

By: Representative Zuber

To: State Affairs

## HOUSE BILL NO. 1333

1 AN ACT TO AMEND SECTIONS 25-53-1, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE ALL STATE AGENCIES TO UTILIZE THE MISSISSIPPI  
3 DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES FOR COMPUTER  
4 EQUIPMENT AND SERVICES, INCLUDING INFORMATION STORAGE AND  
5 RETRIEVAL; TO AMEND SECTION 25-53-3, MISSISSIPPI CODE OF 1972, TO  
6 CLARIFY THAT THE DEFINITION OF THE TERM "AGENCY" INCLUDES ALL  
7 STATE AGENCIES, INCLUDING INSTITUTIONS OF HIGHER LEARNING; TO  
8 AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO DELETE  
9 EXEMPTIONS FOR CERTAIN STATE AGENCIES AND INSTITUTIONS FROM THE  
10 DEPARTMENT'S REQUIREMENTS RELATING TO COMPUTER EQUIPMENT AND  
11 SERVICES; TO AMEND SECTIONS 25-53-21, 25-53-25 AND 25-53-29,  
12 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING  
13 PROVISIONS; TO BRING FORWARD SECTION 25-53-201, MISSISSIPPI CODE  
14 OF 1972, WHICH ESTABLISHES THE ENTERPRISE SECURITY PROGRAM TO  
15 PROVIDE COORDINATION OF CYBERSECURITY EFFORTS ACROSS STATE  
16 AGENCIES, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION  
17 45-27-7, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI  
18 JUSTICE INFORMATION CENTER TO ACQUIRE COMPUTER EQUIPMENT AND  
19 SERVICES THROUGH THE DEPARTMENT OF INFORMATION TECHNOLOGY  
20 SERVICES; TO AMEND SECTION 45-9-181, MISSISSIPPI CODE OF 1972, TO  
21 DELETE THE AUTHORITY OF THE OFFICE OF HOMELAND SECURITY,  
22 DEPARTMENT OF PUBLIC SAFETY, TO CONTRACT WITH A THIRD-PARTY VENDOR  
23 FOR COMPUTER EQUIPMENT AND SERVICES; AND FOR RELATED PURPOSES.

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

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

27 25-53-1. The Legislature recognizes that in order for the  
28 State of Mississippi to receive the maximum use and benefit from



29 information technology and services now in operation or which will  
30 in the future be placed in operation, there should be full  
31 cooperation and cohesive planning and effort by and between the  
32 several state agencies and that it is the responsibility of the  
33 Legislature to provide statutory authority therefor. The  
34 Legislature, therefore, declares and determines that for these and  
35 other related purposes, there is \* \* \* established an agency of  
36 state government to be known as the Mississippi Department of  
37 Information Technology Services (MDITS). The Legislature further  
38 declares that the Mississippi Department of Information Technology  
39 Services (MDITS) shall provide statewide services that facilitate  
40 cost-effective information processing, data storage and retrieval,  
41 and telecommunication solutions. All state agencies shall work in  
42 full cooperation with the board of MDITS \* \* \*.

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

45       25-53-3. (1) Whenever the term "Central Data Processing  
46 Authority" or the term "authority," when referring to the Central  
47 Data Processing Authority, is used in any law, rule, regulation,  
48 document or elsewhere, it shall be construed to mean the  
49 Mississippi Department of Information Technology Services.

50       (2) For the purposes of this chapter the following terms  
51 shall have the meanings ascribed in this section unless the  
52 context otherwise requires:



53 (a) "Central Data Processing Authority" and "CDPA" mean  
54 "Mississippi Department of Information Technology Services  
55 (MDITS)" and the term "authority" means "board of the MDITS."

56 (b) "Bureau of Systems Policy and Planning," "Bureau of  
57 Telecommunications," "Bureau of Central Data Processing" and  
58 "bureau" mean "Mississippi Department of Information Technology  
59 Services."

60 (c) "Computer equipment or services" means any  
61 information technology, computer or computer related  
62 telecommunications equipment, electronic word processing and  
63 office systems, or services utilized in connection therewith,  
64 including, but not limited to, all phases of computer software and  
65 consulting services, and insurance on all state-owned computer  
66 equipment.

67 (d) "Acquisition" of computer or telecommunications  
68 equipment or services means the purchase, lease, rental, or  
69 acquisition in any other manner of any such computer or  
70 telecommunications equipment or services.

71 (e) "Agency" means and includes all the various state  
72 agencies, authorities, bureaus, officers, departments, boards,  
73 commissions, councils, offices \* \* \*, state institutions of higher  
74 learning, and any other policy-making entities of the state.

75 (f) "Governing authority" means boards of supervisors,  
76 governing boards of all school districts, all boards of directors  
77 of public water supply districts, boards of directors of master



78 public water supply districts, municipal public utility  
79 commissions, governing authorities of all municipalities, port  
80 authorities, commissioners and boards of trustees of any public  
81 hospitals and any political subdivision of the state supported,  
82 wholly or in part, by public funds of the state or political  
83 subdivisions thereof.

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

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

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

101 (j) "Inside wiring system" means any wiring which:



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

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

(k) "Procurement" means the selling, buying, purchasing, renting, leasing or otherwise obtaining telecommunications equipment, system or related services, as well as activities engaged in, resulting in or expected to result in selling, buying, purchasing, renting, leasing or otherwise obtaining telecommunications equipment.

(l) "Telecommunications equipment, systems, related services" are limited to the equipment and means to provide:

(i) Telecommunications transmission facilities.

(ii) Telephone systems, including voice processing systems.

(iii) Facsimile systems.

(iv) Radio paging services.

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

(vi) Intercom and paging systems.

(vii) Video teleconferencing systems.

(viii) Personal communications networks and services.



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

(m) "Telecommunications system lease contract" means a contract between a supplier of telecommunications systems, including equipment and related services, and the Mississippi Department of Information Technology Services through which telecommunications systems, including equipment and related services, may be leased for a term which shall not exceed sixty (60) months for a system lease valued less than One Million Dollars (\$1,000,000.00) and shall not exceed one hundred twenty (120) months for a system lease valued One Million Dollars (\$1,000,000.00) or more.

(n) "Tariffed or regulated service" means telecommunications service offered by common carriers and subject to control by the Mississippi Public Service Commission or the Federal Communications Commission.

(o) "State Data Center" means one or more facilities operated by the Mississippi Department of Information Technology Services to provide information technology resources requiring enterprise computing resources or any other centrally managed information resources.

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



150           25-53-5. The authority shall have the following powers,  
151 duties, and responsibilities:

152           (a) (i) The authority shall provide for the  
153 development of plans for the efficient acquisition and utilization  
154 of computer equipment and services by all agencies of state  
155 government, and provide for their implementation. In so doing,  
156 the authority may use the MDITS' staff, at the discretion of the  
157 executive director of the authority, or the authority may contract  
158 for the services of qualified consulting firms in the field of  
159 information technology and utilize the service of such consultants  
160 as may be necessary for such purposes. \* \* \*

161           (ii) [Repealed]

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



175 (c) Title of whatever nature of all computer equipment  
176 now vested in any agency of the State of Mississippi is \* \* \*  
177 vested in the authority, and no such equipment shall be disposed  
178 of in any manner except in accordance with the direction of the  
179 authority or under the provisions of such rules and regulations as  
180 may hereafter be adopted by the authority in relation thereto.

181 (d) The authority shall \* \* \* procure all  
182 computer \* \* \* equipment, storage capabilities, including  
183 cloud-based storage, and services which shall, to the fullest  
184 extent practicable, ensure the maximum of competition between all  
185 manufacturers of supplies or equipment or services. The authority  
186 shall adopt rules, regulations, and procedures governing the  
187 process by which agencies utilize the services of the MDITS in  
188 acquiring such equipment and services. In the writing of  
189 specifications, in the making of contracts relating to the  
190 acquisition of such equipment and services, and in the performance  
191 of its other duties, the authority shall provide for the maximum  
192 compatibility of all information systems hereafter installed or  
193 utilized by all state agencies and may require the use of common  
194 computer languages where necessary to accomplish the purposes of  
195 this chapter. The authority may establish by regulation and  
196 charge reasonable fees on a nondiscriminatory basis for the  
197 furnishing to bidders of copies of bid specifications and other  
198 documents issued by the authority.





199           (e) The authority shall adopt rules and regulations  
200 governing the sharing with, or the sale or lease of information  
201 technology services to, any nonstate agency or person. Such  
202 regulations shall provide that any such sharing, sale or lease  
203 shall be restricted in that same shall be accomplished only where  
204 such services are not readily available otherwise within the  
205 state, and then only at a charge to the user not less than the  
206 prevailing rate of charge for similar services by private  
207 enterprise within this state.

208           (f) The authority may, in its discretion, establish a  
209 special technical advisory committee or committees to study and  
210 make recommendations on technology matters within the competence  
211 of the authority as the authority may see fit. Persons serving on  
212 the Information Resource Council, its task forces, or any such  
213 technical advisory committees shall be entitled to receive their  
214 actual and necessary expenses actually incurred in the performance  
215 of such duties, together with mileage as provided by law for state  
216 employees, provided the same has been authorized by a resolution  
217 duly adopted by the authority and entered on its minutes prior to  
218 the performance of such duties.

219           (g) The authority may provide for the development and  
220 require the adoption of standardized computer programs and may  
221 provide for the dissemination of information to and the  
222 establishment of training programs for the personnel of the



223 various information technology centers of state agencies and  
224 personnel of the agencies utilizing the services thereof.

225 (h) The authority shall adopt reasonable rules and  
226 regulations requiring the reporting to the authority through the  
227 office of executive director of such information as may be  
228 required for carrying out the purposes of this chapter and may  
229 also establish such reasonable procedures to be followed in the  
230 presentation of bills for payment under the terms of all existing  
231 contracts for the acquisition of computer equipment and  
232 services \* \* \* in force on July 1, 2025, as may be required by the  
233 authority or by the executive director in the execution of their  
234 powers and duties.

235 (i) The authority shall require such adequate  
236 documentation of information technology procedures utilized by the  
237 various state agencies and may require the establishment of such  
238 organizational structures within state agencies relating to  
239 information technology operations as may be necessary to  
240 effectuate the purposes of this chapter.

241 (j) The authority may adopt such further reasonable  
242 rules and regulations as may be necessary to fully implement the  
243 purposes of this chapter. All rules and regulations adopted by  
244 the authority shall be published and disseminated in readily  
245 accessible form to all \* \* \* state agencies, and to all current  
246 suppliers of computer equipment and services to the state, and to  
247 all prospective suppliers requesting the same. Such rules and



248 regulations shall be kept current, be periodically revised, and  
249 copies thereof shall be available at all times for inspection by  
250 the public at reasonable hours in the offices of the authority.  
251 Whenever possible no rule, regulation or any proposed amendment to  
252 such rules and regulations shall be finally adopted or enforced  
253 until copies of the proposed rules and regulations have been  
254 furnished to all interested parties for their comment and  
255 suggestions.

256           (k) The authority shall establish rules and regulations  
257 which shall provide for the submission of all contracts proposed  
258 to be executed by the executive director for computer equipment  
259 and/or telecommunications or services, including cloud computing,  
260 to the authority for approval before final execution, and the  
261 authority may provide that such contracts involving the  
262 expenditure of less than such specified amount as may be  
263 established by the authority may be finally executed by the  
264 executive director without first obtaining such approval by the  
265 authority.

266           (l) The authority is authorized to consider new  
267 technologies, such as cloud computing, to purchase, lease, or rent  
268 computer equipment or services and to operate that equipment and  
269 use those services in providing services to \* \* \* the state  
270 agencies when in its opinion such operation will provide maximum  
271 efficiency and economy in the functions of \* \* \* state agencies.



272 (m) Upon the request of the governing body of a  
273 political subdivision or instrumentality, the authority shall  
274 assist the political subdivision or instrumentality in its  
275 development of plans for the efficient acquisition and utilization  
276 of computer equipment and services. An appropriate fee shall be  
277 charged the political subdivision by the authority for such  
278 assistance.

279 (n) The authority shall adopt rules and regulations  
280 governing the protest procedures to be followed by any actual or  
281 prospective bidder, offerer or contractor who is aggrieved in  
282 connection with the solicitation or award of a contract for the  
283 acquisition of computer equipment or services. Such rules and  
284 regulations shall prescribe the manner, time and procedure for  
285 making protests and may provide that a protest not timely filed  
286 shall be summarily denied. The authority may require the  
287 protesting party, at the time of filing the protest, to post a  
288 bond, payable to the state, in an amount that the authority  
289 determines sufficient to cover any expense or loss incurred by the  
290 state, the authority or any state agency as a result of the  
291 protest if the protest subsequently is determined by a court of  
292 competent jurisdiction to have been filed without any substantial  
293 basis or reasonable expectation to believe that the protest was  
294 meritorious; however, in no event may the amount of the bond  
295 required exceed a reasonable estimate of the total project cost.  
296 The authority, in its discretion, also may prohibit any



prospective bidder, offerer or contractor who is a party to any litigation involving any such contract with the state, the authority or any agency of the state to participate in any other such bid, offer or contract, or to be awarded any such contract, during the pendency of the litigation.

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

All acquisitions of computer equipment and services involving the expenditure of funds in excess of the dollar amount established in Section 31-7-13(c), or rentals or leases in excess of the dollar amount established in Section 31-7-13(c) for the term of the contract, shall be based upon competitive and open specifications, and contracts therefor shall be entered into only after advertisements for bids are published in one or more daily newspapers having a general circulation in the state not less than fourteen (14) days prior to receiving sealed bids therefor. The authority may reserve the right to reject any or all bids, and if all bids are rejected, the authority may negotiate a contract within the limitations of the specifications so long as the terms of any such negotiated contract are equal to or better than the comparable terms submitted by the lowest and best bidder, and so long as the total cost to the State of Mississippi does not exceed



the lowest bid. If the authority accepts one (1) of such bids, it shall be that which is the lowest and best. \* \* \*

(p) When applicable, the authority may procure equipment, systems and related services in accordance with the law or regulations, or both, which govern the Bureau of Purchasing of the Office of General Services or which govern the Mississippi Department of Information Technology Services procurement of telecommunications equipment, software and services.

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

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

(i) Enter into master agreements for computer or telecommunications equipment or services, including cloud computing, available for shared use by state agencies, \* \* \* institutions of higher learning and governing authorities; and



(ii) Enter into contracts for the acquisition of computer or telecommunications equipment or services, including cloud computing, that have been acquired by other entities, located within or outside of the State of Mississippi, so long as it is determined by the authority to be in the best interest of the state. The acquisitions provided in this paragraph (r) shall be exempt from the advertising and bidding requirements of Section 25-53-1 et seq.

(s) All fees collected by the Mississippi Department of Information Technology Services shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature.

(t) The authority shall work closely with the council to bring about effective coordination of policies, standards and procedures relating to procurement of remote sensing and geographic information systems (GIS) resources. In addition, the authority is responsible for development, operation and maintenance of a delivery system infrastructure for geographic information systems data. The authority shall provide a warehouse for Mississippi's geographic information systems data.

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



(i) Result in savings to the state as a whole;  
(ii) Improve and enhance the security and reliability of the state's information and business systems; and  
(iii) Optimize the efficient use of the state's information technology assets, including, but not limited to, promoting partnerships \* \* \* between the state institutions of higher learning and community and junior colleges to capitalize on advanced information technology resources.

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

(w) The authority \* \* \* shall require new or replacement agency business applications to be hosted at the State Data Center. \* \* \*

(x) The authority shall adopt rules and regulations prohibiting the storage of data on hard disc drives by a state agency and requiring each agency to utilize the MDITS data storage capabilities.





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

From and after July 1, 2018, the expenses of this agency shall be defrayed by appropriation from the State General Fund. In addition, in order to receive the maximum use and benefit from information technology and services, expenses for the provision of statewide shared services that facilitate cost-effective information processing and telecommunication solutions shall be defrayed by pass-through funding and shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature. These funds shall only be utilized to pay the actual costs incurred by the Mississippi Department of Information Technology Services for providing these shared services to state agencies. Furthermore, state agencies shall work in full cooperation with the Board of the Mississippi Department of Information Technology Services to enable the board to identify computer equipment or services \* \* \* that minimize duplication, reduce costs, and improve the efficiency of providing common technology services across agency boundaries.

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



420           25-53-21. The executive director shall have the following  
421 duties, responsibilities and authority:

422           (a) He shall conduct continuing studies of all  
423 information technology activities carried out by all agencies of  
424 the state and shall develop a long-range plan for the efficient  
425 and economical performance of such activities in state government.  
426 Such plan shall be submitted to the authority for its approval  
427 and, having been approved by the authority, shall be implemented  
428 by the executive director and all state agencies. Such plan shall  
429 be continuously reviewed and modifications thereof shall be  
430 proposed to the authority by the executive director as  
431 developments in information technology techniques and changes in  
432 the structure, activities, and functions of state government may  
433 require.

434           (b) He shall review \* \* \* the purchasing of supplies  
435 for information technology and make recommendations to the  
436 authority and to the Public Procurement Review Board for the  
437 institution of purchasing procedures which will ensure the most  
438 economical procurement of such supplies commensurate with the  
439 efficient operation of all \* \* \* agencies of state government.

440           (c) He shall see that all reports required of all  
441 agencies are promptly and accurately made in accordance with the  
442 rules and regulations adopted by the authority. Either in person  
443 or through his authorized agents, he shall make such inspections  
444 of information technology operations being conducted by any of the



445 agencies of the state as may be necessary for the performance of  
446 his duties.

447 (d) He shall \* \* \* cause to be brought about  
448 cooperation between the several state agencies in order to provide  
449 efficiency in information technology operation. He shall,  
450 together with the heads of the agencies involved, \* \* \* develop  
451 and implement cooperative plans for the \* \* \* operation of  
452 information technology equipment, and any such plan so adopted  
453 shall be carried out in accordance with the provisions of such  
454 plan unless the same shall be amended by \* \* \* the executive  
455 director \* \* \*. The executive director shall report to the  
456 authority the details of any plan so \* \* \* implemented and shall  
457 otherwise report to the authority \* \* \* any failure on the part of  
458 any agency to carry out the provisions of such plan. \* \* \*

459 (e) He shall review all contracts for acquisition of  
460 computer and/or telecommunications equipment or services \* \* \* in  
461 force on July 1, 2025, and may require the renegotiation,  
462 termination, amendment or re-execution of any such contracts in  
463 proper form and in accordance with the policies and rules and  
464 regulations and subject to the direction of the authority. In the  
465 negotiation and execution of such contracts, the executive  
466 director may negotiate a limitation on the liability to the state  
467 of prospective contractors provided such limitation affords the  
468 state reasonable protection \* \* \*.



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

492 (g) He shall suggest and cause to be brought about  
493 cooperation between the several state agencies, departments and



institutions in order that work may be done by one agency for another agency, and equipment in one agency may be made available to another agency, and suggest and cause to be brought about such improvements as may be necessary in joint or cooperative information technology operations.

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

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

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

25-53-25. \* \* \* Nothing in this chapter shall be construed to imply exemption from the public purchases law, being Section 31-7-1 et seq.



519     \* \* \*

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

522           25-53-29. (1) For the purposes of this section the term  
523 "bureau" shall mean the "Mississippi Department of Information  
524 Technology Services." The authority shall have the following  
525 powers and responsibilities to carry out the establishment of  
526 policy and provide for long-range planning and consulting:

527           (a) Provide a high level of technical expertise for  
528 agencies, institutions, political subdivisions and other  
529 governmental entities as follows: planning; consulting; project  
530 management; systems and performance review; system definition;  
531 design; application programming; training; development and  
532 documentation; implementation; maintenance; and other tasks as may  
533 be required, within the resources available to the bureau.

534           (b) Publish written planning guides, policies and  
535 procedures for use by agencies and institutions in planning future  
536 electronic information service systems. The bureau \* \* \* shall  
537 require agencies and institutions to submit data, including  
538 periodic electronic equipment inventory listings, information on  
539 agency staffing, \* \* \* planned applications for the future, and  
540 other information needed for the purposes of preparing the state  
541 master plan.     \* \* \*

542           (c) Inspect agency facilities and equipment, interview  
543 agency employees and review records at any time deemed necessary



by the bureau for the purpose of identifying cost-effective applications of electronic information technology. Upon conclusion of any inspection, the bureau shall issue a management letter containing cost estimates and recommendations to the agency head and governing board concerning applications identified that would result in staff reductions, other monetary savings and improved delivery of public services.

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

(e) Provide consulting services to \* \* \* Mississippi governmental subdivisions requesting technical assistance in electronic information services technology applications and systems. The bureau may submit proposals and enter into contracts to provide services to \* \* \* governmental subdivisions for such purposes.

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

(3) The bureau shall make an annual report in writing to the Governor, available on request to any member of the Legislature,



to include a full and detailed account of the work of the authority for the preceding year. The report shall contain recommendations to agencies and institutions resulting from inspections \* \* \*. The report shall also contain a summary of the master plan, progress made, and legislative and policy recommendations for consideration by the Governor and members of the Legislature.

(4) The bureau may charge fees to agencies and institutions for services rendered to them. The bureau may charge fees to vendors to recover the cost of providing procurement services and the delivery of procurement awards to \* \* \* Mississippi governmental subdivisions. The amounts of such fees shall be set by the authority upon recommendation of the Executive Director of the MDITS, and all such fees collected shall be paid into the fund established for carrying out the purposes of this section.

(5) It is the intention of the Legislature that the employees of the bureau performing services defined by this section be staffed by highly qualified persons possessing technical, consulting and programming expertise. Such employees shall be considered nonstate service employees as defined in Section 25-9-107(c) (x) and may be compensated at a rate comparable to the prevailing rate of individuals in qualified professional consulting firms in the private sector. Such compensation rates shall be determined by the State Personnel Director. The number of such positions shall be set by annual appropriation of the





594 Legislature. Qualifications and compensation of the bureau  
595 employees shall be set by the State Personnel Board upon  
596 recommendation of the Executive Director of the MDITS. The total  
597 number of positions and classification of positions may be  
598 increased or decreased during a fiscal year depending upon work  
599 load and availability of funds.

600 (6) The bureau may, from time to time, at the discretion of  
601 the Executive Director of the MDITS, contract with firms or  
602 qualified individuals to be used to augment the bureau's  
603 professional staff in order to assure timely completion and  
604 implementation of assigned tasks, provided that funds are  
605 available in the fund established for carrying out the purposes of  
606 this section. Such individuals may be employees of any agency,  
607 bureau or institution provided that these individuals or firms  
608 meet the requirements of other individuals or firms doing business  
609 with the state through the Mississippi Department of Information  
610 Technology Services. Individuals who are employees of an agency  
611 or institution may contract with the Mississippi Department of  
612 Information Technology Services only with the concurrence of the  
613 agency or institution for whom they are employed.

614 From and after July 1, 2018, the expenses of this agency  
615 shall be defrayed by appropriation from the State General Fund.  
616 In addition, in order to receive the maximum use and benefit from  
617 information technology and services, expenses for the provision of  
618 statewide shared services that facilitate cost-effective



619 information processing and telecommunication solutions shall be  
620 defrayed by pass-through funding and shall be deposited into the  
621 Mississippi Department of Information Technology Services  
622 Revolving Fund unless otherwise specified by the Legislature.  
623 These funds shall only be utilized to pay the actual costs  
624 incurred by the Mississippi Department of Information Technology  
625 Services for providing these shared services to state agencies.  
626 Furthermore, state agencies shall work in full cooperation with  
627 the Board of the Mississippi Department of Information Technology  
628 Services (MDITS) to enable the board to identify computer  
629 equipment or services \* \* \* that minimize duplication, reduce  
630 costs, and improve the efficiency of providing common technology  
631 services across agency boundaries.

632       **SECTION 7.** Section 25-53-201, Mississippi Code of 1972, is  
633 brought forward as follows:

634       25-53-201. (1) There is hereby established the Enterprise  
635 Security Program which shall provide for the coordinated oversight  
636 of the cybersecurity efforts across all state agencies, including  
637 cybersecurity systems, services and the development of policies,  
638 standards and guidelines.

639       (2) The Mississippi Department of Information Technology  
640 Services (MDITS), in conjunction with all state agencies, shall  
641 provide centralized management and coordination of state policies  
642 for the security of data and information technology resources,



which such information shall be compiled by MDITS and distributed to each participating state agency. MDITS shall:

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

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

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

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

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

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

(e) Coordinate and promote efficiency and security with all applicable laws and regulations in the acquisition, operation



668 and maintenance of state data, cybersecurity systems and services  
669 used by agencies of the state;

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

672 (g) Develop, in conjunction with agencies of the state,  
673 coordinated enterprise cybersecurity systems and services for all  
674 state agencies;

675 (h) Provide ongoing analysis of enterprise  
676 cybersecurity systems and services costs, facilities and systems  
677 within state government;

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

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

683 (k) Coordinate the activities of the advisory council  
684 to provide education and awareness, identify cybersecurity-related  
685 issues, set future direction for cybersecurity plans and policy,  
686 and provide a forum for interagency communications regarding  
687 cybersecurity;

688 (l) Charge respective user agencies on a reimbursement  
689 basis for their proportionate cost of the installation,  
690 maintenance and operation of the cybersecurity systems and  
691 services; and



692           (m) Require cooperative utilization of cybersecurity  
693 systems and services by aggregating users.

694           (3) Each state agency's executive director or agency head  
695 shall:

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

699                   (i) At agency sites;

700                   (ii) On agency real property and tangible and  
701 intangible assets;

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

703                   (iv) At a third-party location;

704                   (v) In transit between locations;

705           (b) Ensure that an agency-wide security program is in  
706 place;

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

709           (d) Ensure the agency adheres to the requirements  
710 established by the Enterprise Security Program, to the extent that  
711 they apply;

712           (e) Participate in all Enterprise Security Program  
713 initiatives and services in lieu of deploying duplicate services  
714 specific to the agency;

715           (f) Develop, implement and maintain written agency  
716 policies and procedures to ensure the security of data and IT



resources. The agency policies and procedures are confidential information and exempt from public inspection, except that the information must be available to the Office of the State Auditor in performing auditing duties;

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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





790 network or any data therein under circumstances in which the  
791 person responsible for the placement or introduction of the  
792 ransomware demands payment of money or other consideration to  
793 remove the computer contaminant, restore access to the computer,  
794 computer system, computer network or data, or otherwise remediate  
795 the impact of the computer contaminant or lock.

796 (c) From and after July 1, 2023, all state agencies  
797 shall notify the Mississippi Department of Information Technology  
798 Services of any cyberattack or demand for payment as a result of  
799 ransomware no later than the close of the next business day  
800 following the discovery of such cyberattack or demand. The  
801 Mississippi Department of Information Technology Services shall  
802 develop a reporting format to be utilized by state agencies to  
803 provide such notification. The Mississippi Department of  
804 Information Technology Services shall periodically analyze all  
805 such reports and attempt to identify any patterns or weaknesses in  
806 the state's cybersecurity efforts. Such reports shall be exempt  
807 from the Mississippi Public Records Act of 1983, pursuant to  
808 Section 25-61-11.2(j).

809 **SECTION 8.** Section 45-27-7, Mississippi Code of 1972, is  
810 amended as follows:

811 45-27-7. (1) The Mississippi Justice Information Center  
812 shall:

813 (a) Develop, operate and maintain an information system  
814 which will support the collection, storage, retrieval and



dissemination of all data described in this chapter, consistent with those principles of scope, security and responsiveness prescribed by this chapter.

(b) Cooperate with all criminal justice agencies within the state in providing those forms, procedures, standards and related training assistance necessary for the uniform operation of the statewide center.

(c) Offer assistance and, when practicable, instruction to all local law enforcement agencies in establishing efficient local records systems.

(d) Make available, upon request, to all local and state criminal justice agencies, to all federal criminal justice agencies and to criminal justice agencies in other states any information in the files of the center which will aid such agencies in the performance of their official duties. For this purpose the center shall operate on a twenty-four-hour basis, seven (7) days a week. Such information, when authorized by the director of the center, may also be made available to any other agency of this state or any political subdivision thereof and to any federal agency, upon assurance by the agency concerned that the information is to be used for official purposes only in the prevention or detection of crime or the apprehension of criminal offenders.

(e) Cooperate with other agencies of this state, the crime information agencies of other states, and the national crime



information center systems of the Federal Bureau of Investigation in developing and conducting an interstate, national and international system of criminal identification and records.

(f) Make available, upon request, to nongovernmental entities or employers certain information for noncriminal justice purposes as specified in Section 45-27-12.

(g) Institute necessary measures in the design, implementation and continued operation of the justice information system to ensure the privacy and security of the system. Such measures shall include establishing complete control over use of and access to the system and restricting its integral resources and facilities and those either possessed or procured and controlled by criminal justice agencies. Such security measures must meet standards developed by the center as well as those set by the nationally operated systems for interstate sharing of information.

(h) Provide data processing for files listing motor vehicle drivers' license numbers, motor vehicle registration numbers, wanted and stolen motor vehicles, outstanding warrants, identifiable stolen property and such other files as may be of general assistance to law enforcement agencies; provided, however, that the purchase, lease, rental or acquisition in any manner of "computer equipment or services," as defined in Section 25-53-3, \* \* \* shall be \* \* \* through the Mississippi Department of Information Technology Services.



865           (i) Maintain a field coordination and support unit  
866 which shall have all the power conferred by law upon any peace  
867 officer of this state.

868           (2) The department, including the investigative division or  
869 the center, may:

870           (a) Obtain and store fingerprints, descriptions,  
871 photographs and any other pertinent identifying data from crime  
872 scenes and on persons who:

873                   (i) Have been or are hereafter arrested or taken  
874 into custody in this state:

875                           1. For an offense which is a felony;  
876                           2. For an offense which is a misdemeanor;  
877                           3. As a fugitive from justice; or

878                   (ii) Are or become habitual offenders; or

879                   (iii) Are currently or become confined to any  
880 prison, penitentiary or other penal institution; or

881                   (iv) Are unidentified human corpses found in the  
882 state; or

883                   (v) Have submitted fingerprints for conducting  
884 criminal history record checks.

885           (b) Compare all fingerprint and other identifying data  
886 received with that already on file and determine whether or not a  
887 criminal record is found for such person, and at once inform the  
888 requesting agency or arresting officer of those facts that may be  
889 disseminated consistent with applicable security and privacy laws



890 and regulations. A record shall be maintained for a minimum of  
891 one (1) year of the dissemination of each individual criminal  
892 history, including at least the date and recipient of such  
893 information.

894 (c) Establish procedures to respond to those  
895 individuals who file requests to review their own records,  
896 pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in  
897 the correction of the central center records and those of  
898 contributing agencies when their accuracy has been successfully  
899 challenged either through the related contributing agencies or by  
900 court order issued on behalf of an individual.

901 (d) Retain in the system the fingerprints of all law  
902 enforcement officers and part-time law enforcement officers, as  
903 those terms are defined in Section 45-6-3, any fingerprints sent  
904 by the Mississippi State Department of Health, and of all  
905 applicants to law enforcement agencies.

906 (3) There shall be a presumption that a copy of any document  
907 submitted to the center in accordance with the provisions of  
908 Section 45-27-9 that has been processed as set forth in this  
909 chapter and subsequently certified and provided by the center to a  
910 law enforcement agency or a court shall be admissible in any  
911 proceeding without further authentication unless a person  
912 objecting to that admissibility has successfully challenged the  
913 document under the provisions of Section 45-27-11.



914           **SECTION 9.** Section 45-9-181, Mississippi Code of 1972, is  
915 amended as follows:

916           45-9-181. (1) This section shall be known and may be cited  
917 as the "Mississippi School Safety Guardian Act."

918           (2) For purposes of this section:

919                 (a) "Department" means the Department of Public Safety.

920                 (b) "Governing body" means with respect to any public  
921 school district or public charter school, the local school board  
922 or charter school board, as applicable; with respect to any  
923 private school, the board or other governing body of the private  
924 school as provided in the charter, bylaws, or other governing  
925 documents of the school.

926                 (c) "Program" means a school safety guardian program  
927 established by the governing body of a school in accordance with  
928 this section.

929                 (d) "School" means any public or private educational  
930 institution within the State of Mississippi and includes any  
931 elementary or secondary school.

932                 (e) "Training program" means the School Safety Guardian  
933 Training Program established in subsection (3) of this section.

934           (3) There is hereby established the School Safety Guardian  
935 Program in the Office of Homeland Security within the department.  
936 The department shall administer the program through the Office of  
937 Homeland Security. In consultation with the Mississippi  
938 Department of Education, the department shall establish the



939 program and promulgate rules, regulations, and establish training  
940 requirements.

941 (4) The governing body of a school, in consultation with  
942 school administrators and the department, may establish a program  
943 under this section. The department or the governing body of a  
944 school may discontinue a school's participation in the program at  
945 anytime. If the governing body of a school establishes a program  
946 under this section, the governing body of a school shall designate  
947 employees to participate in the training program developed by the  
948 department by which designated and trained school employees are  
949 authorized to carry concealed firearms for the protection of the  
950 students, employees and others on the campus of the school. The  
951 scope and purpose of each program shall include responding to an  
952 active shooter situation or other situation that would cause death  
953 or serious bodily harm on the school campus or in the immediate  
954 vicinity of the school campus. The School Safety Guardian's  
955 weapon shall always remain under his or her physical control on  
956 campus.

957 (5) A designated School Safety Guardian is immune from civil  
958 liability for any action taken by the School Safety Guardian if  
959 the action in question occurs during the reasonable exercise of  
960 and within the course and scope of the designated School Safety  
961 Guardian's official duties. School Safety Guardians are charged  
962 with these duties and must act in accordance with these duties to  
963 maintain their immunity. If a School Safety Guardian is found to



have failed to carry out their official duties, the immunity described in this subsection shall be waived.

(6) School Safety Guardians shall be paid a monthly stipend in an amount not less than One Hundred Dollars (\$100.00), but not more than Five Hundred Dollars (\$500.00) by the school district \* \* \*; however, no funds received by school districts under the Elementary and Secondary Education Act (ESEA) shall be used to pay the stipends authorized under this subsection in accordance with the prohibition on the use of such funds as prescribed in Section 13401 of the Bipartisan Safer Communities Act, Public Law 117-159, 117th Congress of the United States, which amends the ESEA (20 USCS Section 7906 (Supp. 2022)).

(7) To be eligible for the immunity provided in this section:

(a) The program, at a minimum, shall require that each designated member of the program who is not a law enforcement officer, as defined in Section 45-6-3, possess a firearms license issued under Section 45-9-101 and the endorsement authorized in Section 97-37-7; has completed instructional training through a law enforcement training academy approved department not less than once every twelve (12) months; and has been CPR and First Aid certified; and

(b) The identities of any person designated by the school's governing body to serve as a School Safety Guardian must





be documented at the time of the designation and shall be communicated to school administrators and local law enforcement.

(8) The department may authorize and certify Mississippi law enforcement training academies to offer the training program to the governing body of a school.

(a) The training program, at a minimum, must include:

(i) An instructional course developed by the department;

(ii) A criminal background check;

(iii) A psychological screening;

(iv) A shooting proficiency test; and

(v) An annual recertification training.

(b) A law enforcement training academy may provide School Safety Guardian training to any employee of a school or school district who:

(i) Holds a license to carry a concealed handgun issued under Section 45-9-101;

(ii) Has an endorsement authorized by Section 97-37-7; and

(iii) Has current certification in CPR and First Aid.

(c) The department may establish a fee in an amount that is sufficient to cover the costs of the training program under this section to be paid to the training academy by the governing body of the school.



1013           (d) The department shall adopt rules to administer this  
1014 section, including a method to identify license holders who have  
1015 completed a School Safety Guardian training certification course  
1016 and setting a fee to be charged by the department for the issuance  
1017 or reissuance of identification of the license holder as being  
1018 certified.

1019           (e) The department shall adopt rules and regulations  
1020 that require review of the firearms training policies and  
1021 procedures of school districts that authorized its employees to  
1022 carry concealed firearms as part of a school safety program before  
1023 the effective date of this section. Upon review of such rules and  
1024 regulations, if the department determines that such district's  
1025 policies and procedures conform to the department's training  
1026 standards under the authority of this section, the department  
1027 shall approve such district's policies and procedures and all  
1028 employees of such school district that have completed the approved  
1029 training shall receive all authority and protections provided by  
1030 this section to carry concealed firearms as part of an approved  
1031 school safety guardian program. However, if the department  
1032 determines that such district's policies and procedures fail to  
1033 conform to the department's training standards under the authority  
1034 of this section, the employees of the district shall be required  
1035 to comply with the requirements under this section to carry  
1036 concealed firearms as part of an approved school safety guardian  
1037 program.



1038           (9) A person who is indicted or charged with a violation of  
1039 criminal law while acting as a School Safety Guardian may assert  
1040 as a defense, in addition to any other defense available, that, at  
1041 the time of the action in question, the person was a certified  
1042 School Safety Guardian, was then actually engaged in the  
1043 performance of the person's duties as a School Safety Guardian,  
1044 and had met the requirements of this section at the time of the  
1045 action in question.

1046           (10) Records relating to the identities of any person  
1047 designated by the school's governing body to serve as a School  
1048 Safety Guardian shall be exempt from the provisions of the  
1049 Mississippi Public Records Act of 1983.

1050           (11) Subject to appropriation and any other requirements  
1051 provided by law, the Office of Homeland Security may contract with  
1052 a third-party vendor for mobile phone applications \* \* \* to  
1053 accomplish the purposes of this section.

1054           **SECTION 10.** This act shall take effect and be in force from  
1055 and after July 1, 2025.

