

**REPORT OF CONFERENCE COMMITTEE**

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3133: Appropriation; Information Technology Services.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the House recede from its Amendment No. 1.
- 2. That the Senate and House adopt the following amendment:

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 ..... \$       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:

MAJOR OBJECTS OF EXPENDITURE:

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

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 Mississippi Official 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 25-  
114 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.** None of the funds herein appropriated shall be  
131 expended by Information Technology Services if assessments, fees  
132 or rate levels charged to other state agencies for services are  
133 increased more than ten percent (10%) above the January 1, 2007,  
134 fee structure level, except for the establishment of rates for a  
135 new or expanded service, and required increases due to costs not  
136 within the control of this agency.

137       **SECTION 7.** It is the intention of the Legislature that the  
138 Department of Information Technology Services shall maintain  
139 complete accounting and personnel records related to the  
140 expenditure of all funds appropriated under the provisions of this  
141 act and that such records shall be in the same format and level of  
142 details as maintained for Fiscal Year 2007. It is further the  
143 intention of the Legislature that the budget request for Fiscal  
144 Year 2009 shall be submitted to the Joint Legislative Budget  
145 Committee in a format and level of detail comparable to the format  
146 and level of detail provided during the Fiscal Year 2008 budget  
147 request process.

148       **SECTION 8.** It is the intention of the Legislature that the  
149 Executive Director of the Mississippi Department of Information  
150 Technology may authorize increases in major objects of expenditure  
151 in total amounts not to exceed twenty-five percent (25%) of the  
152 appropriated amount of each major object of expenditure, provided  
153 that other major objects of expenditure are decreased by a  
154 corresponding dollar amount. However, no transfers shall be

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

157         **SECTION 9.** It is the intention of the Legislature that  
158 whenever two (2) or more bids are received by this agency for the  
159 purchase of commodities or equipment, and whenever all things  
160 stated in such received bids are equal with respect to price,  
161 quality and service, the Mississippi Industries for the Blind  
162 shall be given preference. A similar preference shall be given to  
163 the Mississippi Industries for the Blind whenever purchases are  
164 made without competitive bids.

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

169         Therefore, state agencies as standard procedure, will observe  
170 the following criteria:

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

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

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

176             (4) Itemize and justify professional assistance and related  
177 expenses for creative and production costs outside of the actual  
178 media expenditures.

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

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

186           **SECTION 12.** This act shall take effect and be in force from  
187 and after July 1, 2007, except for Section 4 which shall take  
188 effect and be in force from and after passage.

**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 YEARS 2007 AND 2008.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X (SIGNED)  
Gordon

X (SIGNED)  
Stringer

X (SIGNED)  
Kirby

X (SIGNED)  
Weathersby

X (SIGNED)  
Lee (35th)

X (SIGNED)  
Huddleston