

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

SENATE BILL NO. 2034

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 2006.

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, 2005, and ending June 30, 2006.....
11 ..... \$ 35,275,401.00.

12 SECTION 2. Of the funds appropriated under the provisions of
13 Section 1, not more than the amounts set forth below shall be
14 expended for the respective major objects or purposes of
15 expenditure:

16 MAJOR OBJECTS OF EXPENDITURE:
17 Personal Services:
18 Salaries, Wages and Fringe Benefits.. \$ 9,951,844.00
19 Travel and Subsistence..... 113,031.00
20 Contractual Services..... 22,742,519.00
21 Commodities..... 295,362.00
22 Capital Outlay:
23 Other Than Equipment..... 0.00
24 Equipment..... 2,099,918.00
25 Subsidies, Loans and Grants..... 72,727.00
26 Total..... \$ 35,275,401.00

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time.....	150
29		Part Time.....	0
30	Time-Limited:	Full Time.....	2
31		Part Time.....	0

32 With the funds herein appropriated, it is the intention of  
33 the Legislature that it shall be the agency's responsibility to  
34 make certain that funds required to be appropriated for "Personal  
35 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006  
36 funds appropriated for that purpose, unless programs or positions  
37 are added to the agency's Fiscal Year 2007 budget by the  
38 Mississippi Legislature. Based on data provided by the  
39 Legislative Budget Office, the State Personnel Board shall  
40 determine and publish the projected annual cost to fully fund all  
41 appropriated positions in compliance with the provisions of this  
42 act. It shall be the responsibility of the agency head to insure  
43 that no single personnel action increases this projected annual  
44 cost and/or the Fiscal Year 2006 appropriation for "Personal  
45 Services" when annualized, with the exception of escalated funds.  
46 If, at the time the agency takes any action to change "Personal  
47 Services," the State Personnel Board determines that the agency  
48 has taken an action which would cause the agency to exceed this  
49 projected annual cost or the Fiscal Year 2006 "Personal Services"  
50 appropriated level, when annualized, then only those actions which  
51 reduce the projected annual cost and/or the appropriation  
52 requirement will be processed by the State Personnel Board until  
53 such time as the requirements of this provision are met.

54 Any transfers or escalations shall be made in accordance with  
55 the terms, conditions and procedures established by law or  
56 allowable under the terms set forth within this act. The State  
57 Personnel Board shall not escalate positions without written  
58 approval from the Department of Finance and Administration. The  
59 Department of Finance and Administration shall not provide written  
60 approval to escalate any funds for salaries and/or positions

61 without proof of availability of new or additional funds above the  
62 appropriated level.

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

67 The agency shall not take any action to promote or otherwise  
68 award salary increases through reallocation, reclassification,  
69 realignment, education benchmark, career ladder, or any other  
70 means to increase salaries of employees or positions unless  
71 specifically exempted by the following conditions: the award of  
72 teacher pay increases, the advancement of a trainee/cadet to the  
73 next level of a bona fide career ladder, the award of an  
74 educational benchmark for the attainment of Certified Public  
75 Accountant License or higher level professional certification as  
76 determined by the State Personnel Board, the immediate replacement  
77 of a departing employee with an individual from within state  
78 service or a new hire at a salary level equivalent to that of the  
79 departing employee, and the emergency appointment of nurses,  
80 pharmacists or other health care professionals at a salary to be  
81 determined by the State Personnel Board, unless otherwise  
82 authorized in this act.

83 **SECTION 3.** In order to offset the cost of publishing the  
84 annual Mississippi Official Telephone Directory, the Mississippi  
85 Department of Information Technology Services is hereby  
86 authorized, empowered and directed, in its discretion, to offer  
87 for advertising purposes, pages to be included in said Directory,  
88 to accept bids, and to let contracts for said pages. The  
89 contracts for said advertising purposes shall be let for definite  
90 periods not to exceed two (2) years.

91 It shall be the duty of the Mississippi Department of  
92 Information Technology Services, if it is desired that advertising  
93 shall be used, to approve all proposed advertising submitted for

94 use within such annual Mississippi Official Telephone Directory.  
95 The department is hereby authorized, empowered and directed, in  
96 its discretion, to reject any and all bids submitted, and if all  
97 bids are rejected, the authority may negotiate a contract within  
98 the limitations of the specifications so long as the terms of any  
99 such negotiated contract are equal to or better than the  
100 comparable terms submitted by the lowest and best bidder. No  
101 sectarian, un-American, political, partisan or immoral  
102 advertisement, as determined solely by the authority or its  
103 successor, shall be accepted.

104 All monies derived from sale of such advertising shall be  
105 deposited in the appropriate special fund in the State Treasury to  
106 the credit of the Mississippi Department of Information Technology  
107 Services.

108 **SECTION 4.** The Mississippi Department of Information  
109 Technology Services is hereby authorized to receive additional  
110 funds from any state agency or other source, including one hundred  
111 percent (100%) general-fund agencies, for the purpose of providing  
112 data processing or telecommunications services to any governmental  
113 organization contracting with the Mississippi Department of  
114 Information Technology Services for such services. The  
115 Mississippi Department of Information Technology Services is  
116 further authorized to escalate an amount not to exceed One Million  
117 Dollars (\$1,000,000.00) and to increase, up to a maximum of twenty  
118 (20) additional positions, the number of authorized positions  
119 listed in this act in order to provide the required data  
120 processing or telecommunications services for such governmental  
121 organizations, under the rules and regulations of the Department  
122 of Finance and Administration.

123 **SECTION 5.** Of the funds appropriated under the provisions of  
124 Section 1, One Hundred Thousand Dollars (\$100,000.00) is  
125 authorized for expenditure and for the established purpose of  
126 E-Government Special Fund 3602.

127           **SECTION 6.** None of the funds herein appropriated shall be  
128 expended by Information Technology Services unless assessments,  
129 fees or rate levels charged to other state agencies for services  
130 are at or below the January 1, 2005, fee structure level, except  
131 for the establishment of rates for a new or expanded service, and  
132 required increases due to costs not within the control of this  
133 agency.

134           **SECTION 7.** It is the intention of the Legislature that the  
135 Department of Information Technology Services shall maintain  
136 complete accounting and personnel records related to the  
137 expenditure of all funds appropriated under the provisions of this  
138 act and that such records shall be in the same format and level of  
139 details as maintained for Fiscal Year 2005. It is further the  
140 intention of the Legislature that the budget request for Fiscal  
141 Year 2007 shall be submitted to the Joint Legislative Budget  
142 Committee in a format and level of detail comparable to the format  
143 and level of detail provided during the Fiscal Year 2006 budget  
144 request process.

145           **SECTION 8.** Of the funds provided herein, the sum of One  
146 Million Five Hundred Thirteen Thousand Three Hundred Thirty-seven  
147 Dollars (\$1,513,337.00) is hereby assessed on any non-federal  
148 special funds and shall be deposited to the Budget Contingency  
149 Fund created in Section 27-103-301, Mississippi Code of 1972, on  
150 or before October 1, 2005, for the purpose of reimbursing the  
151 State of Mississippi for administrative costs.

152           **SECTION 9.** 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 10.** This act shall take effect and be in force from  
159 and after July 1, 2005.