

**House Amendments to Senate Bill No. 3124**

**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 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 ..... \$     31,026,247.00.

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.....	144
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 **SECTION 3.** The funds authorized herein shall be used to fund  
55 all operations of the agency with the following prohibitions:

56 (1) The agency shall not fill any current or future vacant  
57 positions;

58 (2) The agency shall not take any action to promote or  
59 otherwise award salary increases through reallocation,  
60 reclassification, realignment, education benchmark, career ladder,  
61 or any other means to increase salaries of employees or positions  
62 except as allowed under the provisions set forth in House Bill No.  
63 1279, 2004 Regular Session;

64 (3) The agency shall not expend funds for out-of-state  
65 travel except as allowed under the provisions set forth in House  
66 Bill No. 1279, 2004 Regular Session;

67 (4) The agency shall not expend funds for the purchase of or  
68 contract for cellular phones, two-way radios or pagers, except for  
69 support of employees in the Department of Public Safety and the  
70 Bureau of Narcotics as recommended by Information Technology  
71 Services or as allowed under the provisions set forth in House  
72 Bill No. 1279, 2004 Regular Session;

73 (5) The agency shall not expend funds to publish or  
74 distribute any annual reports or other publications;

75 (6) The agency shall not expend funds for public relation  
76 activities regarding the functions, programs or services of the  
77 agency except as allowed under the provisions set forth in House  
78 Bill No. 1279, 2004 Regular Session;

79 (7) The agency shall not advertise the functions, programs  
80 or services of the agency except that the Mississippi Development  
81 Authority is authorized to expend funds for advertising to carry  
82 out the purposes of key programs administered by the authority;

83 (8) The agency shall not expend funds for staff development  
84 or training services;

85 (9) The agency shall not expend funds for the purchase of  
86 new or replacement equipment or furniture, excluding lease  
87 purchase payments on agreements in effect upon passage of this  
88 appropriation bill, except as allowed under the provisions set  
89 forth in House Bill No. 1279, 2004 Regular Session.

90 **SECTION 4.** It is the intention of the Legislature that none  
91 of the funds appropriated above shall be expended unless members  
92 of the Mississippi House of Representatives and Mississippi Senate  
93 are notified at least five (5) days prior to a public ceremony  
94 announcing the award of any grant in their district or any public  
95 announcement or ceremony regarding the groundbreaking or opening  
96 of a facility, roadway or bridge for which the Legislature has  
97 made funds available. Any signage regarding any public event or  
98 any new facility, roadway or bridge shall include the following

99 language: "Funds were made available for this project by the  
100 Mississippi State Legislature."

101 **SECTION 5.** In order to offset the cost of publishing the  
102 annual Mississippi Official Telephone Directory, the Mississippi  
103 Department of Information Technology Services is hereby  
104 authorized, empowered and directed, in its discretion, to offer  
105 for advertising purposes, pages to be included in said Directory,  
106 to accept bids, and to let contracts for said pages. The  
107 contracts for said advertising purposes shall be let for definite  
108 periods not to exceed two (2) years.

109 It shall be the duty of the Mississippi Department of  
110 Information Technology Services, if it is desired that advertising  
111 shall be used, to approve all proposed advertising submitted for  
112 use within such annual Mississippi Official Telephone Directory.  
113 The department is hereby authorized, empowered and directed, in  
114 its discretion, to reject any and all bids submitted, and if all  
115 bids are rejected, the authority may negotiate a contract within  
116 the limitations of the specifications so long as the terms of any  
117 such negotiated contract are equal to or better than the  
118 comparable terms submitted by the lowest and best bidder. No  
119 sectarian, un-American, political, partisan or immoral  
120 advertisement, as determined solely by the authority or its  
121 successor, shall be accepted.

122 All monies derived from sale of such advertising shall be  
123 deposited in the appropriate special fund in the State Treasury to  
124 the credit of the Mississippi Department of Information Technology  
125 Services.

126 **SECTION 6.** The Mississippi Department of Information  
127 Technology Services is hereby authorized to receive additional  
128 funds from any state agency or other source, including one hundred  
129 percent (100%) general-fund agencies, for the purpose of providing  
130 data processing or telecommunications services to any governmental  
131 organization contracting with the Mississippi Department of  
132 Information Technology Services for such services. The  
133 Mississippi Department of Information Technology Services is

134 further authorized to escalate an amount not to exceed One Million  
135 Dollars (\$1,000,000.00) and to increase, up to a maximum of twenty  
136 (20) additional positions, the number of authorized positions  
137 listed in this act in order to provide the required data  
138 processing or telecommunications services for such governmental  
139 organizations, under the rules and regulations of the Department  
140 of Finance and Administration.

141       **SECTION 7.** It is the intention of the Legislature that the  
142 Department of Information Technology Services shall maintain  
143 complete accounting and personnel records related to the  
144 expenditure of all funds appropriated under the provisions of this  
145 act and that such records shall be in the same format and level of  
146 details as maintained for Fiscal Year 2004. It is further the  
147 intention of the Legislature that the budget request for Fiscal  
148 Year 2006 shall be submitted to the Joint Legislative Budget  
149 Committee in a format and level of detail comparable to the format  
150 and level of detail provided during the Fiscal Year 2005 budget  
151 request process.

152       **SECTION 8.** The money herein appropriated shall be paid by  
153 the State Treasurer out of any money in the State Treasury to the  
154 credit of the proper fund or funds as set forth in this act, upon  
155 warrants issued by the State Fiscal Officer; and the State Fiscal  
156 Officer shall issue his warrants upon requisitions signed by the  
157 proper person, officer or officers, in the manner provided by law.

158       **SECTION 9.** This act shall take effect and be in force from  
159 and after July 1, 2004.

HR05\SB3124A.J

Don Richardson  
Clerk of the House of Representatives