

By: Senator(s) Clarke, Hopson, Burton, Hill, To: Appropriations
Wilemon

SENATE BILL NO. 2991
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF INFORMATION
3 TECHNOLOGY SERVICES FOR FISCAL YEAR 2019.

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated for the purpose of
8 defraying the expenses of the Mississippi Department of
9 Information Technology Services, for the fiscal year beginning
10 July 1, 2018, and ending June 30, 2019.....\$ 27,508,514.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, and contingent upon the passage of Senate Bill 2779,
13 2018 Regular Legislative Session, is hereby appropriated out of
14 any money in the special fund in the State Treasury to the credit
15 of the Mississippi Department of Information Technology Services
16 which are collected by or otherwise become available for the
17 purpose of defraying expenses of the Mississippi Department of
18 Information Technology Services as provided in Senate Bill 2779



19 for the fiscal year beginning July 1, 2018, and ending
20 June 30, 2019.....\$ 20,570,031.00.

21 The funds in this section are provided to defray the costs
22 incurred by the Department of Information Technology Services for
23 providing telecommunication services, data center services, and/or
24 other information technology services to state agencies.

25 **SECTION 3.** Of the funds appropriated under the provisions of
26 this act, the following positions are authorized:

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time.....	140
29		Part Time.....	0
30	Time-Limited:	Full Time.....	0
31		Part Time.....	0

32 With the funds herein appropriated, it shall be the agency's
33 responsibility to make certain that funds required to be
34 appropriated for "Personal Services" for Fiscal Year 2020 do not
35 exceed Fiscal Year 2019 funds appropriated for that purpose,
36 unless programs or positions are added to the agency's Fiscal Year
37 2019 budget by the Mississippi Legislature. Based on data
38 provided by the Legislative Budget Office, the State Personnel
39 Board shall determine and publish the projected annual cost to
40 fully fund all appropriated positions in compliance with the
41 provisions of this act. It shall be the responsibility of the
42 agency head to ensure that no single personnel action increases
43 this projected annual cost and/or the Fiscal Year 2019



44 appropriations for "Personal Services" when annualized, with the
45 exception of escalated funds and the award of benchmarks. If, at
46 the time the agency takes any action to change "Personal
47 Services," the State Personnel Board determines that the agency
48 has taken an action which would cause the agency to exceed this
49 projected annual cost or the Fiscal Year 2019 "Personal Services"
50 appropriated level, when annualized, then only those actions which
51 reduce the projected annual cost and/or the appropriation
52 requirement will be processed by the State Personnel Board until
53 such time as the requirements of this provision are met.

54 Any transfers or escalations shall be made in accordance with
55 the terms, conditions and procedures established by law or
56 allowable under the terms set forth within this act. The State
57 Personnel Board shall not escalate positions without written
58 approval from the Department of Finance and Administration. The
59 Department of Finance and Administration shall not provide written
60 approval to escalate any funds for salaries and/or positions
61 without proof of availability of new or additional funds above the
62 appropriated level.

63 No general funds authorized to be expended herein shall be
64 used to replace federal funds and/or other special funds which are
65 being used for salaries authorized under the provisions of this
66 act and which are withdrawn and no longer available.

67 None of the funds herein appropriated shall be used in
68 violation of Internal Revenue Service's Publication 15-A relating



69 to the reporting of income paid to contract employees, as
70 interpreted by the Office of the State Auditor.

71 **SECTION 4.** In addition to all other funds appropriated
72 herein, the following sum, or so much thereof as may be necessary,
73 is appropriated out of any money in the State General Fund, not
74 otherwise appropriated, for the purpose of defraying the expenses
75 of the Wireless Communication Commission for the fiscal year
76 beginning July 1, 2018, and ending June 30, 2019.....
77\$ 8,001,721.00.

78 The Wireless Communication Commission shall follow all state
79 procurement and bid laws for all contracts and consultants.

80 **SECTION 5.** Of the funds appropriated under the provisions of
81 this act, the following positions are authorized:

82 AUTHORIZED POSITIONS:

83	Permanent:	Full Time.....	10
84		Part Time.....	0
85	Time-Limited:	Full Time.....	0
86		Part Time.....	0

87 The commission is hereby authorized to escalate federal funds
88 and other special funds in accordance with rules and regulations
89 of the Department of Finance and Administration.

90 **SECTION 6.** It is the intention of the Legislature that none
91 of the funds appropriated under the provisions of Section 3 for
92 the Wireless Communication Commission (WCC) shall be expended for
93 the purpose of making a payment of any kind or for any purpose,



94 directly or indirectly, to a member of the State of Mississippi
95 Legislature, state official, WCC member, or person who has been a
96 member of the WCC within the last year.

97 **SECTION 7.** It is the intention of the Legislature that the
98 Department of Information Technology Services shall maintain
99 complete accounting and personnel records related to the
100 expenditure of all funds appropriated under the provisions of this
101 act and that such records shall be in the same format and level of
102 details as maintained for Fiscal Year 2018. It is further the
103 intention of the Legislature that the budget request for Fiscal
104 Year 2020 shall be submitted to the Joint Legislative Budget
105 Committee in a format and level of detail comparable to the format
106 and level of detail provided during the Fiscal Year 2019 budget
107 request process.

108 **SECTION 8.** It is the intention of the Legislature that
109 whenever two (2) or more bids are received by this agency for the
110 purchase of commodities or equipment, and whenever all things
111 stated in such received bids are equal with respect to price,
112 quality and service, the Mississippi Industries for the Blind
113 shall be given preference. A similar preference shall be given to
114 the Mississippi Industries for the Blind whenever purchases are
115 made without competitive bids.

116 **SECTION 9.** It is the intention of the Legislature that the
117 funds herein appropriated shall be expended in compliance with
118 Section 27-104-25, Mississippi Code of 1972, that no state agency



119 shall incur obligations or indebtedness in excess of their
120 appropriation and that the responsible officers, either personally
121 or upon their official bonds, shall be held responsible for
122 actions contrary to this provision.

123 **SECTION 10.** The money herein appropriated shall be paid by
124 the State Treasurer out of any money in the State Treasury to the
125 credit of the proper fund or funds as set forth in this act, upon
126 warrants issued by the State Fiscal Officer; and the State Fiscal
127 Officer shall issue his warrants upon requisitions signed by the
128 proper person, officer or officers, in the manner provided by law.

129 **SECTION 11.** This act shall take effect and be in force from
130 and after July 1, 2018.

