

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

To: Appropriations

SENATE BILL NO. 3133

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 \$ 34,339,071.00.

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.. \$ 9,917,985.00
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..... 50,000.00

28 Total..... \$ 34,339,071.00

29 AUTHORIZED POSITIONS:

30 Permanent:	Full Time.....	142
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 Dollars (\$1,000.00), or Three Percent (3%)
38 whichever 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 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 25-
125 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 if assessments, fees
147 or rate levels charged to other state agencies for services are
148 increased more than ten percent (10%) above the January 1, 2007,
149 fee structure level, except for the establishment of rates for a
150 new or expanded service, and required increases due to costs not
151 within the control of this 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.