

**House Amendments to Senate Bill No. 3133**

**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, 2007, and ending June 30, 2008.....  
11 ..... \$       34,671,480.00.

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..	\$	10,250,394.00
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.....		2,094,918.00
25           Vehicles.....		0.00
26           Wireless Communication Devices.....		3,500.00
27           Subsidies, Loans and Grants.....		<u>50,000.00</u>
28           Total.....	\$	34,671,480.00

29       **AUTHORIZED POSITIONS:**

30       Permanent:       Full Time.....       147

31	Part Time.....	0
32	Time-Limited: Full Time.....	1
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.

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 2009 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 appropriation for "Personal  
52 Services" when annualized, with the exception of escalated funds.  
53 If, at the time the agency takes any action to change "Personal  
54 Services," the State Personnel Board determines that the agency  
55 has taken an action which would cause the agency to exceed this  
56 projected annual cost or the Fiscal Year 2008 "Personal Services"  
57 appropriated level, when annualized, then only those actions which  
58 reduce the projected annual cost and/or the appropriation  
59 requirement will be processed by the State Personnel Board until  
60 such time as the requirements of this provision are met.

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

66 Department of Finance and Administration shall not provide written  
67 approval to escalate any funds for salaries and/or positions  
68 without proof of availability of new or additional funds above the  
69 appropriated level.

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73 act and which are withdrawn and no longer available.

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

90 **SECTION 3.** In order to offset the cost of publishing the  
91 annual Mississippi Official Telephone Directory, the Mississippi  
92 Department of Information Technology Services is hereby  
93 authorized, empowered and directed, in its discretion, to offer  
94 for advertising purposes, pages to be included in said Directory,  
95 to accept bids, and to let contracts for said pages. The  
96 contracts for said advertising purposes shall be let for definite  
97 periods not to exceed two (2) years.

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

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

111 All monies derived from sale of such advertising shall be  
112 deposited in the appropriate special fund in the State Treasury to  
113 the credit of the Mississippi Department of Information Technology  
114 Services.

115 **SECTION 4.** In addition to all other funds heretofore  
116 appropriated, the following sum is hereby appropriated out of any  
117 money in the State Treasury to the credit of the Wireless  
118 Communication Commission for the purpose of defraying the expenses  
119 of the Commission for the period beginning upon passage and  
120 through June 30, 2008..... \$ 17,000,000.00.

121 The Commission is hereby authorized to escalate federal funds  
122 in accordance with rules and regulations of the Department of  
123 Finance and Administration and up to a maximum of ten (10)  
124 positions in order to provide services prescribed by Section  
125 25-53-171, Mississippi Code of 1972.

126 **SECTION 5.** 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 6.** Of the funds appropriated under the provisions of  
142 Section 1, Two Hundred Fifty Thousand Dollars (\$250,000.00) is  
143 authorized for expenditure and for the established purpose of  
144 E-Government Special Fund 3602.

145 **SECTION 7.** None of the funds herein appropriated shall be  
146 expended by Information Technology Services unless assessments,  
147 fees or rate levels charged to other state agencies for services  
148 are at or below the January 1, 2007, fee structure level, except  
149 for the establishment of rates for a new or expanded service, and  
150 required increases due to costs not within the control of this  
151 agency.

152 **SECTION 8.** It is the intention of the Legislature that the  
153 Department of Information Technology Services shall maintain  
154 complete accounting and personnel records related to the  
155 expenditure of all funds appropriated under the provisions of this  
156 act and that such records shall be in the same format and level of  
157 details as maintained for Fiscal Year 2007. It is further the  
158 intention of the Legislature that the budget request for Fiscal  
159 Year 2009 shall be submitted to the Joint Legislative Budget  
160 Committee in a format and level of detail comparable to the format  
161 and level of detail provided during the Fiscal Year 2008 budget  
162 request process.

163 **SECTION 9.** It is the intention of the Legislature that the  
164 Executive Director of the Mississippi Department of Information  
165 Technology may authorize increases in major objects of expenditure  
166 in total amounts not to exceed twenty-five percent (25%) of the  
167 appropriated amount of each major object of expenditure, provided  
168 that other major objects of expenditure are decreased by a  
169 corresponding dollar amount. However, no transfers shall be

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

172         **SECTION 10.** It is the intention of the Legislature that  
173 whenever two (2) or more bids are received by this agency for the  
174 purchase of commodities or equipment, and whenever all things  
175 stated in such received bids are equal with respect to price,  
176 quality and service, the Mississippi Industries for the Blind  
177 shall be given preference. A similar preference shall be given to  
178 the Mississippi Industries for the Blind whenever purchases are  
179 made without competitive bids.

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

184         Therefore, state agencies as standard procedure, will observe  
185 the following criteria:

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

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

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

191             (4) Itemize and justify professional assistance and related  
192 expenses for creative and production costs outside of the actual  
193 media expenditures.

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

195         **SECTION 12.** The department is authorized to expend available  
196 funds on technology or equipment upgrades or replacements when it  
197 will generate savings through efficiency or when the savings  
198 generated from such upgrades or replacements exceed expenditures  
199 thereof.

200         **SECTION 13.** The money herein appropriated shall be paid by  
201 the State Treasurer out of any money in the State Treasury to the  
202 credit of the proper fund or funds as set forth in this act, upon  
203 warrants issued by the State Fiscal Officer; and the State Fiscal

204 Officer shall issue his warrants upon requisitions signed by the  
205 proper person, officer or officers, in the manner provided by law.

206         **SECTION 14.** This act shall take effect and be in force from  
207 and after July 1, 2007, except for Section 4 which shall take  
208 effect and be in force from and after passage.

HR05\SB3133A.J

Don Richardson  
Clerk of the House of Representatives