

Chapter No. 104  
14/SS02/A600SG  
aj Holne

**SENATE BILL NO. 2905**

Originated in Senate *Liz Welton* Secretary

SENATE BILL NO. 2905

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2015.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following sum, or so much thereof as may be necessary, is hereby authorized for expenditure out of any special source funds, including, but not limited to, fund 3602, which are collected by or otherwise become available for the purpose of defraying the expenses of the Mississippi Department of Information Technology Services, for the fiscal year beginning July 1, 2014, and ending June 30, 2015..... \$ 40,949,736.00.

**SECTION 2.** Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	152
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2016 do not exceed Fiscal Year 2015 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2015 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. 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 2015 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2015 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Funds are provided herein for a One Thousand Dollar (\$1,000.00) salary increase for full-time employees, or pro-rated for part-time employees, which shall be awarded to each employee

that has not received a salary increase since July 1, 2010, and that is making an annual salary of less than Thirty Thousand Dollars (\$30,000.00) as of June 30, 2014.

The State Personnel Board shall not approve or process personnel action for any employee unless the employee has not received a salary increase since July 1, 2010, and for such an employee the increased amount shall not exceed Five Percent (5%); however, the following conditions are to be exempted: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY 2015 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board or any other requested action of the agency that has been specifically authorized by the Legislature.

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

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

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

**SECTION 3.** In addition to all other funds appropriated herein, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund, not otherwise appropriated, for the purpose of defraying the expenses of the Wireless Communication Commission for the fiscal year beginning July 1, 2014, and ending June 30, 2015.....

.....\$ 8,000,000.00.

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

**SECTION 4.** In addition to all other funds herein appropriated, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Wireless Communication Commission which is comprised of special source funds collected by or otherwise available to the Wireless Communication Commission, for the purpose of defraying the expenses of the Wireless Communication

Commission for the fiscal year beginning July 1, 2014, and ending  
June 30, 2015.....\$ 500,000.00.

**SECTION 5.** Of the funds appropriated under the provisions of  
this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	10
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

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 6.** With the funds appropriated, it is the intention  
of the Legislature that the Wireless Communication Commission has  
the authority to reorganize and change its personnel structure.  
This includes the ability to award agency head flex in an amount  
not to exceed Forty-three Thousand Five Hundred Eleven Dollars  
(\$43,511.00), new hire flex not to exceed Two Thousand Two Hundred  
Eighty-five Dollars (\$2,285.00) and reallocations in an amount not  
to exceed Thirty Thousand One Hundred Forty-one Dollars  
(\$30,141.00).

**SECTION 7.** It is the intention of the Legislature that none  
of the funds appropriated under the provisions of Section 3 and 4  
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.** With the funds herein appropriated, it is the intention of the Legislature that the Mississippi Department of Information Technology Services award information technology special compensation in an amount not to exceed Forty Thousand Dollars (\$40,000.00), award sixteen (16) educational benchmarks in an amount not to exceed Thirty-two Thousand Two Hundred Thirty-four Dollars (\$32,234.00), seven (7) reallocations in an amount not to exceed Forty-three Thousand Thirty-one Dollars (\$43,031.00) and award one (1) reclassification in an amount not to exceed Six Thousand Nine Hundred Sixty-four Dollars (\$6,964.00).

**SECTION 9.** The Mississippi Department of Information Technology Services is hereby authorized to receive additional funds from any state agency or other source, including one hundred percent (100%) general-fund agencies, for the purpose of providing data processing or telecommunications services to any governmental organization contracting with the Mississippi Department of Information Technology Services for such services. The Mississippi Department of Information Technology Services is further authorized to escalate an amount not to exceed Five Million Dollars (\$5,000,000.00) and to increase, up to a maximum of twenty (20) additional positions, the number of authorized

positions listed in this act in order to provide the required data processing or telecommunications services for such governmental organizations, under the rules and regulations of the Department of Finance and Administration.

**SECTION 10.** It is the intent of the Legislature that the rates charged by this agency for services provided to the State must be consistent with the federal cost allocation guidelines outlined in the OMB Circular A-87, which provides that rates may recover the allowable cost of providing the given service but not over recover.

**SECTION 11.** 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 details as maintained for Fiscal Year 2014. It is further the intention of the Legislature that the budget request for Fiscal Year 2016 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2015 budget request process.

**SECTION 12.** It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price,

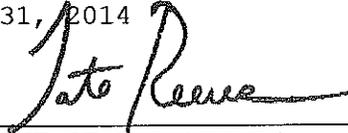
quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

**SECTION 13.** It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally or upon their official bonds, shall be held responsible for actions contrary to this provision.

**SECTION 14.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

**SECTION 15.** This act shall take effect and be in force from and after July 1, 2014.

PASSED BY THE SENATE  
March 31, 2014



\_\_\_\_\_  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 31, 2014



\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



\_\_\_\_\_  
GOVERNOR

4/23/14

1:58pm