

By: Senator(s) Gordon, Little, Kirby,  
Cuevas, Flowers, Lee (35th), Turner

To: Appropriations

SENATE BILL NO. 3124  
(As Sent to Governor)

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 2005.

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

5 **SECTION 1.** The following sum, or so much thereof as may be  
6 necessary, is hereby authorized for expenditure out of any special  
7 source funds which are collected by or otherwise become available  
8 for the purpose of defraying the expenses of the Mississippi  
9 Department of Information Technology Services, for the fiscal year  
10 beginning July 1, 2004, and ending June 30, 2005.....  
11 ..... \$ 33,645,378.00.

12 **SECTION 2.** With the funds appropriated under the provisions  
13 of Section 1, the following positions are authorized:

14 AUTHORIZED POSITIONS:

15	Permanent:	Full Time.....	150
16		Part Time.....	0
17	Time-Limited:	Full Time.....	2
18		Part Time.....	0

19 With the funds herein appropriated, it is the intention of  
20 the Legislature that it shall be the agency's responsibility to  
21 make certain that funds required to be appropriated for "Personal  
22 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
23 funds appropriated for that purpose, unless programs or positions  
24 are added to the agency's Fiscal Year 2006 budget by the  
25 Mississippi Legislature. Based on data provided by the  
26 Legislative Budget Office, the State Personnel Board shall  
27 determine and publish the projected annual cost to fully fund all

28 appropriated positions in compliance with the provisions of this  
29 act. It shall be the responsibility of the agency head to insure  
30 that no single personnel action increases this projected annual  
31 cost and/or the Fiscal Year 2005 appropriation for "Personal  
32 Services" when annualized, with the exception of escalated funds.  
33 If, at the time the agency takes any action to change "Personal  
34 Services," the State Personnel Board determines that the agency  
35 has taken an action which would cause the agency to exceed this  
36 projected annual cost or the Fiscal Year 2005 "Personal Services"  
37 appropriated level, when annualized, then only those actions which  
38 reduce the projected annual cost and/or the appropriation  
39 requirement will be processed by the State Personnel Board until  
40 such time as the requirements of this provision are met.

41 Any transfers or escalations shall be made in accordance with  
42 the terms, conditions and procedures established by law or  
43 allowable under the terms set forth within this act. The State  
44 Personnel Board shall not escalate positions without written  
45 approval from the Department of Finance and Administration. The  
46 Department of Finance and Administration shall not provide written  
47 approval to escalate any funds for salaries and/or positions  
48 without proof of availability of new or additional funds above the  
49 appropriated level.

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

54 The agency shall not award salary increases through  
55 reallocation, reclassification, realignment, education benchmark  
56 or career ladder.

57 **SECTION 3.** In order to offset the cost of publishing the  
58 annual Mississippi Official Telephone Directory, the Mississippi  
59 Department of Information Technology Services is hereby  
60 authorized, empowered and directed, in its discretion, to offer

61 for advertising purposes, pages to be included in said Directory,  
62 to accept bids, and to let contracts for said pages. The  
63 contracts for said advertising purposes shall be let for definite  
64 periods not to exceed two (2) years.

65 It shall be the duty of the Mississippi Department of  
66 Information Technology Services, if it is desired that advertising  
67 shall be used, to approve all proposed advertising submitted for  
68 use within such annual Mississippi Official Telephone Directory.  
69 The department is hereby authorized, empowered and directed, in  
70 its discretion, to reject any and all bids submitted, and if all  
71 bids are rejected, the authority may negotiate a contract within  
72 the limitations of the specifications so long as the terms of any  
73 such negotiated contract are equal to or better than the  
74 comparable terms submitted by the lowest and best bidder. No  
75 sectarian, un-American, political, partisan or immoral  
76 advertisement, as determined solely by the authority or its  
77 successor, shall be accepted.

78 All monies derived from sale of such advertising shall be  
79 deposited in the appropriate special fund in the State Treasury to  
80 the credit of the Mississippi Department of Information Technology  
81 Services.

82 **SECTION 4.** The Mississippi Department of Information  
83 Technology Services is hereby authorized to receive additional  
84 funds from any state agency or other source, including one hundred  
85 percent (100%) general-fund agencies, for the purpose of providing  
86 data processing or telecommunications services to any governmental  
87 organization contracting with the Mississippi Department of  
88 Information Technology Services for such services. The  
89 Mississippi Department of Information Technology Services is  
90 further authorized to escalate an amount not to exceed One Million  
91 Dollars (\$1,000,000.00) and to increase, up to a maximum of twenty  
92 (20) additional positions, the number of authorized positions  
93 listed in this act in order to provide the required data

94 processing or telecommunications services for such governmental  
95 organizations, under the rules and regulations of the Department  
96 of Finance and Administration.

97       **SECTION 5.** It is the intention of the Legislature that the  
98 agency shall provide a report reflecting Fiscal Year 2004 usage of  
99 wireless communication devices which shall include cellular  
100 phones, two-way radios, pagers, or any other means of wireless  
101 communications to the Chairman of the House Appropriations  
102 Committee, the Chairman of the Senate Appropriations Committee,  
103 and the State Auditor by September 1, 2004. The report shall  
104 contain, but not be limited to, the following:

105       (1) The number of wireless communication devices provided to  
106 employees by the agency;

107       (2) The annual cost of usage of wireless communication  
108 devices by each employee of the agency who is issued a wireless  
109 communication device;

110       (3) Separate justification of the usage of wireless  
111 communication devices by those employees issued wireless  
112 communication devices; and

113       (4) To determine whether quantifiable benefits are  
114 associated with the utilization of wireless communications and  
115 whether such service provides more efficient or effective service  
116 delivery.

117       **SECTION 6.** Of the funds appropriated under the provisions of  
118 Section 1, One Hundred Thousand Dollars (\$100,000.00) is  
119 authorized for expenditure and for the established purpose of  
120 E-Government Special Fund 3602.

121       **SECTION 7.** None of the funds herein appropriated shall be  
122 expended by Information Technology Services unless assessments,  
123 fees or rate levels charged to other state agencies for services  
124 are at or below the January 1, 2004, fee structure level, except  
125 for the establishment of rates for a new or expanded service, and

126 required increases due to costs not within the control of this  
127 agency.

128         **SECTION 8.** It is the intention of the Legislature that the  
129 Department of Information Technology Services shall maintain  
130 complete accounting and personnel records related to the  
131 expenditure of all funds appropriated under the provisions of this  
132 act and that such records shall be in the same format and level of  
133 details as maintained for Fiscal Year 2004. It is further the  
134 intention of the Legislature that the budget request for Fiscal  
135 Year 2006 shall be submitted to the Joint Legislative Budget  
136 Committee in a format and level of detail comparable to the format  
137 and level of detail provided during the Fiscal Year 2005 budget  
138 request process.

139         **SECTION 9.** The money herein appropriated shall be paid by  
140 the State Treasurer out of any money in the State Treasury to the  
141 credit of the proper fund or funds as set forth in this act, upon  
142 warrants issued by the State Fiscal Officer; and the State Fiscal  
143 Officer shall issue his warrants upon requisitions signed by the  
144 proper person, officer or officers, in the manner provided by law.

145         **SECTION 10.** This act shall take effect and be in force from  
146 and after July 1, 2004.