

House Amendments to Senate Bill No. 2950

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, 2021, and ending June 30, 2022.....\$ 25,154,322.00.

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.....\$ 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.....	127
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 **SECTION 4.** Of the funds appropriated in Section 1, it is the
82 intention of the Legislature that the Executive Director of
83 Information Technology Services (ITS) shall have authority to
84 transfer an amount not to exceed Seven Hundred Fifty Thousand
85 Dollars (\$750,000.00) to the ITS Revolving Fund (3360900000). The
86 purpose of this authority is to provide operating cash to
87 alleviate cash flow problems in the ITS Revolving Fund. Any funds
88 transferred during the fiscal year shall be transferred back to
89 the State General Fund before the end of the lapse period for the
90 fiscal year.

91 **SECTION 5.** In addition to all other funds appropriated
92 herein, the following sum, or so much thereof as may be necessary,
93 is appropriated out of any money in the State General Fund, not
94 otherwise appropriated, for the purpose of defraying the expenses
95 of the Wireless Communication Commission for the fiscal year
96 beginning July 1, 2021, and ending June 30, 2022.....
97\$9,707,575.00.

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

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

102 AUTHORIZED POSITIONS:

103	Permanent:	Full Time.....	5
104		Part Time.....	0
105	Time-Limited:	Full Time.....	0
106		Part Time.....	0

107 With the funds herein appropriated, it shall be the agency's
108 responsibility to make certain that funds required to be
109 appropriated for "Personal Services" for Fiscal Year 2023 do not
110 exceed Fiscal Year 2022 funds appropriated for that purpose unless
111 programs or positions are added to the agency's Fiscal Year 2022
112 budget by the Mississippi Legislature. Based on data provided by
113 the Legislative Budget Office, the State Personnel Board shall
114 determine and publish the projected annual cost to fully fund all
115 appropriated positions in compliance with the provisions of this
116 act. Absent a special situation or circumstance approved by the
117 State Personnel Board, or unless otherwise authorized by this act,
118 no state agency shall take any action to promote or otherwise
119 award salary increases through reallocation or realignment. If
120 the State Personnel Board determines a special situation or
121 circumstance exists and approves an action, then the agency and
122 the State Personnel Board shall provide a monthly report of each
123 action approved by the State Personnel Board to the chairmen of

124 the Accountability, Efficiency and Transparency Committees of the
125 Senate and House of Representatives and the chairmen of the
126 Appropriations Committees of the Senate and House of
127 Representatives. It shall be the responsibility of the agency
128 head to ensure that no single personnel action increases this
129 projected annual cost and/or the Fiscal Year 2022 appropriations
130 for "Personal Services" when annualized, with the exception of
131 escalated funds and the award of benchmarks. If, at the time the
132 agency takes any action to change "Personal Services," the State
133 Personnel Board determines that the agency has taken an action
134 which would cause the agency to exceed this projected annual cost
135 or the Fiscal Year 2022 "Personal Services" appropriated level,
136 when annualized, then only those actions which reduce the
137 projected annual cost and/or the appropriation requirement will be
138 processed by the State Personnel Board until such time as the
139 requirements of this provision are met.

140 Any transfers or escalations shall be made in accordance with
141 the terms, conditions and procedures established by law or
142 allowable under the terms set forth within this act. The State
143 Personnel Board shall not escalate positions without written
144 approval from the Department of Finance and Administration. The
145 Department of Finance and Administration shall not provide written
146 approval to escalate any funds for salaries and/or positions
147 without proof of availability of new or additional funds above the
148 appropriated level.

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

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

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

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

167 **SECTION 8.** It is the intention of the Legislature that the
168 Department of Information Technology Services shall maintain
169 complete accounting and personnel records related to the
170 expenditure of all funds appropriated under the provisions of this
171 act and that such records shall be in the same format and level of
172 details as maintained for Fiscal Year 2021. It is further the
173 intention of the Legislature that the budget request for Fiscal
174 Year 2023 shall be submitted to the Joint Legislative Budget

175 Committee in a format and level of detail comparable to the format
176 and level of detail provided during the Fiscal Year 2022 budget
177 request process.

178 **SECTION 9.** It is the intention of the Legislature that
179 whenever two (2) or more bids are received by this agency for the
180 purchase of commodities or equipment, and whenever all things
181 stated in such received bids are equal with respect to price,
182 quality and service, the Mississippi Industries for the Blind
183 shall be given preference. A similar preference shall be given to
184 the Mississippi Industries for the Blind whenever purchases are
185 made without competitive bids.

186 **SECTION 10.** It is the intention of the Legislature that the
187 funds herein appropriated shall be expended in compliance with
188 Section 27-104-25, Mississippi Code of 1972, that no state agency
189 shall incur obligations or indebtedness in excess of their
190 appropriation and that the responsible officers, either personally
191 or upon their official bonds, shall be held responsible for
192 actions contrary to this provision.

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

199 **SECTION 12.** This act shall take effect and be in force from
200 and after July 1, 2021, and shall stand repealed from and after
201 June 29, 2021.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

HR13\SB2950A.J

Andrew Ketchings
Clerk of the House of Representatives