

Chapter No. 452  
13/HR40/R1667SG  
Sec 1 CST

3/25/13  
5:47 pm

***HOUSE BILL NO. 508***

Originated in House

A handwritten signature in black ink, appearing to read "Andrew H. ...", written over a horizontal line.

Clerk

HOUSE BILL NO. 508

AN ACT TO CREATE NEW SECTION 37-113-20, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN DIVISIONS OF THE MISSISSIPPI STATE UNIVERSITY EXTENSION SERVICE TO AUTHORIZE THE USE OF WIRELESS COMMUNICATION DEVICES FOR DELIVERY OF PROGRAMMING INFORMATION; TO AUTHORIZE THE DIRECTORS OF THE VARIOUS DIVISIONS TO DESIGNATE A FACULTY MEMBER OR EXTENSION SERVICE AGENT TO USE THE DEVICES AND TO PROVIDE A WRITTEN AND SIGNED STATEMENT OF NEED AND PURPOSE OF USE; TO PROHIBIT THE USE OF THE DEVICES FOR PERSONAL USE; TO AMEND SECTION 25-53-191, MISSISSIPPI CODE OF 1972, TO EXEMPT THESE DIVISIONS FROM THE REQUIREMENTS OF THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY AS IT RELATES TO THE USE OF WIRELESS COMMUNICATION DEVICES; AND FOR RELATED PURPOSES.

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

**SECTION 1.** The following shall be codified as Section 37-113-20, Mississippi Code of 1972:

37-113-20. (1) For the purposes of this section, the following terms shall have the meanings ascribed to them in this section unless the context otherwise clearly requires:

(a) "Wireless communication device" means any handheld, portable or mobile electronic device capable of transmitting or exchanging data in the form of multimedia, graphics, text, or voice that meets all the following criteria:

(i) The device has a wireless communication capability and is mobile;

(ii) The device requires an upfront or periodic charge or fee to utilize the wireless communications capability; and

(iii) The wireless communication capability that requires an upfront or periodic fee is activated.

For purposes of this section, a notebook or laptop computer is not considered a wireless communication device.

(b) "Director" means the Mississippi State University Extension Service Director, the Mississippi State University Agricultural and Forestry Experiment Station Director, the Mississippi State University Forestry and Wildlife Research Center Director or the Dean of the Mississippi State University College of Veterinary Medicine.

(2) The director or his designee may, at his discretion, assign or otherwise make available for usage one or more wireless communications devices to a faculty member or an agent of the Mississippi State University Extension Service under his direct or indirect supervision after the director, or his designee, signs a statement certifying the need or purpose for issuing the device. No faculty member or extension service agent to whom has been assigned a wireless communication device under this paragraph shall use the assigned device for personal use except in those cases where the personal use does not incur additional charges or

fees as a result of the personal use. A detailed billing of wireless services for devices referred to in this paragraph shall be obtained on a periodic basis and reviewed by the director, or his designee, to audit usage and verify compliance with this section.

(3) No state-appropriated funds shall be used to pay for the acquisition or use of a wireless communication device issued under this section.

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

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

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

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

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

(2) Before a wireless communication device may be assigned, issued or made available to an agency officer or employee, the agency head, or his designee, shall sign a statement certifying the need or reason for issuing the device. No officer or employee

of any state agency, except for an officer or employee of the Mississippi Emergency Management Agency, shall be assigned or issued more than one (1) such wireless communication device. No officer or employee of any state agency to whom has been assigned, issued or made available the use of a wireless communication device, the cost of which is paid through the use of public funds, shall use such device for personal use.

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

(4) Every state agency that, at the expense of the state agency, assigns, issues or makes available to any of its officers or employees a wireless communication device shall obtain and maintain detailed billing for every wireless communication device account. A list of approved vendors for the procurement of wireless communication devices and the delivery of wireless communication device services shall be developed for all state agencies by the Mississippi Department of Information Technology Services in conjunction with the Wireless Communication Commission created in Section 25-53-171. The department, in conjunction with the Wireless Communication Commission, shall exercise the option of selecting one (1) vendor from which to procure wireless communication devices and to provide wireless communication device services, or if it deems such to be most advantageous to the state agencies, it may select multiple vendors. The department, in

conjunction with the Wireless Communication Commission, shall select a vendor or vendors on the basis of lowest and best bid proposals. A state agency may not procure a wireless communication device from any vendor or contract for wireless communication device services with any vendor unless the vendor appears on the list approved by the department, in conjunction with the Wireless Communication Commission. A contract entered into in violation of this section shall be void and unenforceable.

(5) The department shall promulgate a model acceptable use policy defining the appropriate use of all wireless communication devices. The acceptable use policy should specify that these resources, including both devices and services, are provided at the state agency's expense as tools for accomplishing the business missions of the state agency; that all those resources are for business use; and that more than incidental personal use of those resources is prohibited. The acceptable use policy should require that each official and employee issued one (1) of the above devices or authorized to access one (1) of the above services sign the policy and that the signed copy be placed in the personnel file of the official or employee. The acceptable use policy should also require that the use of these resources be tracked, verified and signed by the official or employee and the supervisor of the official or employee at each billing cycle or other appropriate interval. All state agencies shall adopt the model policy or adopt a policy that is, at minimum, as stringent as the

model policy and shall provide a copy of the policy to the department.

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

(7) The University of Mississippi Medical Center and \* \* \* its employees, the Mississippi State University Extension Service and its agents and faculty members, the Mississippi State University Agricultural and Forestry Experiment Station and its faculty members, the Mississippi State University Forestry and Wildlife Research Center and its faculty members, and the Mississippi State University College of Veterinary Medicine and its faculty members shall be exempt from the application of this section.

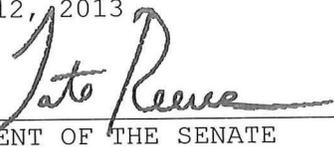
(8) The State Auditor shall conduct necessary audits to ensure compliance with the provisions of this section.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2013.

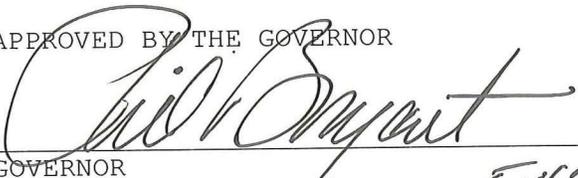
PASSED BY THE HOUSE OF REPRESENTATIVES  
February 11, 2013

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 12, 2013

  
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PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
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GOVERNOR

5:47pm  
3/25/13