

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

To: Appropriations

SENATE BILL NO. 3025
(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 2007.

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, 2006, and ending June 30, 2007.....
11 \$ 34,990,994.00.

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..	\$	10,335,578.00
19	Travel and Subsistence.....		102,000.00
20	Contractual Services.....		22,108,136.00
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.....		<u>50,000.00</u>
26	Total.....	\$	34,990,994.00

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time.....	152
29		Part Time.....	0
30	Time-Limited:	Full Time.....	0
31		Part Time.....	0

32 Funds are provided herein to adjust the Variable Compensation
33 Plan to ensure that all full-time employees receive a pay increase
34 equal to the realignment component of the Variable Compensation
35 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
36 with not more than one-half (1/2) to be awarded on July 1, 2006,
37 with the remainder to be awarded on January 1, 2007.

38 With the funds herein appropriated, it is the intention of
39 the Legislature that it shall be the agency's responsibility to
40 make certain that funds required to be appropriated for "Personal
41 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
42 funds appropriated for that purpose, unless programs or positions
43 are added to the agency's Fiscal Year 2008 budget by the
44 Mississippi Legislature. Based on data provided by the
45 Legislative Budget Office, the State Personnel Board shall
46 determine and publish the projected annual cost to fully fund all
47 appropriated positions in compliance with the provisions of this
48 act. It shall be the responsibility of the agency head to insure
49 that no single personnel action increases this projected annual
50 cost and/or the Fiscal Year 2007 appropriation for "Personal
51 Services" when annualized, with the exception of escalated funds.
52 If, at the time the agency takes any action to change "Personal
53 Services," the State Personnel Board determines that the agency
54 has taken an action which would cause the agency to exceed this
55 projected annual cost or the Fiscal Year 2007 "Personal Services"
56 appropriated level, when annualized, then only those actions which
57 reduce the projected annual cost and/or the appropriation
58 requirement will be processed by the State Personnel Board until
59 such time as the requirements of this provision are met.

60 Any transfers or escalations shall be made in accordance with
61 the terms, conditions and procedures established by law or
62 allowable under the terms set forth within this act. The State
63 Personnel Board shall not escalate positions without written
64 approval from the Department of Finance and Administration. The
65 Department of Finance and Administration shall not provide written
66 approval to escalate any funds for salaries and/or positions
67 without proof of availability of new or additional funds above the
68 appropriated level.

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

73 **SECTION 3.** In order to offset the cost of publishing the
74 annual Mississippi Official Telephone Directory, the Mississippi
75 Department of Information Technology Services is hereby
76 authorized, empowered and directed, in its discretion, to offer
77 for advertising purposes, pages to be included in said Directory,
78 to accept bids, and to let contracts for said pages. The
79 contracts for said advertising purposes shall be let for definite
80 periods not to exceed two (2) years.

81 It shall be the duty of the Mississippi Department of
82 Information Technology Services, if it is desired that advertising
83 shall be used, to approve all proposed advertising submitted for
84 use within such annual Mississippi Official Telephone Directory.
85 The department is hereby authorized, empowered and directed, in
86 its discretion, to reject any and all bids submitted, and if all
87 bids are rejected, the authority may negotiate a contract within
88 the limitations of the specifications so long as the terms of any
89 such negotiated contract are equal to or better than the
90 comparable terms submitted by the lowest and best bidder. No
91 sectarian, un-American, political, partisan or immoral

92 advertisement, as determined solely by the authority or its
93 successor, shall be accepted.

94 All monies derived from sale of such advertising shall be
95 deposited in the appropriate special fund in the State Treasury to
96 the credit of the Mississippi Department of Information Technology
97 Services.

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

113 **SECTION 5.** Of the funds appropriated under the provisions of
114 Section 1, One Hundred Fifty Thousand Dollars (\$150,000.00) is
115 authorized for expenditure and for the established purpose of
116 E-Government Special Fund 3602.

117 **SECTION 6.** None of the funds herein appropriated shall be
118 expended by Information Technology Services unless assessments,
119 fees or rate levels charged to other state agencies for services
120 are at or below the January 1, 2006, fee structure level, except
121 for the establishment of rates for a new or expanded service, and
122 required increases due to costs not within the control of this
123 agency.

124 **SECTION 7.** It is the intention of the Legislature that the
125 Department of Information Technology Services shall maintain
126 complete accounting and personnel records related to the
127 expenditure of all funds appropriated under the provisions of this
128 act and that such records shall be in the same format and level of
129 details as maintained for Fiscal Year 2006. It is further the
130 intention of the Legislature that the budget request for Fiscal
131 Year 2008 shall be submitted to the Joint Legislative Budget
132 Committee in a format and level of detail comparable to the format
133 and level of detail provided during the Fiscal Year 2007 budget
134 request process.

135 **SECTION 8.** It is the intention of the Legislature that the
136 Executive Director of the Mississippi Department of Information
137 Technology may authorize increases in major objects of expenditure
138 in total amounts not to exceed twenty-five percent (25%) of the
139 appropriated amount of each major object of expenditure, provided
140 that other major objects of expenditure are decreased by a
141 corresponding dollar amount. However, no transfers shall be
142 authorized which increase the major object of expenditure
143 "Salaries, Wages and Fringe Benefits."

144 **SECTION 9.** It is the intention of the Legislature that
145 whenever two (2) or more bids are received by this agency for the
146 purchase of commodities or equipment, and whenever all things
147 stated in such received bids are equal with respect to price,
148 quality and service, the Mississippi Industries for the Blind
149 shall be given preference. A similar preference shall be given to
150 the Mississippi Industries for the Blind whenever purchases are
151 made without competitive bids.

152 **SECTION 10.** It is legislative intent to ensure beneficial
153 information reaches as many Mississippians as possible. Further,
154 it is legislative intent that the expenditure of public funds for
155 this purpose be accomplished in an efficient and effective manner.

156 Therefore, state agencies as standard procedure, will observe
157 the following criteria:

158 (1) Develop goals and desired result for a campaign.

159 (2) Evaluate effectiveness through respected advertising
160 standards, including market reach and cost effectiveness.

161 (3) Seek public service announcements, which would be aired
162 by media without cost.

163 (4) Itemize and justify professional assistance and related
164 expenses for creative and production costs outside of the actual
165 media expenditures.

166 (5) Utilize Mississippi owned media companies when feasible.

167 **SECTION 11.** The department is authorized to expend available
168 funds on technology or equipment upgrades or replacements when it
169 will generate savings through efficiency or when the savings
170 generated from such upgrades or replacements exceed expenditures
171 thereof.

172 **SECTION 12.** The money herein appropriated shall be paid by
173 the State Treasurer out of any money in the State Treasury to the
174 credit of the proper fund or funds as set forth in this act, upon
175 warrants issued by the State Fiscal Officer; and the State Fiscal
176 Officer shall issue his warrants upon requisitions signed by the
177 proper person, officer or officers, in the manner provided by law.

178 **SECTION 13.** This act shall take effect and be in force from
179 and after July 1, 2006.