

House Amendments to Senate Bill No. 3045

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, 2023, and ending June 30, 2024.....\$ 26,177,477.00.

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 established in Section 27-104-203, Mississippi Code of
18 1972, for the fiscal year beginning July 1, 2023, and ending
19 June 30, 2024.....\$ 25,252,878.00.

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 HEADCOUNT:

27 Permanent: 122

28 Time-Limited: 0

29 With the funds herein appropriated, it shall be the agency's
30 responsibility to make certain that funds required for Personal
31 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
32 appropriated for that purpose unless programs or positions are
33 added to the agency's Fiscal Year 2024 budget by the Mississippi
34 Legislature. The Legislature shall determine the agency's
35 personal services appropriation, which shall be published by the
36 State Personnel Board. Additionally, the State Personnel Board
37 shall determine and publish the projected annualized payroll costs
38 based on current employees. It shall be the responsibility of the
39 agency head to ensure that actual personnel expenditures for
40 Fiscal Year 2024 do not exceed the data provided by the
41 Legislative Budget Office. If the agency's Fiscal Year 2024
42 projected cost exceeds the annualized costs, no salary actions
43 shall be processed by the State Personnel Board with the exception
44 of new hires that are determined to be essential for the agency.

45 Any transfers or escalations shall be made in accordance with
46 the terms, conditions and procedures established by law or
47 allowable under the terms set forth within this act. The State

48 Personnel Board shall not escalate positions without written
49 approval from the Department of Finance and Administration. The
50 Department of Finance and Administration shall not provide written
51 approval to escalate any funds for salaries and/or positions
52 without proof of availability of new or additional funds above the
53 appropriated level.

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57 act and which are withdrawn and no longer available.

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

62 Funds have been appropriated herein for the purpose of
63 funding Project SEC2 minimum salaries for all employees covered
64 under the Colonel Guy Groff/Neville Kenning Variable Compensation
65 Plan. It shall be the agency's responsibility to ensure that the
66 funds are used to increase all employees' salaries up to the
67 minimum level as determined by the State Personnel Board.

68 **SECTION 4.** Of the funds appropriated in Section 1 of this
69 act, it is the intention of the Legislature that the Executive
70 Director of Information Technology Services (ITS) shall have
71 authority to transfer an amount not to exceed Seven Hundred Fifty
72 Thousand Dollars (\$750,000.00) to the ITS Revolving Fund
73 (3360900000). The purpose of this authority is to provide

74 operating cash to alleviate cash flow problems in the ITS
75 Revolving Fund. Any funds transferred during the fiscal year
76 shall be transferred back to the State General Fund before the end
77 of the lapse period for the fiscal year.

78 **SECTION 5.** In addition to all other funds appropriated
79 herein, the following sum, or so much thereof as may be necessary,
80 is appropriated out of any money in the State General Fund, not
81 otherwise appropriated, for the purpose of defraying the expenses
82 of the Wireless Communication Commission for the fiscal year
83 beginning July 1, 2023, and ending June 30, 2024.....
84\$ 11,136,475.00.

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

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

89 AUTHORIZED HEADCOUNT:

90 Permanent: 10

91 Time-Limited: 0

92 With the funds herein appropriated, it shall be the agency's
93 responsibility to make certain that funds required for Personal
94 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
95 appropriated for that purpose unless programs or positions are
96 added to the agency's Fiscal Year 2024 budget by the Mississippi
97 Legislature. The Legislature shall determine the agency's
98 personal services appropriation, which shall be published by the
99 State Personnel Board. Additionally, the State Personnel Board

100 shall determine and publish the projected annualized payroll costs
101 based on current employees. It shall be the responsibility of the
102 agency head to ensure that actual personnel expenditures for
103 Fiscal Year 2024 do not exceed the data provided by the
104 Legislative Budget Office. If the agency's Fiscal Year 2024
105 projected cost exceeds the annualized costs, no salary actions
106 shall be processed by the State Personnel Board with the exception
107 of new hires that are determined to be essential for the agency.

108 Any transfers or escalations shall be made in accordance with
109 the terms, conditions and procedures established by law or
110 allowable under the terms set forth within this act. The State
111 Personnel Board shall not escalate positions without written
112 approval from the Department of Finance and Administration. The
113 Department of Finance and Administration shall not provide written
114 approval to escalate any funds for salaries and/or positions
115 without proof of availability of new or additional funds above the
116 appropriated level.

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

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

125 Funds have been appropriated herein for the purpose of
126 funding Project SEC2 minimum salaries for all employees covered
127 under the Colonel Guy Groff/Neville Kenning Variable Compensation
128 Plan. It shall be the agency's responsibility to ensure that the
129 funds are used to increase all employees' salaries up to the
130 minimum level as determined by the State Personnel Board.

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

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

141 **SECTION 8.** It is the intention of the Legislature that the
142 Department of Information Technology Services shall maintain
143 complete accounting and personnel records related to the
144 expenditure of all funds appropriated under the provisions of this
145 act and that such records shall be in the same format and level of
146 details as maintained for Fiscal Year 2023. It is further the
147 intention of the Legislature that the budget request for Fiscal
148 Year 2025 shall be submitted to the Joint Legislative Budget
149 Committee in a format and level of detail comparable to the format

150 and level of detail provided during the Fiscal Year 2024 budget
151 request process.

152 **SECTION 9.** It is the intention of the Legislature that
153 whenever two (2) or more bids are received by this agency for the
154 purchase of commodities or equipment, and whenever all things
155 stated in such received bids are equal with respect to price,
156 quality and service, the Mississippi Industries for the Blind
157 shall be given preference. A similar preference shall be given to
158 the Mississippi Industries for the Blind whenever purchases are
159 made without competitive bids.

160 **SECTION 10.** It is the intention of the Legislature that the
161 funds herein appropriated shall be expended in compliance with
162 Section 27-104-25, Mississippi Code of 1972, that no state agency
163 shall incur obligations or indebtedness in excess of their
164 appropriation and that the responsible officers, either personally
165 or upon their official bonds, shall be held responsible for
166 actions contrary to this provision.

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

173 **SECTION 12.** This act shall take effect and be in force from
174 and after July 1, 2023, and shall stand repealed from and after
175 June 29, 2023.

**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 2024.

HR13\SB3045A.J

Andrew Ketchings
Clerk of the House of Representatives