

House Amendments to Senate Bill No. 3157

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 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..... \$ 138,856,185.00.

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..	\$	2,332,384.00
19 Travel and Subsistence.....		28,314.00
20 Contractual Services.....		206,780.00
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>136,160,000.00</u>
26 Total.....	\$	138,856,185.00

27 **FUNDING:**

28 General Funds.....	\$	0.00
29 Special Funds.....		<u>138,856,185.00</u>
30 Total.....	\$	138,856,185.00

31 AUTHORIZED POSITIONS:

32	Permanent:	Full Time.....	41
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

without proof of availability of new or additional funds above the appropriated level.

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and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

SECTION 3. The funds authorized herein shall be used to fund all operations of the agency with the following prohibitions:

(1) The agency shall not fill any current or future vacant positions;

(2) The agency shall not take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, education benchmark, career ladder, or any other means to increase salaries of employees or positions except as allowed under the provisions set forth in House Bill No. 1279, 2004 Regular Session;

(3) The agency shall not expend funds for out-of-state travel except as allowed under the provisions set forth in House Bill No. 1279, 2004 Regular Session;

(4) The agency shall not expend funds for the purchase of or contract for cellular phones, two-way radios or pagers, except for support of employees in the Department of Public Safety and the Bureau of Narcotics as recommended by Information Technology Services or as allowed under the provisions set forth in House Bill No. 1279, 2004 Regular Session;

(5) The agency shall not expend funds to publish or distribute any annual reports or other publications;

(6) The agency shall not expend funds for public relation activities regarding the functions, programs or services of the agency except as allowed under the provisions set forth in House Bill No. 1279, 2004 Regular Session;

(7) The agency shall not advertise the functions, programs or services of the agency except that the Mississippi Development Authority is authorized to expend funds for advertising to carry out the purposes of key programs administered by the authority;

100 (8) The agency shall not expend funds for staff development
101 or training services;

102 (9) The agency shall not expend funds for the purchase of
103 new or replacement equipment or furniture, excluding lease
104 purchase payments on agreements in effect upon passage of this
105 appropriation bill, except as allowed under the provisions set
106 forth in House Bill No. 1279, 2004 Regular Session.

107 **SECTION 4.** It is the intention of the Legislature that none
108 of the funds appropriated above shall be expended unless members
109 of the Mississippi House of Representatives and Mississippi Senate
110 are notified at least five (5) days prior to a public ceremony
111 announcing the award of any grant in their district or any public
112 announcement or ceremony regarding the groundbreaking or opening
113 of a facility, roadway or bridge for which the Legislature has
114 made funds available. Any signage regarding any public event or
115 any new facility, roadway or bridge shall include the following
116 language: "Funds were made available for this project by the
117 Mississippi State Legislature."

118 **SECTION 5.** It is the intention of the Legislature that the
119 Office of State Aid Road Construction shall maintain complete
120 accounting and personnel records related to the expenditure of all
121 funds appropriated under this act and that such records shall be
122 in the same format and level of detail as maintained for Fiscal
123 Year 2004. It is further the intention of the Legislature that
124 the agency's budget request for Fiscal Year 2006 shall be
125 submitted to the Joint Legislative Budget Committee in a format
126 and level of detail comparable to the format and level of detail
127 provided during the Fiscal Year 2005 budget request process.

128 **SECTION 6.** It is the intent of the Legislature that the
129 Office of State Aid Road Construction may accept, budget and
130 expend funds not to exceed Three Hundred Thousand Dollars
131 (\$300,000.00) out of funds received from the Mississippi
132 Development Authority as reimbursement for actual expenses
133 incurred by the Office of State Aid Road Construction for
134 administering and providing engineering services to political

subdivisions as authorized under Section 65-4-15, Mississippi Code of 1972, subject to and in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Any escalated funds shall be deposited into the Office of State Aid Roads Administrative Fund, a special fund hereby created in the State Treasury, for the fiscal year beginning July 1, 2004, and ending June 30, 2005.

SECTION 7. Of the funds appropriated in Section 1 of this act, the Office of State Aid Road Construction is authorized to reimburse Walthall County in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) from unobligated State Aid funds allocated to Walthall County for the 2004-2007 term of office of members of the board of supervisors for expenditures made by Walthall County to match funds of the United States Army Corps of Engineers for the project known as Dillon's Bridge, Bogue Chitto River, Walthall County.

SECTION 8. Of the funds appropriated in Section 1 of this act, it is the intent of the Legislature that One Hundred Sixty Thousand Dollars (\$160,000.00) shall be expended for replacement and/or rehabilitation of a certain bridge over Hatchie Creek in Tippah County for providing access to a civil war battle site, which bridge project shall be administered by the Office of State Aid Road Construction as provided under Chapter 37 of Title 65, Mississippi Code of 1972; however, such bridge shall be performed according to specifications adopted and approved by the county engineer and the Board of Supervisors of Tippah County.

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

SECTION 9. Of the funds in Section 1, Twenty Million Dollars (\$20,000,000.00) shall be derived from funds deposited into the Local System Bridge Replacement and Rehabilitation Fund, contingent upon passage of House Bill No. 1279, 2004 Regular Session.

170 **SECTION 10.** It is the intention of the Legislature that the
171 Office of State Aid Road Construction shall have the authority to
172 accept, budget and expend funds, comprised of special funds to the
173 office, not to exceed Thirty-five Million Dollars (\$35,000,000.00)
174 for the purpose of replacement of structurally deficient bridges
175 on the state's county roads. Such funds are to be escalated in
176 accordance with procedures for federal fund escalations as
177 established in Section 27-104-21, Mississippi Code of 1972, and
178 expended for the purposes of performing such duties as set forth
179 by law in accordance with applicable rules and regulations of the
180 State Fiscal Officer.

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

187 **SECTION 12.** This act shall take effect and be in force from
188 and after July 1, 2004.

HR05\SB3157A.J

Don Richardson
Clerk of the House of Representatives