

House Amendments to Senate Bill No. 2972

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, 2020, and ending June 30, 2021.....\$ 27,632,308.00.

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, 2020, and ending
19 June 30, 2021.....\$ 18,951,588.00.

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.....	132
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 2022 do not
34 exceed Fiscal Year 2021 funds appropriated for that purpose,
35 unless programs or positions are added to the agency's Fiscal Year
36 2021 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 2021
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 2021 "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.** Of the funds appropriated in Section 1, it is the
71 intention of the Legislature that the Executive Director of
72 Information Technology Services (ITS) shall have authority to
73 transfer an amount not to exceed One Million Dollars

74 (\$1,000,000.00) to the ITS Revolving Fund (3360900000). The
75 purpose of this authority is to provide operating cash to
76 alleviate cash flow problems in the ITS Revolving Fund. Any funds
77 transferred during the fiscal year shall be transferred back to
78 the State General Fund before the end of the lapse period for the
79 fiscal year.

80 **SECTION 5.** In addition to all other funds appropriated
81 herein, the following sum, or so much thereof as may be necessary,
82 is appropriated out of any money in the State General Fund, not
83 otherwise appropriated, for the purpose of defraying the expenses
84 of the Wireless Communication Commission for the fiscal year
85 beginning July 1, 2020, and ending June 30, 2021.....
86\$ 10,639,874.00.

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

89 **SECTION 6.** Of the funds appropriated under the provisions of
90 this act, the following positions are authorized:

91 AUTHORIZED POSITIONS:

92	Permanent:	Full Time.....	10
93		Part Time.....	0
94	Time-Limited:	Full Time.....	0
95		Part Time.....	0

96 The commission is hereby authorized to escalate federal funds
97 and other special funds in accordance with rules and regulations
98 of the Department of Finance and Administration.

99 **SECTION 7.** It is the intention of the Legislature that none
100 of the funds appropriated under the provisions of Section 5 for
101 the Wireless Communication Commission (WCC) shall be expended for
102 the purpose of making a payment of any kind or for any purpose,
103 directly or indirectly, to a member of the State of Mississippi
104 Legislature, state official, WCC member, or person who has been a
105 member of the WCC within the last year.

106 **SECTION 8.** It is the intention of the Legislature that the
107 Department of Information Technology Services shall maintain
108 complete accounting and personnel records related to the
109 expenditure of all funds appropriated under the provisions of this
110 act and that such records shall be in the same format and level of
111 details as maintained for Fiscal Year 2020. It is further the
112 intention of the Legislature that the budget request for Fiscal
113 Year 2022 shall be submitted to the Joint Legislative Budget
114 Committee in a format and level of detail comparable to the format
115 and level of detail provided during the Fiscal Year 2021 budget
116 request process.

117 **SECTION 9.** It is the intention of the Legislature that
118 whenever two (2) or more bids are received by this agency for the
119 purchase of commodities or equipment, and whenever all things
120 stated in such received bids are equal with respect to price,
121 quality and service, the Mississippi Industries for the Blind
122 shall be given preference. A similar preference shall be given to
123 the Mississippi Industries for the Blind whenever purchases are
124 made without competitive bids.

125 **SECTION 10.** It is the intention of the Legislature that the
126 funds herein appropriated shall be expended in compliance with
127 Section 27-104-25, Mississippi Code of 1972, that no state agency
128 shall incur obligations or indebtedness in excess of their
129 appropriation and that the responsible officers, either personally
130 or upon their official bonds, shall be held responsible for
131 actions contrary to this provision.

132 **SECTION 11.** The money herein appropriated shall be paid by
133 the State Treasurer out of any money in the State Treasury to the
134 credit of the proper fund or funds as set forth in this act, upon
135 warrants issued by the State Fiscal Officer; and the State Fiscal
136 Officer shall issue his warrants upon requisitions signed by the
137 proper person, officer or officers, in the manner provided by law.

138 **SECTION 12.** This act shall take effect and be in force from
139 and after July 1, 2020, and shall stand repealed from and after
140 June 30, 2020.

HR13\SB2972A.J

Andrew Ketchings
Clerk of the House of Representatives