

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

To: Appropriations

SENATE BILL NO. 2022

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 2006.

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, 2005, and ending June 30, 2006..... \$ 138,934,862.00.

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..	\$	2,511,258.00
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.....	\$	138,934,862.00

27 FUNDING:

28	General Funds.....	\$	0.00
29	Special Funds.....		<u>138,934,862.00</u>
30	Total.....	\$	138,934,862.00

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 unless
75 specifically exempted by the following conditions: the award of
76 teacher pay increases, the advancement of a trainee/cadet to the
77 next level of a bona fide career ladder, the award of an
78 educational benchmark for the attainment of Certified Public
79 Accountant License or higher level professional certification as
80 determined by the State Personnel Board, the immediate replacement
81 of a departing employee with an individual from within state
82 service or a new hire at a salary level equivalent to that of the
83 departing employee, and the emergency appointment of nurses,
84 pharmacists or other health care professionals at a salary to be
85 determined by the State Personnel Board, unless otherwise
86 authorized in this act.

87 **SECTION 3.** It is the intention of the Legislature that the
88 Office of State Aid Road Construction shall maintain complete
89 accounting and personnel records related to the expenditure of all
90 funds appropriated under this act and that such records shall be
91 in the same format and level of detail as maintained for Fiscal
92 Year 2005. It is further the intention of the Legislature that
93 the agency's budget request for Fiscal Year 2007 shall be

94 submitted to the Joint Legislative Budget Committee in a format
95 and level of detail comparable to the format and level of detail
96 provided during the Fiscal Year 2006 budget request process.

97 **SECTION 4.** It is the intention of the Legislature that the
98 Office of State Aid Road Construction shall have the authority to
99 accept, budget and expend funds, comprised of special funds to the
100 office, not to exceed Thirty-five Million Dollars (\$35,000,000.00)
101 for the purpose of replacement of structurally deficient bridges
102 on the state's county roads. Such funds are to be escalated in
103 accordance with procedures for federal fund escalations as
104 established in Section 27-104-21, Mississippi Code of 1972, and
105 expended for the purposes of performing such duties as set forth
106 by law in accordance with applicable rules and regulations of the
107 State Fiscal Officer.

108 **SECTION 5.** Of the funds appropriated in Section 1 of this
109 act, the Office of State Aid Road Construction is authorized to
110 reimburse Adams County in the amount of Five Hundred Thousand
111 Dollars (\$500,000.00) from unobligated State Aid Road funds
112 allocated to Adams County for the 2004 - 2007 term of office of
113 members of the board of supervisors to match federal aid funds of
114 the Surface Transportation Program administered by the Mississippi
115 Department of Transportation for the project known as Government
116 Fleet Road Extension that is designated as the Intermodal
117 Connector Route 83, Adams County, Mississippi.

118 **SECTION 6.** It is the intention of the Legislature that none
119 of the funds appropriated above shall be expended unless members
120 of the Mississippi Senate and House of Representatives are
121 notified at least five (5) days prior to a public ceremony
122 announcing the award of any grant in their district or any public
123 announcement or ceremony regarding the groundbreaking or opening
124 of a facility, roadway or bridge for which the Legislature has
125 made funds available. Any signage regarding any public event or
126 any new facility, roadway or bridge shall include the following

127 language: "Funds were made available for this project by the
128 Mississippi State Legislature."

129 **SECTION 7.** It is the intention of the Legislature that the
130 Office of State Aid Road Construction may accept, budget and
131 expend funds not to exceed Three Hundred Thousand Dollars
132 (\$300,000.00) out of funds received from the Mississippi
133 Development Authority as reimbursement for actual expenses
134 incurred by the Office of State Aid Road Construction for
135 administering and providing engineering services to political
136 subdivisions as authorized under Section 65-4-15, Mississippi Code
137 of 1972, subject to and in accordance with rules and regulations
138 of the Department of Finance and Administration in a manner
139 consistent with the escalation of federal funds. Any escalated
140 funds shall be deposited into the Office of State Aid Roads
141 Administrative Fund, a special fund hereby created in the State
142 Treasury, for the fiscal year beginning July 1, 2005, and ending
143 June 30, 2006.

144 **SECTION 8.** The office of State Aid Road Construction of the
145 Mississippi Department of Transportation shall be exempt from any
146 transfer of special funds into the State General Fund or the
147 Budget Contingency Fund created in Section 27-103-301, that is
148 directed or authorized by the Department of Finance and
149 Administration or by the State Treasurer.

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

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