

By: Senator(s) Hopson, Polk, Blackwell,  
Frazier, Williams

To: Appropriations

SENATE BILL NO. 2950  
(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 2022.

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, 2021, and ending June 30, 2022..... \$ 28,241,471.00.

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, 2021, and ending  
19 June 30, 2022 ..... \$ 25,010,850.00.

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 2023 do not  
34 exceed Fiscal Year 2022 funds appropriated for that purpose unless  
35 programs or positions are added to the agency's Fiscal Year 2022  
36 budget by the Mississippi Legislature. Based on data provided by  
37 the Legislative Budget Office, the State Personnel Board shall  
38 determine and publish the projected annual cost to fully fund all  
39 appropriated positions in compliance with the provisions of this  
40 act. Absent a special situation or circumstance approved by the  
41 State Personnel Board, or unless otherwise authorized by this act,  
42 no state agency shall take any action to promote or otherwise



43 award salary increases through reallocation or realignment. If  
44 the State Personnel Board determines a special situation or  
45 circumstance exists and approves an action, then the agency and  
46 the State Personnel Board shall provide a monthly report of each  
47 action approved by the State Personnel Board to the Chairmen of  
48 the Accountability, Efficiency and Transparency Committees of the  
49 Senate and House of Representatives and the Chairmen of the  
50 Appropriations Committees of the Senate and House of  
51 Representatives. It shall be the responsibility of the agency  
52 head to ensure that no single personnel action increases this  
53 projected annual cost and/or the Fiscal Year 2022 appropriations  
54 for "Personal Services" when annualized, with the exception of  
55 escalated funds and the award of benchmarks. If, at the time the  
56 agency takes any action to change "Personal Services," the State  
57 Personnel Board determines that the agency has taken an action  
58 which would cause the agency to exceed this projected annual cost  
59 or the Fiscal Year 2022 "Personal Services" appropriated level,  
60 when annualized, then only those actions which reduce the  
61 projected annual cost and/or the appropriation requirement will be  
62 processed by the State Personnel Board until such time as the  
63 requirements of this provision are met.

64 Any transfers or escalations shall be made in accordance with  
65 the terms, conditions and procedures established by law or  
66 allowable under the terms set forth within this act. The State  
67 Personnel Board shall not escalate positions without written



68 approval from the Department of Finance and Administration. The  
69 Department of Finance and Administration shall not provide written  
70 approval to escalate any funds for salaries and/or positions  
71 without proof of availability of new or additional funds above the  
72 appropriated level.

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

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

81 Funds have been appropriated herein for the purpose of  
82 implementation and funding Project SEC2 of the Colonel Guy Groff  
83 State Variable Compensation Plan beginning January 1, 2022, and  
84 ending June 30, 2022. It shall be the agency's responsibility to  
85 make certain that each person, excluding executive directors,  
86 agency heads, and elected judges, shall receive no more than a 3%  
87 annual increase in salary which shall not exceed the market rate  
88 established by the State Personnel Board pursuant to the Colonel  
89 Guy Groff State Variable Compensation Plan for each  
90 classification.

91 **SECTION 4.** Of the funds appropriated in Section 1, it is the  
92 intention of the Legislature that the Executive Director of



93 Information Technology Services (ITS) shall have authority to  
94 transfer an amount not to exceed Seven Hundred Fifty Thousand  
95 Dollars (\$750,000.00) to the ITS Revolving Fund (3360900000). The  
96 purpose of this authority is to provide operating cash to  
97 alleviate cash flow problems in the ITS Revolving Fund. Any funds  
98 transferred during the fiscal year shall be transferred back to  
99 the State General Fund before the end of the lapse period for the  
100 fiscal year.

101       **SECTION 5.** In addition to all other funds appropriated  
102 herein, the following sum, or so much thereof as may be necessary,  
103 is appropriated out of any money in the State General Fund, not  
104 otherwise appropriated, for the purpose of defraying the expenses  
105 of the Wireless Communication Commission for the fiscal year  
106 beginning July 1, 2021, and ending June 30, 2022.....  
107 .....\$           10,446,099.00.

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

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

112       AUTHORIZED POSITIONS:

113	Permanent:	Full Time .....	10
114		Part Time .....	0
115	Time-Limited:	Full Time .....	0
116		Part Time .....	0



With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2023 do not exceed Fiscal Year 2022 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2022 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. Absent a special situation or circumstance approved by the State Personnel Board, or unless otherwise authorized by this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation or realignment. If the State Personnel Board determines a special situation or circumstance exists and approves an action, then the agency and the State Personnel Board shall provide a monthly report of each action approved by the State Personnel Board to the Chairmen of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairmen of the Appropriations Committees of the Senate and House of Representatives. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2022 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the



142 agency takes any action to change "Personal Services," the State  
143 Personnel Board determines that the agency has taken an action  
144 which would cause the agency to exceed this projected annual cost  
145 or the Fiscal Year 2022 "Personal Services" appropriated level,  
146 when annualized, then only those actions which reduce the  
147 projected annual cost and/or the appropriation requirement will be  
148 processed by the State Personnel Board until such time as the  
149 requirements of this provision are met.

150       Any transfers or escalations shall be made in accordance with  
151 the terms, conditions and procedures established by law or  
152 allowable under the terms set forth within this act. The State  
153 Personnel Board shall not escalate positions without written  
154 approval from the Department of Finance and Administration. The  
155 Department of Finance and Administration shall not provide written  
156 approval to escalate any funds for salaries and/or positions  
157 without proof of availability of new or additional funds above the  
158 appropriated level.

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

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



Funds have been appropriated herein for the purpose of implementation and funding Project SEC2 of the Colonel Guy Groff State Variable Compensation Plan beginning January 1, 2022, and ending June 30, 2022. It shall be the agency's responsibility to make certain that each person, excluding executive directors, agency heads, and elected judges, shall receive no more than a 3% annual increase in salary which shall not exceed the market rate established by the State Personnel Board pursuant to the Colonel Guy Groff State Variable Compensation Plan for each classification.

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

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

**SECTION 8.** It is the intention of the Legislature that the Department of Information Technology Services shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under the provisions of this act and that such records shall be in the same format and level of





192 details as maintained for Fiscal Year 2021. It is further the  
193 intention of the Legislature that the budget request for Fiscal  
194 Year 2023 shall be submitted to the Joint Legislative Budget  
195 Committee in a format and level of detail comparable to the format  
196 and level of detail provided during the Fiscal Year 2022 budget  
197 request process.

198       **SECTION 9.** It is the intention of the Legislature that  
199 whenever two (2) or more bids are received by this agency for the  
200 purchase of commodities or equipment, and whenever all things  
201 stated in such received bids are equal with respect to price,  
202 quality and service, the Mississippi Industries for the Blind  
203 shall be given preference. A similar preference shall be given to  
204 the Mississippi Industries for the Blind whenever purchases are  
205 made without competitive bids.

206       **SECTION 10.** It is the intention of the Legislature that the  
207 funds herein appropriated shall be expended in compliance with  
208 Section 27-104-25, Mississippi Code of 1972, that no state agency  
209 shall incur obligations or indebtedness in excess of their  
210 appropriation and that the responsible officers, either personally  
211 or upon their official bonds, shall be held responsible for  
212 actions contrary to this provision.

213       **SECTION 11.** The money herein appropriated shall be paid by  
214 the State Treasurer out of any money in the State Treasury to the  
215 credit of the proper fund or funds as set forth in this act, upon  
216 warrants issued by the State Fiscal Officer; and the State Fiscal



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

219       **SECTION 12.** This act shall take effect and be in force from  
220 and after July 1, 2021.

