

By: Senator(s) Gordon, Little, Kirby,
Cuevas, Flowers, Lee (35th), Turner, Dearing,
Jackson (11th)

To: Appropriations

SENATE BILL NO. 3133
(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 YEARS 2007 AND 2008.

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, 2007, and ending June 30, 2008.....
11 \$ 35,217,317.00.

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.. \$ 10,796,231.00
19 Travel and Subsistence..... 102,000.00
20 Contractual Services..... 21,875,306.00
21 Commodities..... 295,362.00

22 Capital Outlay:

23 Other Than Equipment..... 0.00
24 Equipment..... 2,074,918.00
25 Vehicles..... 20,000.00
26 Wireless Communication Devices..... 3,500.00
27 Subsidies, Loans and Grants..... 50,000.00

28 Total..... \$ 35,217,317.00

29 AUTHORIZED POSITIONS:

30	Permanent:	Full Time.....	152
31		Part Time.....	0
32	Time-Limited:	Full Time.....	0
33		Part Time.....	0

34 Funds are provided herein to adjust the Variable Compensation
35 Plan to ensure that all full-time employees receive a pay increase
36 equal to the realignment component of the Variable Compensation
37 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
38 is greater, to be awarded on July 1, 2007.

39 With the funds herein appropriated, it is the intention of
40 the Legislature that it shall be the agency's responsibility to
41 make certain that funds required to be appropriated for "Personal
42 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
43 funds appropriated for that purpose, unless programs or positions
44 are added to the agency's Fiscal Year 2008 budget by the
45 Mississippi Legislature. Based on data provided by the
46 Legislative Budget Office, the State Personnel Board shall
47 determine and publish the projected annual cost to fully fund all
48 appropriated positions in compliance with the provisions of this
49 act. It shall be the responsibility of the agency head to insure
50 that no single personnel action increases this projected annual
51 cost and/or the Fiscal Year 2008 appropriations for "Personal
52 Services" when annualized, with the exception of escalated funds
53 and educational benchmarks. If, at the time the agency takes any
54 action to change "Personal Services," the State Personnel Board
55 determines that the agency has taken an action which would cause
56 the agency to exceed this projected annual cost or the Fiscal Year
57 2008 "Personal Services" appropriated level, when annualized, then
58 only those actions which reduce the projected annual cost and/or
59 the appropriation requirement will be processed by the State
60 Personnel Board until such time as the requirements of this

61 provision are met. On January 1, 2008, the State Personnel Board
62 will make adjustments to the structure side of the compliance
63 report based on data provided by the Legislative Budget Office in
64 order for agencies to award educational benchmarks.

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

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

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

86 It shall be the duty of the Mississippi Department of
87 Information Technology Services, if it is desired that advertising
88 shall be used, to approve all proposed advertising submitted for
89 use within such annual Mississippi Official Telephone Directory.
90 The department is hereby authorized, empowered and directed, in
91 its discretion, to reject any and all bids submitted, and if all
92 bids are rejected, the authority may negotiate a contract within
93 the limitations of the specifications so long as the terms of any

94 such negotiated contract are equal to or better than the
95 comparable terms submitted by the lowest and best bidder. No
96 sectarian, un-American, political, partisan or immoral
97 advertisement, as determined solely by the authority or its
98 successor, shall be accepted.

99 All monies derived from sale of such advertising shall be
100 deposited in the appropriate special fund in the State Treasury to
101 the credit of the Mississippi Department of Information Technology
102 Services.

103 **SECTION 4.** In addition to all other funds heretofore
104 appropriated, the following sum is hereby appropriated out of any
105 money in the State Treasury to the credit of the Integrated Public
106 Safety Communications Fund for the purpose of defraying the
107 expenses of the Wireless Communication Commission for the period
108 beginning upon passage and through June 30, 2008.....
109 \$ 17,000,000.00.

110 The commission is hereby authorized to escalate federal funds
111 in accordance with rules and regulations of the Department of
112 Finance and Administration and up to a maximum of ten (10)
113 positions in order to provide services prescribed by Section
114 25-53-171, Mississippi Code of 1972.

115 **SECTION 5.** The Mississippi Department of Information
116 Technology Services is hereby authorized to receive additional
117 funds from any state agency or other source, including one hundred
118 percent (100%) general-fund agencies, for the purpose of providing
119 data processing or telecommunications services to any governmental
120 organization contracting with the Mississippi Department of
121 Information Technology Services for such services. The
122 Mississippi Department of Information Technology Services is
123 further authorized to escalate an amount not to exceed One Million
124 Dollars (\$1,000,000.00) and to increase, up to a maximum of twenty
125 (20) additional positions, the number of authorized positions
126 listed in this act in order to provide the required data

127 processing or telecommunications services for such governmental
128 organizations, under the rules and regulations of the Department
129 of Finance and Administration.

130 **SECTION 6.** Of the funds appropriated under the provisions of
131 Section 1, Two Hundred Fifty Thousand Dollars (\$250,000.00) is
132 authorized for expenditure and for the established purpose of
133 E-Government Special Fund 3602.

134 **SECTION 7.** None of the funds herein appropriated shall be
135 expended by Information Technology Services if assessments, fees
136 or rate levels charged to other state agencies for services are
137 increased more than ten percent (10%) above the January 1, 2007,
138 fee structure level, except for the establishment of rates for a
139 new or expanded service, and required increases due to costs not
140 within the control of this agency.

141 **SECTION 8.** 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 2007. It is further the
147 intention of the Legislature that the budget request for Fiscal
148 Year 2009 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 2008 budget
151 request process.

152 **SECTION 9.** It is the intention of the Legislature that the
153 Executive Director of the Mississippi Department of Information
154 Technology may authorize increases in major objects of expenditure
155 in total amounts not to exceed twenty-five percent (25%) of the
156 appropriated amount of each major object of expenditure, provided
157 that other major objects of expenditure are decreased by a
158 corresponding dollar amount. However, no transfers shall be

159 authorized which increase the major object of expenditure
160 "Salaries, Wages and Fringe Benefits."

161 **SECTION 10.** It is the intention of the Legislature that
162 whenever two (2) or more bids are received by this agency for the
163 purchase of commodities or equipment, and whenever all things
164 stated in such received bids are equal with respect to price,
165 quality and service, the Mississippi Industries for the Blind
166 shall be given preference. A similar preference shall be given to
167 the Mississippi Industries for the Blind whenever purchases are
168 made without competitive bids.

169 **SECTION 11.** It is legislative intent to ensure beneficial
170 information reaches as many Mississippians as possible. Further,
171 it is legislative intent that the expenditure of public funds for
172 this purpose be accomplished in an efficient and effective manner.

173 Therefore, state agencies as standard procedure, will observe
174 the following criteria:

175 (a) Develop goals and desired result for a campaign.

176 (b) Evaluate effectiveness through respected
177 advertising standards, including market reach and cost
178 effectiveness.

179 (c) Seek public service announcements, which would be
180 aired by media without cost.

181 (d) Itemize and justify professional assistance and
182 related expenses for creative and production costs outside of the
183 actual media expenditures.

184 (e) Utilize Mississippi-owned media companies when
185 feasible.

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

192 **SECTION 13.** This act shall take effect and be in force from
193 and after July 1, 2007, except for Section 4 which shall take
194 effect and be in force from and after passage.