

By: Senator(s) Gordon, Little, Gollott,  
Kirby, Moffatt, Thames

To: Appropriations

SENATE BILL NO. 3157  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
2 MAINTENANCE OF THE OFFICE OF STATE AID ROAD CONSTRUCTION OF THE  
3 MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2005.

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 appropriated out of any money in the State  
7 Treasury to the credit of the Office of State Aid Road  
8 Construction Fund, for the purpose of defraying the expenses of  
9 the Office of State Aid Road Construction of the Mississippi  
10 Department of Transportation for the fiscal year beginning  
11 July 1, 2004, and ending June 30, 2005..... \$ 118,968,304.00.

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..	\$	2,409,638.00
19	Travel and Subsistence.....		43,959.00
20	Contractual Services.....		226,000.00
21	Commodities.....		40,700.00

22 Capital Outlay:

23	Other Than Equipment.....		0.00
24	Equipment.....		88,007.00
25	Subsidies, Loans and Grants.....		<u>116,160,000.00</u>
26	Total.....	\$	118,968,304.00

27 FUNDING:

28	General Funds.....	\$	0.00
29	Special Funds.....		<u>118,968,304.00</u>
30	Total.....	\$	118,968,304.00

31 AUTHORIZED POSITIONS:

32	Permanent:	Full Time.....	42
33		Part Time.....	2
34	Time-Limited:	Full Time.....	0
35		Part Time.....	0

36 With the funds herein appropriated, it is the intention of  
37 the Legislature that it shall be the agency's responsibility to  
38 make certain that funds required to be appropriated for "Personal  
39 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
40 funds appropriated for that purpose, unless programs or positions  
41 are added to the agency's Fiscal Year 2006 budget by the  
42 Mississippi Legislature. Based on data provided by the  
43 Legislative Budget Office, the State Personnel Board shall  
44 determine and publish the projected annual cost to fully fund all  
45 appropriated positions in compliance with the provisions of this  
46 act. It shall be the responsibility of the agency head to insure  
47 that no single personnel action increases this projected annual  
48 cost and/or the Fiscal Year 2005 appropriation for "Personal  
49 Services" when annualized, with the exception of escalated funds.  
50 If, at the time the agency takes any action to change "Personal  
51 Services," the State Personnel Board determines that the agency  
52 has taken an action which would cause the agency to exceed this  
53 projected annual cost or the Fiscal Year 2005 "Personal Services"  
54 appropriated level, when annualized, then only those actions which  
55 reduce the projected annual cost and/or the appropriation  
56 requirement will be processed by the State Personnel Board until  
57 such time as the requirements of this provision are met.

58 Any transfers or escalations shall be made in accordance with  
59 the terms, conditions and procedures established by law or  
60 allowable under the terms set forth within this act. The State

61 Personnel Board shall not escalate positions without written  
62 approval from the Department of Finance and Administration. The  
63 Department of Finance and Administration shall not provide written  
64 approval to escalate any funds for salaries and/or positions  
65 without proof of availability of new or additional funds above the  
66 appropriated level.

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

71 **SECTION 3.** It is the intention of the Legislature that none  
72 of the funds appropriated above shall be expended unless members  
73 of the Mississippi House of Representatives and Mississippi Senate  
74 are notified at least five (5) days prior to a public ceremony  
75 announcing the award of any grant in their district or any public  
76 announcement or ceremony regarding the groundbreaking or opening  
77 of a facility, roadway or bridge for which the Legislature has  
78 made funds available. Any signage regarding any public event or  
79 any new facility, roadway or bridge shall include the following  
80 language: "Funds were made available for this project by the  
81 Mississippi State Legislature."

82 **SECTION 4.** It is the intention of the Legislature that the  
83 Office of State Aid Road Construction shall maintain complete  
84 accounting and personnel records related to the expenditure of all  
85 funds appropriated under this act and that such records shall be  
86 in the same format and level of detail as maintained for Fiscal  
87 Year 2004. It is further the intention of the Legislature that  
88 the agency's budget request for Fiscal Year 2006 shall be  
89 submitted to the Joint Legislative Budget Committee in a format  
90 and level of detail comparable to the format and level of detail  
91 provided during the Fiscal Year 2005 budget request process.

92 **SECTION 5.** It is the intent of the Legislature that the  
93 Office of State Aid Road Construction may accept, budget and

94 expend funds not to exceed Three Hundred Thousand Dollars  
95 (\$300,000.00) out of funds received from the Mississippi  
96 Development Authority as reimbursement for actual expenses  
97 incurred by the Office of State Aid Road Construction for  
98 administering and providing engineering services to political  
99 subdivisions as authorized under Section 65-4-15, Mississippi Code  
100 of 1972, subject to and in accordance with rules and regulations  
101 of the Department of Finance and Administration in a manner  
102 consistent with the escalation of federal funds. Any escalated  
103 funds shall be deposited into the Office of State Aid Roads  
104 Administrative Fund, a special fund hereby created in the State  
105 Treasury, for the fiscal year beginning July 1, 2004, and ending  
106 June 30, 2005.

107       **SECTION 6.** Of the funds appropriated in Section 1 of this  
108 act, the Office of State Aid Road Construction is authorized to  
109 reimburse Walthall County in the amount of Two Hundred Fifty  
110 Thousand Dollars (\$250,000.00) from unobligated State Aid funds  
111 allocated to Walthall County for the 2004-2007 term of office of  
112 members of the board of supervisors for expenditures made by  
113 Walthall County to match funds of the United States Army Corps of  
114 Engineers for the project known as Dillon's Bridge, Bogue Chitto  
115 River, Walthall County.

116       **SECTION 7.** Of the funds appropriated in Section 1 of this  
117 act, it is the intent of the Legislature that One Hundred Sixty  
118 Thousand Dollars (\$160,000.00) shall be expended for replacement  
119 and/or rehabilitation of a certain bridge over Hatchie Creek in  
120 Tippah County for providing access to a civil war battle site,  
121 which bridge project shall be administered by the Office of State  
122 Aid Road Construction as provided under Chapter 37 of Title 65,  
123 Mississippi Code of 1972; however, such bridge shall be performed  
124 according to specifications adopted and approved by the county  
125 engineer and the Board of Supervisors of Tippah County.

126 Of the funds in Section 1, One Hundred Sixty Thousand Dollars  
127 (\$160,000.00) shall be derived from the Mississippi Department of  
128 Transportation Fund in the State Treasury.

129 **SECTION 8.** It is the intention of the Legislature that the  
130 Office of State Aid Road Construction shall have the authority to  
131 accept, budget and expend funds, comprised of special funds to the  
132 office, not to exceed Thirty-five Million Dollars (\$35,000,000.00)  
133 for the purpose of replacement of structurally deficient bridges  
134 on the state's county roads. Such funds are to be escalated in  
135 accordance with procedures for federal fund escalations as  
136 established in Section 27-104-21, Mississippi Code of 1972, and  
137 expended for the purposes of performing such duties as set forth  
138 by law in accordance with applicable rules and regulations of the  
139 State Fiscal Officer.

140 **SECTION 9.** It is the intention of the Legislature that the  
141 agency shall provide a report reflecting Fiscal Year 2004 usage of  
142 wireless communication devices which shall include cellular  
143 phones, two-way radios, pagers, or any other means of wireless  
144 communications to the Chairman of the House Appropriations  
145 Committee, the Chairman of the Senate Appropriations Committee,  
146 and the State Auditor by September 1, 2004. The report shall  
147 contain, but not be limited to, the following:

148 (1) The number of wireless communication devices provided to  
149 employees by the agency;

150 (2) The annual cost of usage of wireless communication  
151 devices by each employee of the agency who is issued a wireless  
152 communication device;

153 (3) Separate justification of the usage of wireless  
154 communication devices by those employees issued wireless  
155 communication devices; and

156 (4) To determine whether quantifiable benefits are  
157 associated with the utilization of wireless communications and

158 whether such service provides more efficient or effective service  
159 delivery.

160         **SECTION 10.** The money herein appropriated shall be paid by  
161 the State Treasurer out of any money in the State Treasury to the  
162 credit of the proper fund or funds as set forth in this act, upon  
163 warrants issued by the State Fiscal Officer; and the State Fiscal  
164 Officer shall issue his warrants upon requisitions signed by the  
165 proper person, officer or officers in the manner provided by law.

166         **SECTION 11.** This act shall take effect and be in force from  
167 and after July 1, 2004.