

REPORT OF CONFERENCE COMMITTEE

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MADAM PRESIDENT AND MR. SPEAKER:

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

S. B. No. 3095: Appropriation; Office of State Aid Road Construction.

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 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, 2005, and ending June 30, 2006.....\$ 138,915,838.00.

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 .. \$	2,492,234.00
19 Travel and Subsistence.....	43,959.00
20 Contractual Services	325,000.00
21 Commodities.....	50,000.00
22 Capital Outlay:	
23 Other Than Equipment	0.00
24 Equipment	88,007.00
25 Subsidies, Loans and Grants.....	<u>135,916,638.00</u>

26 Total..... \$ 138,915,838.00

27 FUNDING:

28 General Funds..... \$ 0.00

29 Special Funds..... 138,915,838.00

30 Total..... \$ 138,915,838.00

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 2007 do not exceed Fiscal Year 2006
40 funds appropriated for that purpose, unless programs or positions
41 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 The agency shall not take any action to promote or otherwise
72 award salary increases through reallocation, reclassification,
73 realignment, education benchmark, career ladder, or any other
74 means to increase salaries of employees or positions, except for
75 the award of teacher pay increases.

76 **SECTION 3.** It is the intention of the Legislature that the
77 Office of State Aid Road Construction shall maintain complete
78 accounting and personnel records related to the expenditure of all
79 funds appropriated under this act and that such records shall be
80 in the same format and level of detail as maintained for Fiscal
81 Year 2005. It is further the intention of the Legislature that
82 the agency's budget request for Fiscal Year 2007 shall be
83 submitted to the Joint Legislative Budget Committee in a format
84 and level of detail comparable to the format and level of detail
85 provided during the Fiscal Year 2006 budget request process.

86 **SECTION 4.** It is the intention of the Legislature that the
87 Office of State Aid Road Construction shall have the authority to
88 accept, budget and expend funds, comprised of special funds to the
89 office, not to exceed Thirty-five Million Dollars (\$35,000,000.00)

90 for the purpose of replacement of structurally deficient bridges
91 on the state's county roads. Such funds are to be escalated in
92 accordance with procedures for federal fund escalations as
93 established in Section 27-104-21, Mississippi Code of 1972, and
94 expended for the purposes of performing such duties as set forth
95 by law in accordance with applicable rules and regulations of the
96 State Fiscal Officer.

97 **SECTION 5.** Of the funds appropriated in Section 1 of this
98 act, the Office of State Aid Road Construction is authorized to
99 reimburse Adams County in the amount of Five Hundred Thousand
100 Dollars (\$500,000.00) from unobligated State Aid Road funds
101 allocated to Adams County for the 2004 - 2007 term of office of
102 members of the board of supervisors to match federal aid funds of
103 the Surface Transportation Program administered by the Mississippi
104 Department of Transportation for the project known as Government
105 Fleet Road Extension that is designated as the Intermodal
106 Connector Route 83, Adams County, Mississippi.

107 **SECTION 6.** It is the intention of the Legislature that none
108 of the funds appropriated above shall be expended unless members
109 of the Mississippi Senate and House of Representatives are
110 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 7.** It is the intent of the Legislature that the
119 Office of State Aid Road Construction may accept, budget and
120 expend funds not to exceed Three Hundred Thousand Dollars
121 (\$300,000.00) out of funds received from the Mississippi

122 Development Authority as reimbursement for actual expenses
123 incurred by the Office of State Aid Road Construction for
124 administering and providing engineering services to political
125 subdivisions as authorized under Section 65-4-15, Mississippi Code
126 of 1972, subject to and in accordance with rules and regulations
127 of the Department of Finance and Administration in a manner
128 consistent with the escalation of federal funds. Any escalated
129 funds shall be deposited into the Office of State Aid Roads
130 Administrative Fund, a special fund hereby created in the State
131 Treasury, for the fiscal year beginning July 1, 2005, and ending
132 June 30, 2006.

133 **SECTION 8.** The office of State Aid Road Construction of the
134 Mississippi Department of Transportation shall be exempt from any
135 transfer of special funds into the State General Fund or the
136 Budget Contingency Fund created in Section 27-103-301, that is
137 directed or authorized by the Department of Finance and
138 Administration or by general law.

139 **SECTION 9.** The money herein appropriated shall be paid by
140 the State Treasurer out of any money in the State Treasury to the
141 credit of the proper fund or funds as set forth in this act, upon
142 warrants issued by the State Fiscal Officer; and the State Fiscal
143 Officer shall issue his warrants upon requisitions signed by the
144 proper person, officer or officers in the manner provided by law.

145 **SECTION 10.** This act shall take effect and be in force from
146 and after July 1, 2005.

CONFEREES FOR THE SENATE

X (SIGNED)
Gordon

X (SIGNED)
Gollott

X (SIGNED)
Kirby

CONFEREES FOR THE HOUSE

X (SIGNED)
Stringer

X (SIGNED)
Miles

X (SIGNED)
Jennings