master public water supply districts, municipal public utility
77 commissions, governing authorities of all municipalities, port
78 authorities, commissioners and boards of trustees of any public
79 hospitals and any political subdivision of the state supported,



80 wholly or in part, by public funds of the state or political
81 subdivisions thereof.

82 (* * *f) "Bid" means any of the valid source selection
83 techniques and competitive procurement methods appropriate to
84 information technology procurement in the public sector,
85 including, but not limited to, competitive sealed bidding,
86 competitive sealed proposals, simplified small purchase
87 procedures, sole source procurements, and emergency procurements.

88 (* * *g) "Telecommunications transmission facility"
89 means any transmission medium, switch, instrument, inside wiring
90 system or other facility which is used, in whole or in part, to
91 provide any transmission.

92 (* * *h) "Equipment support contract" means a contract
93 which covers a single, specific class or classes of
94 telecommunications equipment or service and all features
95 associated with that class, through which state agencies may
96 purchase or lease the item of equipment or service specified by
97 issuing a purchase order under the terms of the contract without
98 the necessity of further competitive bidding.

99 (* * *i) "Inside wiring system" means any wiring
100 which:

101 (i) Directly or indirectly, interconnects any
102 terminal equipment with any other terminal equipment or with any
103 regulated facility or common carrier services; and



104 (ii) Is located at the premises of the customer
105 and is not inside any terminal equipment.

106 (* * *j) "Procurement" means the selling, buying,
107 purchasing, renting, leasing or otherwise obtaining * * *
108 information technology, as well as activities engaged in,
109 resulting in or expected to result in selling, buying, purchasing,
110 renting, leasing or otherwise obtaining * * * information
111 technology.

112 (* * *k) "Telecommunications equipment, systems,
113 related services" are limited to the equipment and means to
114 provide:

115 (i) Telecommunications transmission facilities.

116 (ii) Telephone systems, including voice processing
117 systems.

118 (iii) Facsimile systems.

119 (iv) Radio paging services.

120 (v) Mobile telephone services, including cellular
121 mobile telephone service.

122 (vi) Intercom and paging systems.

123 (vii) Video teleconferencing systems.

124 (viii) Personal communications networks and
125 services.

126 (ix) Any and all systems based on emerging and
127 future telecommunications technologies relative to (i) through
128 (viii) above.



129 (* * *l) "Telecommunications system lease contract"
130 means a contract between a supplier of telecommunications systems,
131 including equipment and related services, and the Mississippi
132 Department of Information Technology Services * * *.

133 (* * *m) "Tariffed or regulated service" means
134 telecommunications service offered by common carriers and subject
135 to control by the Mississippi Public Service Commission or the
136 Federal Communications Commission.

137 (* * *n) "State Data Center" means one or more
138 facilities operated by the * * * ITS to provide information
139 technology resources requiring enterprise computing resources or
140 any other * * * ITS managed information resources.

141 (o) "Information technology" means any technology as
142 defined by the ITS, including, but not limited to, computer and/or
143 telecommunications equipment, systems or related services.

144 **SECTION 3.** Section 25-53-5, Mississippi Code of 1972, is
145 amended as follows:

146 25-53-5. The authority shall have the following powers,
147 duties, and responsibilities:

148 (a) * * * The authority shall provide for the
149 development of plans for the efficient acquisition and utilization
150 of * * * information technology by all agencies of state
151 government, and provide for their implementation. In so doing,
152 the authority may use the * * * ITS' staff, at the discretion of
153 the executive director of the authority, or the authority may



154 contract for the services of qualified consulting firms in the
155 field of information technology and utilize the service of such
156 consultants as may be necessary for such purposes. * * *

157 (b) The authority shall immediately institute
158 procedures for carrying out the purposes of this chapter and
159 supervise the efficient execution of the powers and duties of
160 the * * * executive director of the * * * ITS. In the execution
161 of its functions under this chapter, the authority shall maintain
162 as a paramount consideration the successful internal organization
163 and operation of the several agencies so that efficiency existing
164 therein shall not be adversely affected or impaired. In executing
165 its functions in relation to the institutions of higher learning
166 and junior colleges in the state, the authority shall take into
167 consideration the special needs of such institutions in relation
168 to the fields of teaching and scientific research.

169 (c) * * * The authority shall adopt rules, regulations,
170 and procedures governing the acquisition of * * * information
171 technology which shall, to the fullest extent practicable, ensure
172 the maximum of competition between all manufacturers of supplies
173 or equipment or services. In the writing of specifications, in
174 the making of contracts relating to the acquisition of such * * *
175 information technology, and in the performance of its other duties
176 the authority shall provide for the maximum compatibility of all
177 information systems hereafter installed or utilized by all state
178 agencies and may require the use of common computer languages



179 where necessary to accomplish the purposes of this chapter. The
180 authority may establish by regulation and charge reasonable fees
181 on a nondiscriminatory basis for the furnishing to bidders of
182 copies of bid specifications and other documents issued by the
183 authority.

184 (* * * d) The authority shall adopt rules and
185 regulations governing the sharing with, or the sale or lease of
186 information technology services to any nonstate agency or person.
187 Such regulations shall provide that any such sharing, sale or
188 lease shall be restricted in that same shall be accomplished only
189 where such services are not readily available otherwise within the
190 state, and then only at a charge to the user not less than the
191 prevailing rate of charge for similar services by private
192 enterprise within this state.

193 (* * * e) The authority may, in its discretion,
194 establish a special technical advisory committee or committees to
195 study and make recommendations on * * * matters within the
196 competence of the authority as the authority may see fit. Persons
197 serving on * * * any such * * * committees shall be entitled to
198 receive their actual and necessary expenses actually incurred in
199 the performance of such duties, together with mileage as provided
200 by law for state employees, provided the same has been authorized
201 by a resolution duly adopted by the authority and entered on its
202 minutes prior to the performance of such duties. For the purposes



203 of this paragraph, such committee meetings are exempt from the
204 requirements of Sections 25-41-1 through 25-41-17.

205 (* * *f) The authority may provide for the development
206 and require the adoption of standardized computer programs and may
207 provide for the dissemination of information to and the
208 establishment of training programs for the personnel of the
209 various information technology centers of state agencies and
210 personnel of the agencies utilizing the services thereof.

211 (* * *g) The authority shall adopt reasonable rules
212 and regulations requiring the reporting to the authority through
213 the office of executive director of such information as may be
214 required for carrying out the purposes of this chapter and may
215 also establish such reasonable procedures to be followed in the
216 presentation of bills for payment under the terms of all contracts
217 for the acquisition of * * * information technology now or
218 hereafter in force as may be required by the authority or by the
219 executive director in the execution of their powers and duties.

220 (* * *h) The authority shall require such adequate
221 documentation of information technology procedures utilized by the
222 various state agencies and may require the establishment of such
223 organizational structures within state agencies relating to
224 information technology operations as may be necessary to
225 effectuate the purposes of this chapter.

226 (* * *i) The authority may adopt such further
227 reasonable rules and regulations as may be necessary to fully



228 implement the purposes of this chapter. All rules and regulations
229 adopted by the authority shall be published * * * in readily
230 accessible form to all affected state agencies, and to all current
231 suppliers of computer equipment and services to the state, and to
232 all prospective suppliers requesting the same. Such rules and
233 regulations shall be kept current, be periodically revised, and
234 copies thereof shall be available at all times for inspection by
235 the public at reasonable hours in the offices of the authority.
236 Whenever possible no rule, regulation or any proposed amendment to
237 such rules and regulations shall be finally adopted or enforced
238 until copies of the proposed rules and regulations have been * * *
239 published.

240 (* * * j) The authority shall establish rules and
241 regulations which shall provide for the submission of all
242 contracts proposed to be executed by the executive director
243 for * * * information technology, including cloud computing, to
244 the authority for approval before final execution, and the
245 authority may provide that such contracts involving the
246 expenditure of less than such specified amount as may be
247 established by the authority may be finally executed by the
248 executive director without first obtaining such approval by the
249 authority.

250 (* * * k) The authority is authorized to consider new
251 technologies, such as cloud computing, to purchase, lease, or
252 rent * * * information technology and to operate that * * *



253 information technology when in its opinion such operation will
254 provide maximum efficiency and economy in the functions of any
255 such agency or agencies.

256 (* * * l) Upon the request of the governing body of a
257 political subdivision or instrumentality, the authority shall
258 assist the political subdivision or instrumentality in its
259 development of plans for the efficient acquisition and utilization
260 of * * * information technology. An appropriate fee shall be
261 charged the political subdivision by the authority for such
262 assistance.

263 (* * * m) The authority shall adopt rules and
264 regulations governing the protest procedures to be followed by any
265 actual or prospective bidder, offerer or contractor who is
266 aggrieved in connection with the solicitation or award of a
267 contract for the acquisition of * * * information technology.
268 Such rules and regulations shall prescribe the manner, time and
269 procedure for making protests and may provide that a protest not
270 timely filed shall be summarily denied. The authority may require
271 the protesting party, at the time of filing the protest, to post a
272 bond, payable to the state, in an amount that the authority
273 determines sufficient to cover any expense or loss incurred by the
274 state * * *; however, in no event may the amount of the bond
275 required exceed a reasonable estimate of the total project cost.
276 The authority, in its discretion, also may prohibit any
277 prospective bidder, offerer or contractor who is a party to any



278 protest or litigation involving any such contract with the state,
279 the authority or any agency of the state to participate in any
280 other such bid, offer or contract, or to be awarded any such
281 contract, during the pendency of the protest or litigation.

282 (* * * n) The authority shall make a report in writing
283 to the Legislature each year in the month of January. Such report
284 shall contain a full and detailed account of the work of the
285 authority for the preceding year as specified in Section
286 25-53-29(3).

287 All acquisitions of * * * information technology involving
288 the expenditure of funds in excess of the dollar amount
289 established in Section 31-7-13(c), or rentals or leases in excess
290 of the dollar amount established in Section 31-7-13(c) for the
291 term of the contract, shall be based upon * * * bid. The
292 authority may reserve the right to reject any or all bids, and if
293 all bids are rejected, the authority may negotiate a contract
294 within the limitations of the specifications so long as the terms
295 of any such negotiated contract are equal to or better than * * *
296 the lowest * * * bidder, and so long as the total cost to the
297 State of Mississippi does not exceed the lowest bid. If the
298 authority accepts one (1) of such bids, it shall be that which is
299 the lowest and best. * * * The provisions of this paragraph shall
300 not apply to acquisitions of information technology equipment and
301 services made by the Mississippi Department of Health and the
302 Mississippi Department of Revenue for the purposes of



303 implementing, administering and enforcing the provisions of the
304 Mississippi Medical Cannabis Act by June 30, 2024.

305 (* * * o) When applicable, the authority may
306 procure * * * information technology in accordance with the law or
307 regulations, or both, which govern the Bureau of Purchasing of the
308 Office of General Services or which govern the Mississippi
309 Department of Information Technology Services procurement of * * *
310 information technology.

311 (* * * p) The authority is authorized to purchase,
312 lease, or rent information technology * * * for the purpose of
313 establishing pilot projects to investigate emerging technologies.
314 These acquisitions shall be limited to new technologies and shall
315 be limited to an amount set by annual appropriation of the
316 Legislature. These acquisitions shall be exempt from the
317 advertising and bidding requirement.

318 (* * * q) To promote the maximum use and benefit from
319 technology and services now in operation or which will in the
320 future be placed in operation and to identify opportunities,
321 minimize duplication, reduce costs and improve the efficiency of
322 providing common technology services the authority is authorized
323 to:

324 (i) Enter into master agreements for * * *
325 information technology, including cloud computing, available for
326 shared use by state agencies, * * * institutions of higher
327 learning and governing authorities; and



328 (ii) Enter into contracts for the acquisition
329 of * * * information technology, including cloud computing, that
330 have been acquired by other entities, located within or outside of
331 the State of Mississippi, so long as it is determined by the
332 authority to be in the best interest of the state. The
333 acquisitions provided in this paragraph (* * * g) shall be exempt
334 from the advertising and bidding requirements of Sections 25-53-1
335 et seq. and 31-7-1 et seq.

336 (* * * r) All fees collected by the Mississippi
337 Department of Information Technology Services shall be deposited
338 into the Mississippi Department of Information Technology Services
339 Revolving Fund unless otherwise specified by the Legislature.

340 (* * * s) The authority shall work closely with the
341 council to bring about effective coordination of policies,
342 standards and procedures relating to procurement of remote sensing
343 and geographic information systems (GIS) resources. * * *

344 (* * * t) The authority shall manage one or more State
345 Data Centers to provide information technology services on a
346 cost-sharing basis. In determining the appropriate services to be
347 provided through the State Data Center, the authority should
348 consider those services that:

349 (i) Result in savings to the state as a whole;

350 (ii) Improve and enhance the security and
351 reliability of the state's information and business systems; and



352 (iii) Optimize the efficient use of the state's
353 information technology assets, including, but not limited to,
354 promoting partnerships with the state institutions of higher
355 learning and community colleges to capitalize on advanced
356 information technology resources.

357 (* * *u) The authority shall increase federal
358 participation in the cost of the State Data Center to the extent
359 provided by law and its shared technology infrastructure through
360 providing such shared services to agencies that receive federal
361 funds. With regard to state institutions of higher learning and
362 community colleges, the authority may provide shared services when
363 mutually agreeable, following a determination by both the
364 authority and the Board of Trustees of State Institutions of
365 Higher Learning or the Mississippi Community College Board, as the
366 case may be, that the sharing of services is mutually beneficial.

367 (* * *y) The authority, in its discretion, may require
368 new or replacement agency business applications to be hosted at
369 the State Data Center. With regard to state institutions of
370 higher learning and community colleges, the authority and the
371 Board of Trustees of State Institutions of Higher Learning or the
372 Mississippi Community College Board, as the case may be, may agree
373 that institutions of higher learning or community colleges may
374 utilize business applications that are hosted at the State Data
375 Center, following a determination by both the authority and the
376 applicable board that the hosting of those applications is



377 mutually beneficial. In addition, the authority may establish
378 partnerships to capitalize on the advanced technology resources of
379 the Board of Trustees of State Institutions of Higher Learning or
380 the Mississippi Community College Board, following a determination
381 by both the authority and the applicable board that such a
382 partnership is mutually beneficial.

383 (* * * w) The authority shall provide a periodic update
384 regarding reform-based information technology initiatives to the
385 Chairmen of the House and Senate Accountability, Efficiency and
386 Transparency Committees.

387 From and after July 1, 2018, the expenses of this agency
388 shall be defrayed by appropriation from the State General Fund.
389 In addition, in order to receive the maximum use and benefit from
390 information technology and services, expenses for the provision of
391 statewide shared services that facilitate cost-effective
392 information * * * technology shall be defrayed by pass-through
393 funding and shall be deposited into the Mississippi Department of
394 Information Technology Services Revolving Fund unless otherwise
395 specified by the Legislature. These funds shall only be utilized
396 to pay the actual costs incurred by the Mississippi Department of
397 Information Technology Services for providing these shared
398 services to state agencies. Furthermore, state agencies shall
399 work in full cooperation with the Board of the Mississippi
400 Department of Information Technology Services to identify * * *
401 information technology to minimize duplication, reduce costs, and



402 improve the efficiency of providing common technology services
403 across agency boundaries.

404 **SECTION 4.** Section 25-53-21, Mississippi Code of 1972, is
405 amended as follows:

406 25-53-21. The executive director shall have the following
407 duties, responsibilities and authority:

408 (a) He shall conduct continuing studies of all
409 information technology activities carried out by all agencies of
410 the state and shall develop a long-range plan for the efficient
411 and economical performance of such activities in state government.
412 Such plan shall be submitted to the authority for its approval
413 and, having been approved by the authority, shall be implemented
414 by the executive director and all state agencies. Such plan shall
415 be continuously reviewed and modifications thereof shall be
416 proposed to the authority by the executive director as
417 developments in information technology techniques and changes in
418 the structure, activities, and functions of state government may
419 require.

420 (b) He shall review the purchasing practices of all
421 state agencies in the area of the purchasing of supplies for
422 information technology and make recommendations to the
423 authority * * * for the institution of purchasing procedures which
424 will ensure the most economical procurement of such supplies
425 commensurate with the efficient operation of all departments and
426 agencies of state government.



427 (c) He shall see that all reports required of all
428 agencies are promptly and accurately made in accordance with the
429 rules and regulations adopted by the authority. Either in person
430 or through his authorized agents, he shall make such inspections
431 of information technology operations being conducted by any of the
432 agencies of the state as may be necessary for the performance of
433 his duties.

434 (d) He shall suggest and cause to be brought about
435 cooperation between the several state agencies in order to provide
436 efficiency in information technology operation. He shall,
437 together with the heads of the agencies involved, reduce to
438 writing and execute cooperative plans for the acquisition and
439 operation of information technology equipment, and any such plan
440 so adopted shall be carried out in accordance with the provisions
441 of such plan unless the same shall be amended by the joint action
442 of the executive director and the heads of agencies involved. The
443 executive director shall report to the authority the details of
444 any plan so adopted and all amendments or modifications thereof,
445 and shall otherwise report to the authority * * * any failure on
446 the part of any agency to carry out the provisions of such plan.
447 In the event the head of any agency involved or the executive
448 director shall propose amendments to a plan so adopted and such
449 amendment is disapproved by the head of another agency involved or
450 the executive director, an appeal may be taken to the authority
451 which may, after full consideration thereof, order the adoption of



452 the proposed amendment or any modification thereof. The executive
453 director shall make decisions on all questions of the division of
454 the cost of information technology operations among the several
455 agencies, but his findings shall be subject to the approval or
456 modification by the authority on appeal to it.

457 (e) He shall review all contracts for acquisition
458 of * * * information technology now or hereafter in force and may
459 require the renegotiation, termination, amendment or execution of
460 any such contracts in proper form and in accordance with the
461 policies and rules and regulations and subject to the direction of
462 the authority. A contract that expires by its terms may be
463 renewed if it is the intent of all parties to renew the contract
464 within a reasonable timeframe. In the negotiation and execution
465 of such contracts, the executive director may negotiate a
466 limitation on the liability to the state of prospective
467 contractors provided such limitation affords the state reasonable
468 protection and the limitation is approved by the state entity for
469 whom the acquisition is being made. For purposes of this section,
470 reasonable protection does not include limitations on intentional
471 torts, negligence, death, bodily injury, bad faith, breach of
472 state data, infringement issues and damage to tangible state
473 property.

474 (f) He shall act as the purchasing and contracting
475 agent for the State of Mississippi in the negotiation and
476 execution of all contracts for the acquisition of * * *



477 information technology. He shall receive, review, and promptly
478 approve or disapprove all requests of agencies of the state for
479 the acquisition of * * * information technology, which are
480 submitted in accordance with rules and regulations of the
481 authority. In the event that any such request is disapproved, he
482 shall immediately notify the requesting agency and the members of
483 the authority in writing of such disapproval, stating his reasons
484 therefor. The disapproval of any request by the executive
485 director of the authority may be appealed to the authority * * *
486 in such manner as may be authorized by such reasonable rules and
487 regulations hereby authorized to be adopted by the
488 authority * * *. The executive director shall report the approval
489 of all such requests to the authority in such manner as may be
490 directed by the authority, and shall execute any such contracts
491 only after complying with rules and regulations which may be
492 adopted by the authority in relation thereto. Any contracts for
493 personal or professional services entered into by the executive
494 director shall be exempted from the requirements of Section
495 25-9-120(3) relating to submission of such contract to the State
496 Personal Service Contract Review Board.

497 (g) He shall suggest and cause to be brought about
498 cooperation between the several state agencies, departments and
499 institutions in order that work may be done by one agency for
500 another agency, and equipment in one agency may be made available
501 to another agency, and suggest and cause to be brought about such



502 improvements as may be necessary in joint or cooperative
503 information technology operations.

504 (h) He shall be designated as the "Chief Information
505 Confidentiality Officer" after being duly sworn to the oath of
506 this office by the chairman of the authority and shall be
507 responsible for administering the oath to other qualified officers
508 he may designate.

509 (i) He shall appoint employees of the Mississippi
510 Department of Information Technology Services, or at his
511 discretion, employees of other state agencies and institutions
512 that are responsible for handling or processing data for any
513 agency or institution other than that for which they are employed,
514 to a position of information custodial care that shall be known as
515 "Information Confidentiality Officer." The selection and swearing
516 of all officers shall be reported to the authority at the next
517 regular meeting and names, affirmation dates and employment dates
518 shall be recorded in the permanent minutes of the authority.

519 **SECTION 5.** Section 25-53-25, Mississippi Code of 1972, is
520 amended as follows:

521 25-53-25. (1) * * * Except as otherwise provided in Section
522 25-53-5, 25-53-25(5) or any other provision of law, nothing in
523 this chapter shall be construed to imply exemption from the public
524 purchases law, being Section 31-7-1 et seq.

525 (2) The authority may establish policies and procedures for
526 the purpose of delegating the * * * acquisition and contracting



527 responsibilities related to the procurement of * * * information
528 technology to the purchasing agency. Such policies and procedures
529 must address the following issues:

530 (a) Establish categories of equipment or services
531 affected;

532 (b) Establish maximum unit and/or ceiling prices of
533 such procurements;

534 (c) Establish reporting, monitoring and control of such
535 procurements; and

536 (d) Establish other such rules and regulations as
537 necessary to fully implement the purposes of this section.

538 Nothing in this subsection shall be construed to imply exemption
539 from the public purchases law, being Section 31-7-1 et seq.

540 (3) Acquisitions of * * * information technology by
541 institutions of higher learning or junior colleges wholly with
542 federal funds and not with state general funds shall be exempt
543 from the provisions of this chapter; however, nothing in this
544 subsection shall be construed to imply an exemption of such
545 acquisitions from the public purchases law, being Section 31-7-1
546 et seq.

547 (4) [Repealed]

548 (5) Acquisitions of information technology made by agencies
549 while exempt from the public purchasing requirements of this
550 chapter and/or as specified in the authority's regulations shall



551 remain exempt until a new acquisition is required, as determined
552 by ITS.

553 **SECTION 6.** Section 25-53-29, Mississippi Code of 1972, is
554 amended as follows:

555 25-53-29. (1) For the purposes of this section the term
556 "bureau" shall mean the "Mississippi Department of Information
557 Technology Services." The authority shall have the following
558 powers and responsibilities to carry out the establishment of
559 policy and provide for long-range planning and consulting:

560 (a) Provide a high level of technical expertise for
561 agencies, institutions, political subdivisions and other
562 governmental entities as follows: planning; consulting; project
563 management; systems and performance review; system definition;
564 design; application programming; training; development and
565 documentation; implementation; maintenance; and other tasks as may
566 be required, within the resources available to the bureau.

567 (b) Publish written planning guides, policies and
568 procedures for use by agencies and institutions in planning
569 future * * * information technology. The bureau may require
570 agencies and institutions to submit data, including periodic
571 electronic equipment inventory listings, information on agency
572 staffing, systems under study, planned applications for the
573 future, and other information needed for the purposes of preparing
574 the state master plan. The bureau may require agencies and



575 institutions to submit any additional data required for purposes
576 of preparing the state master plan.

577 (c) Inspect agency facilities and equipment, interview
578 agency employees and review records at any time deemed necessary
579 by the bureau for the purpose of identifying cost-effective
580 applications of electronic information technology. Upon
581 conclusion of any inspection, the bureau shall issue a management
582 letter containing cost estimates and recommendations to the agency
583 head and governing board concerning applications identified that
584 would result in staff reductions, other monetary savings and
585 improved delivery of public services.

586 (d) Conduct classroom and on-site training for end
587 users for applications and systems developed by the bureau.

588 (e) Provide consulting services to agencies and
589 institutions or Mississippi governmental subdivisions requesting
590 technical assistance in * * * information technology. The bureau
591 may submit proposals and enter into contracts to provide services
592 to agencies and institutions or governmental subdivisions for such
593 purposes.

594 (2) The bureau shall annually issue a three-year master plan
595 in writing to the Governor, available on request to any member of
596 the Legislature, including recommended statewide strategies and
597 goals for the effective and efficient use of information
598 technology * * * in state government. The report shall also
599 include recommended information policy actions and other



600 recommendations for consideration by the Governor and members of
601 the Legislature.

602 (3) The bureau shall make an annual report in writing to the
603 Governor, available on request to any member of the Legislature,
604 to include a full and detailed account of the work of the
605 authority for the preceding year. The report shall contain
606 recommendations to agencies and institutions resulting from
607 inspections or consulting contracts. The report shall also
608 contain a summary of the master plan, progress made, and
609 legislative and policy recommendations for consideration by the
610 Governor and members of the Legislature.

611 (4) The bureau may charge fees to agencies and institutions
612 for services rendered to them. The bureau may charge fees to
613 vendors to recover the cost of providing procurement services and
614 the delivery of procurement awards to public bodies. The amounts
615 of such fees shall be set by the authority upon recommendation of
616 the Executive Director of the * * * ITS, and all such fees
617 collected shall be paid into the fund established for carrying out
618 the purposes of this section.

619 (5) * * * The bureau may, from time to time, at the
620 discretion of the Executive Director of * * * ITS, contract with
621 firms or qualified individuals to be used to augment the bureau's
622 professional staff in order to assure timely completion and
623 implementation of assigned tasks, provided that funds are
624 available in the fund established for carrying out the purposes of



625 this section. Such individuals may be employees of any agency,
626 bureau or institution provided that these individuals or firms
627 meet the requirements of other individuals or firms doing business
628 with the state through the * * * ITS. Individuals who are
629 employees of an agency or institution may contract with the * * *
630 ITS only with the concurrence of the agency or institution for
631 whom they are employed.

632 From and after July 1, 2018, the expenses of this agency
633 shall be defrayed by appropriation from the State General Fund.
634 In addition, in order to receive the maximum use and benefit from
635 information technology * * *, expenses for the provision of
636 statewide shared services that facilitate cost-effective
637 information processing and telecommunication solutions shall be
638 defrayed by pass-through funding and shall be deposited into the
639 Mississippi Department of Information Technology Services
640 Revolving Fund unless otherwise specified by the Legislature.
641 These funds shall only be utilized to pay the actual costs
642 incurred by the * * * ITS for providing these shared services to
643 state agencies. Furthermore, state agencies shall work in full
644 cooperation with the * * * ITS to identify * * * information
645 technology to minimize duplication, reduce costs, and improve the
646 efficiency of providing common technology services across agency
647 boundaries.

648 **SECTION 7.** Section 25-53-121, Mississippi Code of 1972, is
649 amended as follows:



650 25-53-121. (1) The types of contracts permitted in the
651 procurement of telecommunications equipment, systems and related
652 services are defined herein, and the provisions in Sections
653 25-53-101 through 25-53-125 and 25-53-5 supplement the provisions
654 of Chapter 7, Title 31, Mississippi Code of 1972.

655 (2) The Mississippi Department of Information Technology
656 Services may, on behalf of any state agency, enter into an
657 equipment support contract with a vendor of telecommunications
658 equipment or services for the purchase or lease of such equipment
659 or services in accordance with the following provisions:

660 (a) Specifications for equipment support contracts
661 shall be developed in advance and shall conform to the following
662 requirements:

663 (i) Specifications for equipment support contracts
664 shall cover a specific class or classes of equipment and service
665 and may include all features associated with that class or
666 classes.

667 (ii) Specifications in the * * * bid for equipment
668 support contracts shall be developed by the Mississippi Department
669 of Information Technology Services.

670 (iii) Specifications shall be based on the
671 projected needs of user agencies.

672 (iv) Specifications for equipment support
673 contracts for purchase or lease of telecommunications equipment



674 may include specifications for the maintenance of the equipment
675 desired.

676 (b) The initial procurement of an equipment support
677 contract, and procurement of equipment and services to be utilized
678 by agencies under an equipment support contract, shall be as
679 follows:

680 (i) Equipment support contracts shall be
681 awarded * * * in accordance with Section 25-53-5.

682 (ii) A using agency may procure required
683 telecommunications equipment and service available under an
684 equipment support contract through release of a purchase order for
685 the required equipment and service to the vendor holding an
686 equipment support contract. However, such procurement by purchase
687 order shall be accomplished in accordance with the procedures and
688 regulations prescribed by the Mississippi Department of
689 Information Technology Services, and shall be subject to all other
690 statutory requirements including approval by the bureau.

691 (c) The final authority for entering into equipment
692 support contracts shall rest with the bureau, and such contracts
693 shall be executed by the Mississippi Department of Information
694 Technology Services in accordance with the procedures and
695 regulations defined by said authority.

696 (d) * * * Equipment support contracts shall include the
697 following annual appropriation dependency clause:



698 "The continuation of this contract is contingent upon the
699 appropriation of funds to fulfill the requirements of the contract
700 by the Legislature. If the Legislature fails to appropriate
701 sufficient monies to provide for the continuance of the contract,
702 the contract shall terminate on the date of the beginning of the
703 first fiscal year for which funds are not appropriated."

704 (3) The Mississippi Department of Information Technology
705 Services may on behalf of any state agency enter into contracts
706 for the lease or purchase of telecommunications equipment systems
707 or services in accordance with the following provisions:

708 (a) The bureau may directly contract for or approve
709 contracts for regulated or tariffed telecommunications services
710 upon determination by the bureau that the application of such
711 service is in the best interests of the State of Mississippi.

712 (b) All other contracts of this type shall be entered
713 into through * * * a bid as defined in * * * Section 25-53-3.

714 (c) The justification of such contracts must be
715 presented to the bureau * * *. Such justification shall identify
716 and consider all cost factors relevant to that contract.

717 (d) * * * [Deleted]

718 (e) All lease contracts must contain the following
719 annual appropriation dependency clause:

720 "The continuation of this contract is contingent upon the
721 appropriation of funds to fulfill the requirements of the contract
722 by the Legislature. If the Legislature fails to appropriate



723 sufficient monies to provide for the continuation of a contract,
724 the contract shall terminate on the date of the beginning of the
725 first fiscal year for which funds are not appropriated."

726 (f) The Mississippi Department of Information
727 Technology Services shall maintain a list of all such contracts.
728 This list shall show as a minimum the name of the vendor, the
729 annual cost of each contract and the term of the contract or the
730 purchase cost.

731 * * *

732 **SECTION 8.** Section 25-53-123, Mississippi Code of 1972, is
733 amended as follows:

734 25-53-123. (1) The only method of procurement permitted for
735 the acquisition of nonregulated telecommunications systems,
736 including equipment and related services, shall be in conformity
737 with * * * Section 25-53-5.

738 **SECTION 9.** Section 25-53-201, Mississippi Code of 1972, is
739 amended as follows:

740 25-53-201. (1) There is hereby established the Enterprise
741 Security Program which shall provide for the coordinated oversight
742 of the cybersecurity efforts across all state agencies, including
743 cybersecurity systems, services and the development of policies,
744 standards and guidelines.

745 (2) The Mississippi Department of Information Technology
746 Services (MDITS), in conjunction with all state agencies, shall
747 provide centralized management and coordination of state policies



748 for the security of data and information technology resources,
749 which such information shall be compiled by MDITS and distributed
750 to each participating state agency. MDITS shall:

751 (a) Serve as sole authority, within the constraints of
752 this statute, for defining the specific enterprise cybersecurity
753 systems and services to which this statute is applicable;

754 (b) Acquire and operate enterprise technology solutions
755 to provide services to state agencies when it is determined that
756 such operation will improve the cybersecurity posture in the
757 function of any agency, institution or function of state
758 government as a whole;

759 (c) Provide oversight of enterprise security policies
760 for state data and information technology (IT) resources
761 including, the following:

762 (i) Establishing and maintaining the security
763 standards and policies for all state data and IT resources state
764 agencies shall implement to the extent that they apply; and

765 (ii) Including the defined enterprise security
766 requirements as minimum requirements in the specifications for
767 solicitation of state contracts for procuring data and information
768 technology systems and services;

769 (d) Adhere to all policies, standards and guidelines in
770 the management of technology infrastructure supporting the state
771 data centers, telecommunications networks and backup facilities;



772 (e) Coordinate and promote efficiency and security with
773 all applicable laws and regulations in the acquisition, operation
774 and maintenance of state data, cybersecurity systems and services
775 used by agencies of the state;

776 (f) Manage, plan and coordinate all enterprise
777 cybersecurity systems under the jurisdiction of the state;

778 (g) Develop, in conjunction with agencies of the state,
779 coordinated enterprise cybersecurity systems and services for all
780 state agencies;

781 (h) Provide ongoing analysis of enterprise
782 cybersecurity systems and services costs, facilities and systems
783 within state government;

784 (i) Develop policies, procedures and long-range plans
785 for the use of enterprise cybersecurity systems and services;

786 (j) Form an advisory council of information security
787 officers from each state agency to plan, develop and implement
788 cybersecurity initiatives;

789 (k) Coordinate the activities of the advisory council
790 to provide education and awareness, identify cybersecurity-related
791 issues, set future direction for cybersecurity plans and policy,
792 and provide a forum for interagency communications regarding
793 cybersecurity;

794 (l) Charge respective user agencies on a reimbursement
795 basis for their proportionate cost of the installation,



796 maintenance and operation of the cybersecurity systems and
797 services; and

798 (m) Require cooperative utilization of cybersecurity
799 systems and services by aggregating users.

800 (3) Each state agency's executive director or agency head
801 shall:

802 (a) Be solely responsible for the security of all data
803 and IT resources under its purview, irrespective of the location
804 of the data or resources. Locations include data residing:

805 (i) At agency sites;

806 (ii) On agency real property and tangible and
807 intangible assets;

808 (iii) On infrastructure in the State Data Centers;

809 (iv) At a third-party location;

810 (v) In transit between locations;

811 (b) Ensure that an agency-wide security program is in
812 place;

813 (c) Designate an information security officer to
814 administer the agency's security program;

815 (d) Ensure the agency adheres to the requirements
816 established by the Enterprise Security Program, to the extent that
817 they apply;

818 (e) Participate in all Enterprise Security Program
819 initiatives and services in lieu of deploying duplicate services
820 specific to the agency;



821 (f) Develop, implement and maintain written agency
822 policies and procedures to ensure the security of data and IT
823 resources. The agency policies and procedures are confidential
824 information and exempt from public inspection, except that the
825 information must be available to the Office of the State Auditor
826 in performing auditing duties;

827 (g) Implement policies and standards to ensure that all
828 of the agency's data and IT resources are maintained in compliance
829 with state and federal laws and regulations, to the extent that
830 they apply;

831 (h) Implement appropriate cost-effective safeguards to
832 reduce, eliminate or recover from identified threats to data and
833 IT resources;

834 (i) Ensure that internal assessments of the security
835 program are conducted. The results of the internal assessments
836 are confidential and exempt from public inspection, except that
837 the information must be available to the Office of the State
838 Auditor in performing auditing duties;

839 (j) Include all appropriate cybersecurity requirements
840 in the specifications for the agency's solicitation of state
841 contracts for procuring data and information technology systems
842 and services;

843 (k) Include a general description of the security
844 program and future plans for ensuring security of data in the
845 agency long-range information technology plan;



846 (1) Participate in annual information security training
847 designed specifically for the executive director or agency head to
848 ensure that such individual has an understanding of:

849 (i) The information and information systems that
850 support the operations and assets of the agency;

851 (ii) The potential impact of common types of
852 cyber-attacks and data breaches on the agency's operations and
853 assets;

854 (iii) How cyber-attacks and data breaches on the
855 agency's operations and assets could impact the operations and
856 assets of other state agencies on the Enterprise State Network;

857 (iv) How cyber-attacks and data breaches occur;

858 (v) Steps to be undertaken by the executive
859 director or agency head and agency employees to protect their
860 information and information systems; and

861 (vi) The annual reporting requirements required of
862 the executive director or agency head.

863 (4) The Mississippi Department of Information Technology
864 Services shall evaluate the Enterprise Security Program. Such
865 evaluation shall include the following factors:

866 (a) Whether the Enterprise Security Program
867 incorporates nationwide best practices;

868 (b) Whether opportunities exist to centralize and
869 coordinate oversight of cybersecurity efforts across all state
870 agencies;



871 (c) A review of the minimum enterprise security
872 requirements that must be incorporated in solicitations for state
873 contracts for procuring data and information technology systems
874 and services; and

875 (d) Whether opportunities exist to expand the
876 Enterprise Security Program, including providing oversight of
877 cybersecurity efforts of those governing authorities as defined in
878 Section 25-53-3(* * *e).

879 In performing such evaluation, the Mississippi Department of
880 Information Technology Services may retain experts. This
881 evaluation shall be completed by November 1, 2023. All records in
882 connection with this evaluation shall be exempt from the
883 Mississippi Public Records Act of 1983, pursuant to Section
884 25-61-11.2(f) and (k).

885 (5) For the purpose of this subsection, the following words
886 shall have the meanings ascribed herein, unless the context
887 clearly indicates otherwise:

888 (a) "Cyberattack" shall mean any attempt to gain
889 illegal access, including any data breach, to a computer, computer
890 system or computer network for purposes of causing damage,
891 disruption or harm.

892 (b) "Ransomware" shall mean a computer contaminant or
893 lock placed or introduced without authorization into a computer,
894 computer system or computer network that restricts access by an
895 authorized person to the computer, computer system, computer



896 network or any data therein under circumstances in which the
897 person responsible for the placement or introduction of the
898 ransomware demands payment of money or other consideration to
899 remove the computer contaminant, restore access to the computer,
900 computer system, computer network or data, or otherwise remediate
901 the impact of the computer contaminant or lock.

902 (c) From and after July 1, 2023, all state agencies
903 shall notify the Mississippi Department of Information Technology
904 Services of any cyberattack or demand for payment as a result of
905 ransomware no later than the close of the next business day
906 following the discovery of such cyberattack or demand. The
907 Mississippi Department of Information Technology Services shall
908 develop a reporting format to be utilized by state agencies to
909 provide such notification. The Mississippi Department of
910 Information Technology Services shall periodically analyze all
911 such reports and attempt to identify any patterns or weaknesses in
912 the state's cybersecurity efforts. Such reports shall be exempt
913 from the Mississippi Public Records Act of 1983, pursuant to
914 Section 25-61-11.2(j).

915 **SECTION 10.** This act shall take effect and be in force from
916 and after July 1, 2025.

