EXECUTIVE ORDER NO. 842

WHEREAS, the State of Mississippi recognizes the critical importance of information technology to its government, industry and local economy; and

WHEREAS, technology has made enormous contributions to the state's economic growth and competitiveness; and

WHEREAS, the technology industry is one of the most important sectors of Mississippi's economy, with over 792 technology companies employing 7,000 Mississippi residents and generating over $340 Million in annual wages; and

WHEREAS, software piracy represents one of the greatest threats to the continued growth of Mississippi's technology industry, with software piracy costing the Mississippi economy almost 1,000 jobs and $22.5 Million in wages annually, 12 Million in lost corporate and sales tax revenues annually; and

WHEREAS, counterfeit and other forms of pirated software expose state agencies to the risk of computer viruses, reduced technical support, and other problems that prevent the efficient operation of information systems; and

WHEREAS, it is in the best interest of the State of Mississippi that we develop a comprehensive statewide response to combat the use of unlicensed software in all state agencies and to promote sound management of state information systems;

NOW, THEREFORE, I, Ronnie Musgrove, Governor of the State of Mississippi, by the authority vested in me by the Constitution and laws of the State of Mississippi, do hereby order the following:

Section 1. Each State agency shall act reasonably to prevent and combat computer software piracy.

(1)   Each agency shall act to ensure that the agency does not knowingly acquire, reproduce, distribute, install, utilize or transmit computer software in violation of U. S. copyright and applicable licensing restrictions.

(2)   Each agency shall act to ensure that the agency has present on its computers and uses only computer software which it has a legal right to use. Each agency's actions shall include:

      1)   preparing agency inventories of the software present on its computers;

      2)   determining what computer software the agency has the authorization to use; and

      3)   developing and maintaining adequate record-keeping;

(3)	Each agency shall require its contractors and recipients of State financial assistance, including grants and loan guarantee assistance, to certify that they have appropriate systems and controls in place to ensure that State funds are not used to acquire, operate or maintain computer software in violation of U.S. copyright laws or mutually agreed to and executed license agreements. If any agency becomes aware that contractors, grantees or other recipients of State financial assistance are using State funds to acquire, operate or maintain computer software in violation of U.S. copyright laws or applicable licensing restrictions, the agency shall take such corrective measures as the agency head deems appropriate and consistent with the requirements of law.

(4)	The Mississippi Department of Information Technology Services (ITS) shall develop appropriate language for inclusion in State contracts to prohibit the use of State funds for the acquisition, operation or maintenance of computer software in violation of U.S. copyright laws or mutually agreed to and executed license agreements. Such language shall be required in all state contracts involving the purchase or utilization of computer software in the performance of such contracts.

(5)	State agencies shall cooperate fully in implementing this order and shall share information as appropriate that may be useful in combating computer software piracy.

Section 2. Responsibilities of Agency Heads. In connection with the acquisition and use of computer software, the head of each State agency shall ensure that the acceptable use policies and practices of the agency related to copyrights protecting computer software are adequate and fully implement the policies set forth in this Order.

Section 3. ITS shall develop and disseminate guidelines for agencies to follow as they develop acceptable use policies and procedures to effectively manage the inventory of software and associated licensing agreements.

Section 4. Judicial Review. This Order is intended only to improve the internal management of the agencies and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the State of Mississippi, its agencies or instrumentalities, its officers or employees, or any other person.

Section 5. Severability. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

Section 6. Effective Date. This order is effective immediately.

> **IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.
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> **DONE** at the Capitol, in the City of Jackson, February 21st, 2001 in the two hundred and twenty-fifth year of the United States of America.

RONNIE MUSGROVE
GOVERNOR

BY THE GOVERNOR

SECRETARY OF STATE