

House Amendments to Senate Bill No. 3025

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, 2006, and ending June 30, 2007.....
11 \$ 33,908,532.00.

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.. \$ 9,253,116.00
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..... 50,000.00
26 Total..... \$ 33,908,532.00

27 **AUTHORIZED POSITIONS:**

28 Permanent: Full Time..... 138
29 Part Time..... 0
30 Time-Limited: Full Time..... 2

31 Part Time..... 0

32 For the fiscal year beginning on July 1, 2006, funds are
33 provided herein to adjust the annual compensation of each employee
34 who has been employed for twelve (12) months or longer by an
35 amount equal to One Thousand Dollars (\$1,000.00), effective on
36 July 1, 2006.

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

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

66 without proof of availability of new or additional funds above the
67 appropriated level.

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

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

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

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

97 **SECTION 4.** The Mississippi Department of Information
98 Technology Services is hereby authorized to receive additional
99 funds from any state agency or other source, including one hundred
100 percent (100%) general-fund agencies, for the purpose of providing

101 data processing or telecommunications services to any governmental
102 organization contracting with the Mississippi Department of
103 Information Technology Services for such services. The
104 Mississippi Department of Information Technology Services is
105 further authorized to escalate an amount not to exceed One Million
106 Dollars (\$1,000,000.00) and to increase, up to a maximum of twenty
107 (20) additional positions, the number of authorized positions
108 listed in this act in order to provide the required data
109 processing or telecommunications services for such governmental
110 organizations, under the rules and regulations of the Department
111 of Finance and Administration.

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

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

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

134 **SECTION 8.** It is the intention of the Legislature that the
135 Executive Director of the Mississippi Department of Information

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

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

151 **SECTION 10.** All expenditures of funds appropriated by this
152 act for the purposes of advertising through the media shall comply
153 with the provisions of this section. All notices, advertisements,
154 or announcements designed to accomplish distribution of vital
155 information paid for wholly or in part through funds appropriated
156 by this act and distributed through the media shall be placed
157 according to a formula based upon the following criteria:

158 (a) Outlets of the Mississippi Public Broadcasting
159 System shall receive twenty percent (20%) of all expenditures
160 allotted for any advertising campaign undertaken by the agency to
161 which funds are appropriated by this act. All distribution of
162 information undertaken by the Mississippi Broadcasting System
163 under these requirements shall conform to the accepted standards
164 of information distribution common to public media.

165 (b) Media outlets, other than outlets of the
166 Mississippi Public Broadcasting System, shall receive placement of
167 such notices through the following method of distribution and
168 based upon commonly accepted boundaries of distribution:

169 (i) Newspapers. Newspapers demonstrating
170 established market reach through verifiable and auditable

171 circulation numbers shall receive twenty-five percent (25%) of all
172 expenditures allotted for distribution of vital information, and
173 such expenditures to the individual newspapers shall be determined
174 and prorated based upon the verifiable and auditable share of
175 total circulation within the individual counties. This
176 requirement does not replace the requirements and systems
177 currently in place regarding legal notices in the newspapers.

178 (ii) Radio. Radio stations demonstrating
179 established market reach through verifiable and auditable market
180 share information as recorded through reputable and established
181 rating services shall receive twenty percent (20%) of all
182 expenditures allotted for such distribution of vital information,
183 and such expenditures to the individual stations shall be
184 determined and prorated based upon the verifiable and auditable
185 share of total market reach within the individual counties.

186 (iii) Television. Television stations and
187 television cable outlets demonstrating established market reach
188 through verifiable and auditable market share information as
189 recorded through reputable and established rating services shall
190 receive twenty percent (20%) of all expenditures allotted for such
191 distribution of vital information, and such expenditures to the
192 individual stations shall be determined and prorated based upon
193 the verifiable and auditable share of total market reach within
194 the individual demonstrated market reach area of the station or
195 cable outlet.

196 (iv) Magazines. Magazines demonstrating
197 established market reach through verifiable and auditable
198 circulation numbers shall receive ten percent (10%) of all
199 expenditures allotted for such distribution of vital information,
200 and such expenditures to the individual magazines shall be
201 determined and prorated based upon the verifiable and auditable
202 circulation numbers within the counties. If no magazine exists
203 which meets the criteria stated above, the portion of those funds
204 so allotted shall be distributed among the other media outlets
205 equally.

206 (v) Electronic media. Electronic media
207 demonstrating established market reach through verifiable and
208 auditable circulation numbers shall receive five percent (5%) of
209 all expenditures allotted for such distribution of vital
210 information, and such expenditures to the individual electronic
211 media outlets shall be determined and prorated based upon the
212 verifiable and auditable circulation numbers within the counties.
213 If no electronic media exists which meets the criteria stated
214 above, the portion of those funds so allotted shall be distributed
215 equally among the other media outlets.

216 Provisions of this section do not apply to the placement of
217 advertisements in national media outlets to recruit economic
218 development or to promote tourism in the state.

219 **SECTION 11.** The money herein appropriated shall be paid by
220 the State Treasurer out of any money in the State Treasury to the
221 credit of the proper fund or funds as set forth in this act, upon
222 warrants issued by the State Fiscal Officer; and the State Fiscal
223 Officer shall issue his warrants upon requisitions signed by the
224 proper person, officer or officers, in the manner provided by law.

225 **SECTION 12.** This act shall take effect and be in force from
226 and after July 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

HR03\SB3025PH.J

Don Richardson
Clerk of the House of Representatives