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Chapter No. 25
13/SS01/A600SG
AG /MMPT

SENATE BILL NO. 2899

Originated in Senate _____ Secretary

SENATE BILL NO. 2899

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2014.

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, 2013, and ending June 30, 2014 ..... $ 40,000,000.00.

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 2015 do not exceed Fiscal Year 2014 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2014 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 2014 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 2014 "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.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment,

educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: 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 FY2014 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 heretofore appropriated, the following sum is hereby appropriated out of any money in the State Treasury to the credit of the Budget Contingency Fund, created in Section 27-103-301, Mississippi Code of 1972, and allocated in a manner as determined by the Treasurer's Office, for the purpose of defraying the expenses of the Wireless Communication Commission for the fiscal year beginning July 1, 2013, and ending June 30, 2014.....

.....$ 6,000,000.00.

Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	5
	Part Time.....	0
Time-Limited:	Full Time.....	0
	Part Time.....	0

The commission is hereby authorized to escalate federal funds and other funds in accordance with rules and regulations of the Department of Finance and Administration and up to a maximum of five (5) additional positions for a total of ten (10) positions,

in order to provide services prescribed by Section 25-53-171, Mississippi Code of 1972.

SECTION 4. The Wireless Communication Commission shall provide the Governor and the Joint Legislative Budget Committee, no later than August 31, 2013, a business plan which provides a non-general fund funding source for not less than one-half (50%) of the agency's annual operating expenses, with a goal to reach four-fifths (80%) of annual operating expenses by Fiscal Year 2016.

SECTION 5. It is the intention of the Legislature that none of the funds appropriated under the provisions of Section 3 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 6. 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 7. 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 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 details as maintained for Fiscal Year 2013. It is further the intention of the Legislature that the budget request for Fiscal Year 2015 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 2014 budget request process.

SECTION 9. 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 10. 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) and award educational benchmarks in an amount not to exceed Sixteen Thousand Eight Hundred Fifty-four Dollars ($16,854.00).

SECTION 11. 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 12. 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 13. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE SENATE
February 21, 2013

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 13, 2013

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

GOVERNOR

4-16-13
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