

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:

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

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

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

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

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

(f) "Governing authority" means boards of supervisors, governing boards of all school districts, all boards of directors 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:

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

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

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

113 (1) "Telecommunications equipment, systems, related
114 services" are limited to the equipment and means to 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 (m) "Telecommunications system lease contract" means a
130 contract between a supplier of telecommunications systems,
131 including equipment and related services, and the Mississippi
132 Department of Information Technology Services through which
133 telecommunications systems, including equipment and related
134 services, may be leased for a term which shall not exceed sixty
135 (60) months for a system lease valued less than One Million
136 Dollars (\$1,000,000.00) and shall not exceed one hundred twenty
137 (120) months for a system lease valued One Million Dollars
138 (\$1,000,000.00) or more.

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

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

148 **SECTION 3.** Section 25-53-5, Mississippi Code of 1972, is
149 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



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

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

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



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

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

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

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

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



346 (ii) Enter into contracts for the acquisition of
347 computer or telecommunications equipment or services, including
348 cloud computing, that have been acquired by other entities,
349 located within or outside of the State of Mississippi, so long as
350 it is determined by the authority to be in the best interest of
351 the state. The acquisitions provided in this paragraph (r) shall
352 be exempt from the advertising and bidding requirements of Section
353 25-53-1 et seq.

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

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

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



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

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

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

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



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

418 **SECTION 4.** Section 25-53-21, Mississippi Code of 1972, is
419 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



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

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

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

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

516 25-53-25. * * * Nothing in this chapter shall be construed
517 to imply exemption from the public purchases law, being Section
518 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



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

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

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

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

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

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

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

584 (5) It is the intention of the Legislature that the
585 employees of the bureau performing services defined by this
586 section be staffed by highly qualified persons possessing
587 technical, consulting and programming expertise. Such employees
588 shall be considered nonstate service employees as defined in
589 Section 25-9-107(c)(x) and may be compensated at a rate comparable
590 to the prevailing rate of individuals in qualified professional
591 consulting firms in the private sector. Such compensation rates
592 shall be determined by the State Personnel Director. The number
593 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,

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

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

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

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

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

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

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

666 (e) Coordinate and promote efficiency and security with
667 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

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

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

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

(i) At agency sites;

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

(iii) On infrastructure in the State Data Centers;

(iv) At a third-party location;

(v) In transit between locations;

(b) Ensure that an agency-wide security program is in

place;

(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



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

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

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

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

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

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

740 (1) Participate in annual information security training
741 designed specifically for the executive director or agency head to
742 ensure that such individual has an understanding of:
743 (i) The information and information systems that
744 support the operations and assets of the agency;
745 (ii) The potential impact of common types of
746 cyber-attacks and data breaches on the agency's operations and
747 assets;
748 (iii) How cyber-attacks and data breaches on the
749 agency's operations and assets could impact the operations and
750 assets of other state agencies on the Enterprise State Network;
751 (iv) How cyber-attacks and data breaches occur;
752 (v) Steps to be undertaken by the executive
753 director or agency head and agency employees to protect their
754 information and information systems; and
755 (vi) The annual reporting requirements required of
756 the executive director or agency head.

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

760 (a) Whether the Enterprise Security Program
761 incorporates nationwide best practices;
762 (b) Whether opportunities exist to centralize
763 coordinate oversight of cybersecurity efforts across all
764 agencies;



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

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

773 In performing such evaluation, the Mississippi Department of
774 Information Technology Services may retain experts. This
775 evaluation shall be completed by November 1, 2023. All records in
776 connection with this evaluation shall be exempt from the
777 Mississippi Public Records Act of 1983, pursuant to Section
778 25-61-11.2(f) and (k).

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

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

786 (b) "Ransomware" shall mean a computer contaminant or
787 lock placed or introduced without authorization into a computer,
788 computer system or computer network that restricts access by an
789 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

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

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

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

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

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



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

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

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

856 (h) Provide data processing for files listing motor
857 vehicle drivers' license numbers, motor vehicle registration
858 numbers, wanted and stolen motor vehicles, outstanding warrants,
859 identifiable stolen property and such other files as may be of
860 general assistance to law enforcement agencies; provided, however,
861 that the purchase, lease, rental or acquisition in any manner of
862 "computer equipment or services," as defined in Section
863 25-53-3, * * * shall be * * * through the Mississippi Department
864 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:

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



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

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

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

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

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

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

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

993 (a) The training program, at a minimum, must include:
994 (i) An instructional course developed by the
995 department;

996 (ii) A criminal background check;
997 (iii) A psychological screening;
998 (iv) A shooting proficiency test; and
999 (v) An annual recertification training.

1000 (b) A law enforcement training academy may provide
1001 School Safety Guardian training to any employee of a school or
1002 school district who:

1003 (i) Holds a license to carry a concealed handgun
1004 issued under Section 45-9-101;
1005 (ii) Has an endorsement authorized by Section
1006 97-37-7; and
1007 (iii) Has current certification in CPR and First
1008 Aid.

1009 (c) The department may establish a fee in an amount
1010 that is sufficient to cover the costs of the training program
1011 under this section to be paid to the training academy by the
1012 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.

