

House Amendments to Senate Bill No. 3042

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, 2024, and ending June 30, 2025.....\$ 26,042,183.00.

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, 2024, and ending
19 June 30, 2025.....\$ 21,487,878.00.

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: 125

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 2026 do not exceed Fiscal Year 2025 funds
32 appropriated for that purpose unless programs or positions are
33 added to the agency's Fiscal Year 2025 budget by the Mississippi
34 Legislature. The Legislature shall determine the agency's personal
35 services appropriation, which the State Personnel Board shall
36 publish. In accordance with applicable laws, if an agency
37 determines that its personal services amount is insufficient, the
38 agency must contact the State Personnel Board. Any adjustment to
39 the personal services amount must be approved by the State
40 Personnel Director and the State Fiscal Officer after consultation
41 with the Legislative Budget Office. Any adjustment shall be
42 reported to the Legislative Budget Office and the House and Senate
43 Appropriations Chairmen. The agency's personal services
44 appropriation may consist of restricted funds for approved
45 vacancies for Fiscal Year 2025 that may not be utilized for active
46 Fiscal Year 2024 headcount. It shall be the agency's
47 responsibility to ensure that the funds provided for vacancies are

48 used to increase headcount and not for promotions, title changes,
49 in-range salary adjustments, or any other mechanism for increasing
50 salaries for current employees. If the State Personnel Board
51 determines that an agency has used provided vacancy funds for any
52 of the mechanisms previously listed, the State Personnel Board
53 shall not process any additional salary actions for the agency in
54 the current fiscal year, except for new hires determined by the
55 State Personnel Board to be essential for the agency. It is the
56 Legislature's intention that no employee salary falls below the
57 minimum salary established by the Mississippi State Personnel
58 Board.

59 Additionally, the State Personnel Board shall determine and
60 publish the projected annualized payroll costs based on current
61 employees. It shall be the responsibility of the agency head to
62 ensure that actual personnel expenditures for Fiscal Year 2025 do
63 not exceed the data provided by the Legislative Budget Office. If
64 the agency's projected cost for Fiscal Year 2025 exceeds the
65 annualized costs, no salary actions shall be processed by the
66 State Personnel Board except for new hires determined to be
67 essential for the agency.

68 Any transfers or escalations shall be made in accordance with
69 the terms, conditions, and procedures established by law or
70 allowable under the terms set forth within this act. The State
71 Personnel Board shall not escalate positions without written
72 approval from the Department of Finance and Administration. The
73 Department of Finance and Administration shall not provide written

74 approval to escalate any funds for salaries and/or positions
75 without proof of availability of new or additional funds above the
76 appropriated level.

77 No general funds authorized to be expended herein shall be
78 used to replace federal funds and/or other special funds used for
79 salaries authorized under the provisions of this act and which are
80 withdrawn and no longer available.

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

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

95 **SECTION 5.** In addition to all other funds appropriated
96 herein, the following sum, or so much thereof as may be necessary,
97 is appropriated out of any money in the State General Fund, not
98 otherwise appropriated, for the purpose of defraying the expenses

99 of the Wireless Communication Commission for the fiscal year
100 beginning July 1, 2024, and ending June 30, 2025.....
101\$ 11,051,853.00.

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

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

106 AUTHORIZED HEADCOUNT:

107 Permanent: 10

108 Time-Limited: 0

109 With the funds herein appropriated, it shall be the agency's
110 responsibility to make certain that funds required for Personal
111 Services for Fiscal Year 2026 do not exceed Fiscal Year 2025 funds
112 appropriated for that purpose unless programs or positions are
113 added to the agency's Fiscal Year 2025 budget by the Mississippi
114 Legislature. The Legislature shall determine the agency's personal
115 services appropriation, which the State Personnel Board shall
116 publish. In accordance with applicable laws, if an agency
117 determines that its personal services amount is insufficient, the
118 agency must contact the State Personnel Board. Any adjustment to
119 the personal services amount must be approved by the State
120 Personnel Director and the State Fiscal Officer after consultation
121 with the Legislative Budget Office. Any adjustment shall be
122 reported to the Legislative Budget Office and the House and Senate
123 Appropriations Chairmen. The agency's personal services
124 appropriation may consist of restricted funds for approved

125 vacancies for Fiscal Year 2025 that may not be utilized for active
126 Fiscal Year 2024 headcount. It shall be the agency's
127 responsibility to ensure that the funds provided for vacancies are
128 used to increase headcount and not for promotions, title changes,
129 in-range salary adjustments, or any other mechanism for increasing
130 salaries for current employees. If the State Personnel Board
131 determines that an agency has used provided vacancy funds for any
132 of the mechanisms previously listed, the State Personnel Board
133 shall not process any additional salary actions for the agency in
134 the current fiscal year, except for new hires determined by the
135 State Personnel Board to be essential for the agency. It is the
136 Legislature's intention that no employee salary falls below the
137 minimum salary established by the Mississippi State Personnel
138 Board.

139 Additionally, the State Personnel Board shall determine and
140 publish the projected annualized payroll costs based on current
141 employees. It shall be the responsibility of the agency head to
142 ensure that actual personnel expenditures for Fiscal Year 2025 do
143 not exceed the data provided by the Legislative Budget Office. If
144 the agency's projected cost for Fiscal Year 2025 exceeds the
145 annualized costs, no salary actions shall be processed by the
146 State Personnel Board except for new hires determined to be
147 essential for the agency.

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

151 Personnel Board shall not escalate positions without written
152 approval from the Department of Finance and Administration. The
153 Department of Finance and Administration shall not provide written
154 approval to escalate any funds for salaries and/or positions
155 without proof of availability of new or additional funds above the
156 appropriated level.

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

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

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

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

177 details as maintained for Fiscal Year 2024. It is further the
178 intention of the Legislature that the budget request for Fiscal
179 Year 2026 shall be submitted to the Joint Legislative Budget
180 Committee in a format and level of detail comparable to the format
181 and level of detail provided during the Fiscal Year 2025 budget
182 request process.

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

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

198 **SECTION 11.** The following sum, or so much thereof as may be
199 necessary, is reappropriated out of any money in the Capital
200 Expense Fund not otherwise appropriated for the Wireless
201 Communication Commission for the purpose of reauthorizing the
202 expenditure of Capital Expense Fund, as appropriated in SB 3045,

203 2023 Regular Session, for the statewide refurbishment of the
204 Mississippi Wireless Information Network (MSWIN) system for the
205 fiscal year beginning July 1, 2024, and ending
206 June 30, 2025.....\$ 8,638,705.00.

207 Notwithstanding the amount reappropriated under this section,
208 the amount that may be expended under the authority of this
209 section shall not exceed the unexpended balance of the funds
210 remaining as of June 30, 2024, from the amount authorized for the
211 previous fiscal year. In addition, this reappropriation shall not
212 change the purpose for which the funds were originally authorized.

213 **SECTION 12.** 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 13.** This act shall take effect and be in force from
220 and after July 1, 2024, and shall stand repealed from and after
221 June 29, 2024.

HR13\SB3042A.J

Andrew Ketchings
Clerk of the House of Representatives