

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3124

BY: Committee

**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.