

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

To: Appropriations

SENATE BILL NO. 3055  
(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 2007.

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, 2006, and ending June 30, 2007..... \$ 139,033,864.00.

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..	\$	2,610,260.00
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.....	\$	139,033,864.00

27 FUNDING:

28	General Funds.....	\$	0.00
29	Special Funds.....		<u>139,033,864.00</u>
30	Total.....	\$	139,033,864.00

31 AUTHORIZED POSITIONS:

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

36 Funds are provided herein to adjust the Variable Compensation  
37 Plan to ensure that all full-time employees receive a pay increase  
38 equal to the realignment component of the Variable Compensation  
39 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,  
40 with not more than one-half (1/2) to be awarded on July 1, 2006,  
41 with the remainder to be awarded on January 1, 2007.

42 With the funds herein appropriated, it is the intention of  
43 the Legislature that it shall be the agency's responsibility to  
44 make certain that funds required to be appropriated for "Personal  
45 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007  
46 funds appropriated for that purpose, unless programs or positions  
47 are added to the agency's Fiscal Year 2008 budget by the  
48 Mississippi Legislature. Based on data provided by the  
49 Legislative Budget Office, the State Personnel Board shall  
50 determine and publish the projected annual cost to fully fund all  
51 appropriated positions in compliance with the provisions of this  
52 act. It shall be the responsibility of the agency head to insure  
53 that no single personnel action increases this projected annual  
54 cost and/or the Fiscal Year 2007 appropriation for "Personal  
55 Services" when annualized, with the exception of escalated funds.  
56 If, at the time the agency takes any action to change "Personal  
57 Services," the State Personnel Board determines that the agency  
58 has taken an action which would cause the agency to exceed this  
59 projected annual cost or the Fiscal Year 2007 "Personal Services"  
60 appropriated level, when annualized, then only those actions which

61 reduce the projected annual cost and/or the appropriation  
62 requirement will be processed by the State Personnel Board until  
63 such time as the requirements of this provision are met.

64 Any transfers or escalations shall be made in accordance with  
65 the terms, conditions and procedures established by law or  
66 allowable under the terms set forth within this act. The State  
67 Personnel Board shall not escalate positions without written  
68 approval from the Department of Finance and Administration. The  
69 Department of Finance and Administration shall not provide written  
70 approval to escalate any funds for salaries and/or positions  
71 without proof of availability of new or additional funds above the  
72 appropriated level.

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

77 **SECTION 3.** It is the intention of the Legislature that the  
78 Office of State Aid Road Construction shall maintain complete  
79 accounting and personnel records related to the expenditure of all  
80 funds appropriated under this act and that such records shall be  
81 in the same format and level of detail as maintained for Fiscal  
82 Year 2006. It is further the intention of the Legislature that  
83 the agency's budget request for Fiscal Year 2008 shall be  
84 submitted to the Joint Legislative Budget Committee in a format  
85 and level of detail comparable to the format and level of detail  
86 provided during the Fiscal Year 2007 budget request process.

87 **SECTION 4.** It is the intention of the Legislature that the  
88 Office of State Aid Road Construction shall have the authority to  
89 accept, budget and expend funds, comprised of special funds to the  
90 office, not to exceed Thirty-five Million Dollars (\$35,000,000.00)  
91 for the purpose of replacement of structurally deficient bridges  
92 on the state's county roads. Such funds are to be escalated in  
93 accordance with procedures for federal fund escalations as

94 established in Section 27-104-21, Mississippi Code of 1972, and  
95 expended for the purposes of performing such duties as set forth  
96 by law in accordance with applicable rules and regulations of the  
97 State Fiscal Officer.

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

108       **SECTION 6.** It is the intention of the Legislature that none  
109 of the funds appropriated above shall be expended unless members  
110 of the Mississippi Senate and House of Representatives are  
111 notified at least five (5) days prior to a public ceremony  
112 announcing the award of any grant in their district or any public  
113 announcement or ceremony regarding the groundbreaking or opening  
114 of a facility, roadway or bridge for which the Legislature has  
115 made funds available. Any signage regarding any public event or  
116 any new facility, roadway or bridge shall include the following  
117 language: "Funds were made available for this project by the  
118 Mississippi State Legislature."

119       **SECTION 7.** It is the intention of the Legislature that the  
120 Office of State Aid Road Construction may accept, budget and  
121 expend funds not to exceed Three Hundred Thousand Dollars  
122 (\$300,000.00) out of funds received from the Mississippi  
123 Development Authority as reimbursement for actual expenses  
124 incurred by the Office of State Aid Road Construction for  
125 administering and providing engineering services to political  
126 subdivisions as authorized under Section 65-4-15, Mississippi Code

127 of 1972, subject to and in accordance with rules and regulations  
128 of the Department of Finance and Administration in a manner  
129 consistent with the escalation of federal funds. Any escalated  
130 funds shall be deposited into the Office of State Aid Roads  
131 Administrative Fund, a special fund hereby created in the State  
132 Treasury, for the fiscal year beginning July 1, 2006, and ending  
133 June 30, 2007.

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

140       **SECTION 9.** It is the intention of the Legislature that  
141 whenever two (2) or more bids are received by this agency for the  
142 purchase of commodities or equipment, and whenever all things  
143 stated in such received bids are equal with respect to price,  
144 quality and service, the Mississippi Industries for the Blind  
145 shall be given preference. A similar preference shall be given to  
146 the Mississippi Industries for the Blind whenever purchases are  
147 made without competitive bids.

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

154       **SECTION 11.** This act shall take effect and be in force from  
155 and after July 1, 2006.