

House Amendments to Senate Bill No. 3052

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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, 2019, and ending June 30, 2020.....\$ 27,629,845.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the special
13 fund in the State Treasury to the credit of the Mississippi
14 Department of Information Technology Services which are collected
15 by or otherwise become available for the purpose of defraying
16 expenses of the Mississippi Department of Information Technology
17 Services as provided in Senate Bill 2779, 2018 Legislative
18 Session, for the fiscal year beginning July 1, 2019, and ending
19 June 30, 2020.....\$ 20,570,031.00.

20 The funds in this section are provided to defray the costs
21 incurred by the Department of Information Technology Services for

22 providing telecommunication services, data center services, and/or
23 other information technology services to state agencies.

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

26 AUTHORIZED POSITIONS:

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

31 With the funds herein appropriated, it shall be the agency's
32 responsibility to make certain that funds required to be
33 appropriated for "Personal Services" for Fiscal Year 2021 do not
34 exceed Fiscal Year 2020 funds appropriated for that purpose,
35 unless programs or positions are added to the agency's Fiscal Year
36 2020 budget by the Mississippi Legislature. Based on data
37 provided by the Legislative Budget Office, the State Personnel
38 Board shall determine and publish the projected annual cost to
39 fully fund all appropriated positions in compliance with the
40 provisions of this act. It shall be the responsibility of the
41 agency head to ensure that no single personnel action increases
42 this projected annual cost and/or the Fiscal Year 2020
43 appropriations for "Personal Services" when annualized, with the
44 exception of escalated funds and the award of benchmarks. If, at
45 the time the agency takes any action to change "Personal
46 Services," the State Personnel Board determines that the agency
47 has taken an action which would cause the agency to exceed this

48 projected annual cost or the Fiscal Year 2020 "Personal Services"
49 appropriated level, when annualized, then only those actions which
50 reduce the projected annual cost and/or the appropriation
51 requirement will be processed by the State Personnel Board until
52 such time as the requirements of this provision are met.

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

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

66 None of the funds herein appropriated shall be used in
67 violation of Internal Revenue Service's Publication 15-A relating
68 to the reporting of income paid to contract employees, as
69 interpreted by the Office of the State Auditor.

70 **SECTION 4.** In addition to all other funds appropriated
71 herein, the following sum, or so much thereof as may be necessary,
72 is appropriated out of any money in the State General Fund, not
73 otherwise appropriated, for the purpose of defraying the expenses

74 of the Wireless Communication Commission for the fiscal year
75 beginning July 1, 2019, and ending June 30, 2020.....
76\$ 8,008,194.00.

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

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

81 AUTHORIZED POSITIONS:

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

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

89 **SECTION 6.** It is the intention of the Legislature that none
90 of the funds appropriated under the provisions of Section 4 for
91 the Wireless Communication Commission (WCC) shall be expended for
92 the purpose of making a payment of any kind or for any purpose,
93 directly or indirectly, to a member of the State of Mississippi
94 Legislature, state official, WCC member, or person who has been a
95 member of the WCC within the last year.

96 **SECTION 7.** It is the intention of the Legislature that the
97 Department of Information Technology Services shall maintain
98 complete accounting and personnel records related to the
99 expenditure of all funds appropriated under the provisions of this

100 act and that such records shall be in the same format and level of
101 details as maintained for Fiscal Year 2019. It is further the
102 intention of the Legislature that the budget request for Fiscal
103 Year 2021 shall be submitted to the Joint Legislative Budget
104 Committee in a format and level of detail comparable to the format
105 and level of detail provided during the Fiscal Year 2020 budget
106 request process.

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

115 **SECTION 9.** It is the intention of the Legislature that the
116 funds herein appropriated shall be expended in compliance with
117 Section 27-104-25, Mississippi Code of 1972, that no state agency
118 shall incur obligations or indebtedness in excess of their
119 appropriation and that the responsible officers, either personally
120 or upon their official bonds, shall be held responsible for
121 actions contrary to this provision.

122 **SECTION 10.** The money herein appropriated shall be paid by
123 the State Treasurer out of any money in the State Treasury to the
124 credit of the proper fund or funds as set forth in this act, upon
125 warrants issued by the State Fiscal Officer; and the State Fiscal

126 Officer shall issue his warrants upon requisitions signed by the
127 proper person, officer or officers, in the manner provided by law.

128 **SECTION 11.** This act shall take effect and be in force from
129 and after July 1, 2019, and shall stand repealed June 30, 2019.

HR13\SB3052A.J

Andrew Ketchings
Clerk of the House of Representatives