

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3124: Appropriation; Information Technology Services.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the House recede from its Amendment No. 1.
- 2. That the Senate and House adopt the following amendment:

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 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

.....	\$ 33,645,378.00.
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12 **SECTION 2.** With the funds appropriated under the provisions
13 of Section 1, the following positions are authorized:

14 **AUTHORIZED POSITIONS:**

Permanent:	Full Time	150
	Part Time	0
Time-Limited:	Full Time	2
	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 E-
120 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.

CONFEREES FOR THE SENATE

X (SIGNED)
Jack Gordon

X (SIGNED)
Dean Kirby

X (SIGNED)
Merle Flowers

CONFEREES FOR THE HOUSE

X (SIGNED)
Johnny W. Stringer

X (SIGNED)
Charlie Capps, Jr.

X (SIGNED)
Joseph L. Warren