

By: Senator(s) Johnson, Robinson

To: Government Structure

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2267

1 AN ACT TO CREATE THE MISSISSIPPI STATEWIDE DATA EXCHANGE ACT;
2 TO REQUIRE THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES (ITS)
3 TO CONDUCT A COMPREHENSIVE STUDY ON THE IMPLEMENTATION OF A
4 STATEWIDE DATA EXCHANGE INITIATIVE; TO DIRECT ITS TO COORDINATE
5 WITH STATE AGENCIES TO ASSESS DATA-SHARING NEEDS, OPERATIONAL
6 REQUIREMENTS AND POLICY CONSIDERATIONS; TO REQUIRE ITS TO DEVELOP
7 A PHASED IMPLEMENTATION PLAN FOR A SECURE, CLOUD-BASED STATEWIDE
8 DATA EXCHANGE PLATFORM TO FACILITATE INTERAGENCY DATA SHARING
9 WHILE ENSURING COMPLIANCE WITH PRIVACY AND SECURITY STANDARDS; TO
10 MANDATE THE CREATION OF A CENTRALIZED DIGITAL HUB FOR BUSINESS
11 OWNERS TO ACCESS, SUBMIT AND TRACK REQUIRED STATE FILINGS AND
12 COMPLIANCE DOCUMENTS; TO ESTABLISH A CHIEF INFORMATION OFFICER
13 (CIO) COUNCIL COMPRISED OF IT LEADERSHIP FROM STATE AGENCIES TO
14 PROVIDE STRATEGIC OVERSIGHT, INTEROPERABILITY GUIDANCE AND POLICY
15 RECOMMENDATIONS; TO GRANT ITS REGULATORY AUTHORITY TO ESTABLISH
16 RULES, POLICIES AND SECURITY PROTOCOLS NECESSARY TO SUPPORT THE
17 STATEWIDE DATA EXCHANGE INITIATIVE; TO AMEND SECTION 25-53-5,
18 MISSISSIPPI CODE OF 1972, TO REFLECT THE UPDATED POWERS AND
19 RESPONSIBILITIES OF ITS IN DEVELOPING, GOVERNING AND MAINTAINING
20 THE MISSISSIPPI STATEWIDE DATA EXCHANGE; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** (1) This act shall be known and may be cited as
23 the "Mississippi Statewide Data Exchange Act."

24 (2) The Mississippi Department of Information Technology
25 Services (ITS) is tasked with conducting a comprehensive study to
26 assess the feasibility, operational requirements and policy
27 considerations for the implementation of a statewide data exchange



initiative. This initiative shall support secure, efficient and standardized data sharing among Mississippi state agencies and other authorized entities to support enhanced digital government services.

(3) Based on the findings of the study, ITS shall develop and oversee the phased implementation of a cloud-based statewide data exchange platform that enables agencies to share relevant data in a structured and compliant manner. The platform shall be designed to:

(a) Facilitate secure and efficient data sharing among state agencies and other authorized entities, while ensuring appropriate access controls and data privacy safeguards;

(b) Enable a centralized data repository and interoperability framework, allowing agencies to cross-reference and validate existing state-provided programs to improve service delivery, reduce redundancy and enhance decision-making processes; and

(c) Implement data governance and security best practices in alignment with state and federal laws and regulations to safeguard sensitive and confidential information.

(4) To ensure ongoing oversight, coordination and strategic guidance for the data exchange initiative, ITS shall establish a Chief Information Officer (CIO) Council, composed of information and technology leadership from state agencies. The CIO Council shall:



(a) Provide recommendations on technical standards, interoperability frameworks and cybersecurity protocols;

(b) Facilitate interagency collaboration to maximize data-sharing efficiencies and promote best practices;

(c) Ensure that the statewide data exchange aligns with agency-specific and statewide strategic goals developed to enhance digital government services; and

(d) Serve as an advisory body to ITS in evaluating the long-term sustainability and innovation potential of the platform.

(5) The Mississippi Department of Information Technology Services shall have the authority to promulgate rules and regulations necessary to design, develop, implement, monitor and update the statewide data exchange platform, associated governance policies and interagency coordination efforts for enhanced digital government services.

(6) To ensure the effective execution of the Mississippi Statewide Data Exchange Act, the Mississippi Department of Information Technology Services (MDITS) shall adhere to the following timeline for key deliverables:

(a) By October 1, 2025, MDITS shall establish the CIO Council and the governance framework related thereto.

(b) Within six (6) months of the first meeting of the CIO Council, the council shall conduct a feasibility study regarding the requirements of the Mississippi Statewide Data



Exchange Act, and recommendations from the findings of the study shall be reported to the legislature.

(c) Within six (6) months of reporting the findings from the feasibility study to the legislature, the CIO Council shall develop a phased implementation plan for the Mississippi Statewide Data Exchange.

(d) Within one (1) year of approving the phased implementation plan, MDITS and the CIO Council shall launch the initial pilot program of the Mississippi Statewide Data Exchange.

(e) Within one (1) year of successfully launching the pilot program of the Mississippi Statewide Data Exchange, MDITS and the CIO Council shall implement a full statewide rollout of the data exchange program.

(f) After full implementation of the data exchange program, the CIO Council shall submit annual reports to the legislature regarding the status of the data exchange program, continuous system enhancements made to the program and any additional information necessary to develop enhanced digital government experiences via the Mississippi Statewide Data Exchange.

SECTION 2. Section 25-53-5, Mississippi Code of 1972, is amended as follows:

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



(a) (i) The authority shall provide for the development of plans for the efficient acquisition and utilization of computer equipment and services by all agencies of state government, and provide for their implementation. In so doing, the authority may use the MDITS' staff, at the discretion of the executive director of the authority, or the authority may contract for the services of qualified consulting firms in the field of information technology and utilize the service of such consultants as may be necessary for such purposes. Pursuant to Section 25-53-1, the provisions of this section shall not apply to the Department of Human Services for a period of three (3) years beginning on July 1, 2017. Pursuant to Section 25-53-1, the provisions of this section shall not apply to the Department of Child Protection Services for a period of three (3) years beginning July 1, 2017.

(ii) [Repealed]

(b) The authority shall immediately institute procedures for carrying out the purposes of this chapter and supervise the efficient execution of the powers and duties of the office of executive director of the authority. In the execution of its functions under this chapter, the authority shall maintain as a paramount consideration the successful internal organization and operation of the several agencies so that efficiency existing therein shall not be adversely affected or impaired. In executing its functions in relation to the institutions of higher learning



and junior colleges in the state, the authority shall take into consideration the special needs of such institutions in relation to the fields of teaching and scientific research.

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

(d) The authority shall adopt rules, regulations, and procedures governing the acquisition of computer and telecommunications equipment and services which shall, to the fullest extent practicable, ensure the maximum of competition between all manufacturers of supplies or equipment or services. In the writing of specifications, in the making of contracts relating to the acquisition of such equipment and services, and in the performance of its other duties the authority shall provide for the maximum compatibility of all information systems hereafter installed or utilized by all state agencies and may require the use of common computer languages where necessary to accomplish the purposes of this chapter. The authority may establish by regulation and charge reasonable fees on a nondiscriminatory basis for the furnishing to bidders of copies of bid specifications and other documents issued by the authority.



150 (e) The authority shall adopt rules and regulations
151 governing the sharing with, or the sale or lease of information
152 technology services to any nonstate agency or person. Such
153 regulations shall provide that any such sharing, sale or lease
154 shall be restricted in that same shall be accomplished only where
155 such services are not readily available otherwise within the
156 state, and then only at a charge to the user not less than the
157 prevailing rate of charge for similar services by private
158 enterprise within this state.

159 (f) The authority may, in its discretion, establish a
160 special technical advisory committee or committees to study and
161 make recommendations on technology matters within the competence
162 of the authority as the authority may see fit. Persons serving on
163 the Information Resource Council, its task forces, or any such
164 technical advisory committees shall be entitled to receive their
165 actual and necessary expenses actually incurred in the performance
166 of such duties, together with mileage as provided by law for state
167 employees, provided the same has been authorized by a resolution
168 duly adopted by the authority and entered on its minutes prior to
169 the performance of such duties.

170 (g) The authority may provide for the development and
171 require the adoption of standardized computer programs and may
172 provide for the dissemination of information to and the
173 establishment of training programs for the personnel of the



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

(h) The authority shall adopt reasonable rules and regulations requiring the reporting to the authority through the office of executive director of such information as may be required for carrying out the purposes of this chapter and may also establish such reasonable procedures to be followed in the presentation of bills for payment under the terms of all contracts for the acquisition of computer equipment and services now or hereafter in force as may be required by the authority or by the executive director in the execution of their powers and duties.

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

(j) The authority may adopt such further reasonable rules and regulations as may be necessary to fully implement the purposes of this chapter. All rules and regulations adopted by the authority shall be published and disseminated in readily accessible form to all affected state agencies, and to all current suppliers of computer equipment and services to the state, and to all prospective suppliers requesting the same. Such rules and regulations shall be kept current, be periodically revised, and



199 copies thereof shall be available at all times for inspection by
200 the public at reasonable hours in the offices of the authority.
201 Whenever possible no rule, regulation or any proposed amendment to
202 such rules and regulations shall be finally adopted or enforced
203 until copies of the proposed rules and regulations have been
204 furnished to all interested parties for their comment and
205 suggestions.

206 (k) The authority shall establish rules and regulations
207 which shall provide for the submission of all contracts proposed
208 to be executed by the executive director for computer equipment
209 and/or telecommunications or services, including cloud computing,
210 to the authority for approval before final execution, and the
211 authority may provide that such contracts involving the
212 expenditure of less than such specified amount as may be
213 established by the authority may be finally executed by the
214 executive director without first obtaining such approval by the
215 authority.

216 (l) The authority is authorized to consider new
217 technologies, such as cloud computing, to purchase, lease, or rent
218 computer equipment or services and to operate that equipment and
219 use those services in providing services to one or more state
220 agencies when in its opinion such operation will provide maximum
221 efficiency and economy in the functions of any such agency or
222 agencies.



223 (m) Upon the request of the governing body of a
224 political subdivision or instrumentality, the authority shall
225 assist the political subdivision or instrumentality in its
226 development of plans for the efficient acquisition and utilization
227 of computer equipment and services. An appropriate fee shall be
228 charged the political subdivision by the authority for such
229 assistance.

230 (n) The authority shall adopt rules and regulations
231 governing the protest procedures to be followed by any actual or
232 prospective bidder, offerer or contractor who is aggrieved in
233 connection with the solicitation or award of a contract for the
234 acquisition of computer equipment or services. Such rules and
235 regulations shall prescribe the manner, time and procedure for
236 making protests and may provide that a protest not timely filed
237 shall be summarily denied. The authority may require the
238 protesting party, at the time of filing the protest, to post a
239 bond, payable to the state, in an amount that the authority
240 determines sufficient to cover any expense or loss incurred by the
241 state, the authority or any state agency as a result of the
242 protest if the protest subsequently is determined by a court of
243 competent jurisdiction to have been filed without any substantial
244 basis or reasonable expectation to believe that the protest was
245 meritorious; however, in no event may the amount of the bond
246 required exceed a reasonable estimate of the total project cost.
247 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. Through June 30, 2024, the provisions of this paragraph shall not apply to acquisitions of information technology equipment and services made by the Mississippi Department of Health and the Mississippi Department of Revenue for the purposes of implementing, administering and enforcing the provisions of the Mississippi Medical Cannabis Act.

(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 with the state institutions of higher learning and community colleges to capitalize on advanced information technology resources.

(v) The authority shall oversee the Mississippi Statewide Data Exchange, ensuring compliance with the requirements of Section 1 of this act. The Department of Information Technology Services shall have the authority to promulgate rules and regulations necessary to develop, implement and oversee the Mississippi Statewide Data Exchange. The department shall engage with state agencies and other stakeholders to identify data-sharing opportunities and address potential barriers. Additionally, the department shall establish a Chief Information Officer (CIO) Council, composed of information technology



346 leadership from state agencies, to provide strategic oversight,
347 promote interoperability and recommend policies to enhance the
348 effectiveness and security of statewide data-sharing initiatives.

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

359 (* * *x) The authority, in its discretion, may require
360 new or replacement agency business applications to be hosted at
361 the State Data Center. With regard to state institutions of
362 higher learning and community colleges, the authority and the
363 Board of Trustees of State Institutions of Higher Learning or the
364 Mississippi Community College Board, as the case may be, may agree
365 that institutions of higher learning or community colleges may
366 utilize business applications that are hosted at the State Data
367 Center, following a determination by both the authority and the
368 applicable board that the hosting of those applications is
369 mutually beneficial. In addition, the authority may establish
370 partnerships to capitalize on the advanced technology resources of



the Board of Trustees of State Institutions of Higher Learning or the Mississippi Community College Board, following a determination by both the authority and the applicable board that such a partnership is mutually beneficial.

(* * *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 identify computer equipment or services to minimize duplication, reduce costs, and improve the efficiency of providing common technology services across agency boundaries.



396 **SECTION 3.** This act shall take effect and be in force from
397 and after July 1, 2025.

