

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

To: Appropriations

SENATE BILL NO. 3163

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 YEARS 2007 AND  
4 2008.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** The following sum, or so much thereof as may be  
7 necessary, is hereby appropriated out of any money in the State  
8 General Fund not otherwise appropriated, for the purpose of  
9 defraying the expenses of the Local System Bridge Program of the  
10 Office of State Aid Road Construction of the Mississippi  
11 Department of Transportation, for the fiscal year beginning  
12 July 1, 2007, and ending June 30, 2008.....\$ 20,000,000.00.

13 **SECTION 2.** The following sum, or so much thereof as may be  
14 necessary, is hereby appropriated out of any money in the State  
15 Treasury to the credit of the Office of State Aid Road  
16 Construction Fund, for the purpose of defraying the expenses of  
17 the Office of State Aid Road Construction of the Mississippi  
18 Department of Transportation for the fiscal year beginning  
19 July 1, 2007, and ending June 30, 2008..... \$ 183,384,650.00.

20 **SECTION 3.** Of the funds appropriated under the provisions of  
21 Sections 1 and 2, not more than the amounts set forth below shall  
22 be expended for the respective major objects or purposes of  
23 expenditure:

24 MAJOR OBJECTS OF EXPENDITURE:

25 Personal Services:  
26 Salaries, Wages and Fringe Benefits.. \$ 2,877,684.00  
27 Travel and Subsistence..... 43,959.00  
28 Contractual Services..... 325,000.00

29	Commodities.....		50,000.00
30	Capital Outlay:		
31	Other Than Equipment.....		0.00
32	Equipment.....		29,207.00
33	Vehicles.....		58,800.00
34	Wireless Communication Devices.....		0.00
35	Subsidies, Loans and Grants.....		<u>200,000,000.00</u>
36	Total.....	\$	203,384,650.00
37	FUNDING:		
38	General Funds.....	\$	20,000,000.00
39	Special Funds.....		<u>183,384,650.00</u>
40	Total.....	\$	203,384,650.00

41 AUTHORIZED POSITIONS:

42	Permanent:	Full Time.....	48
43		Part Time.....	0
44	Time-Limited:	Full Time.....	0
45		Part Time.....	0

46 Funds are provided herein to adjust the Variable Compensation  
47 Plan to ensure that all full-time employees receive a pay increase  
48 equal to the realignment component of the Variable Compensation  
49 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)  
50 whichever is greater, to be awarded on July 1, 2007.

51 With the funds herein appropriated, it is the intention of  
52 the Legislature that it shall be the agency's responsibility to  
53 make certain that funds required to be appropriated for "Personal  
54 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
55 funds appropriated for that purpose, unless programs or positions  
56 are added to the agency's Fiscal Year 2009 budget by the  
57 Mississippi Legislature. Based on data provided by the  
58 Legislative Budget Office, the State Personnel Board shall  
59 determine and publish the projected annual cost to fully fund all  
60 appropriated positions in compliance with the provisions of this  
61 act. It shall be the responsibility of the agency head to insure

62 that no single personnel action increases this projected annual  
63 cost and/or the Fiscal Year 2008 appropriation for "Personal  
64 Services" when annualized, with the exception of escalated funds.  
65 If, at the time the agency takes any action to change "Personal  
66 Services," the State Personnel Board determines that the agency  
67 has taken an action which would cause the agency to exceed this  
68 projected annual cost or the Fiscal Year 2008 "Personal Services"  
69 appropriated level, when annualized, then only those actions which  
70 reduce the projected annual cost and/or the appropriation  
71 requirement will be processed by the State Personnel Board until  
72 such time as the requirements of this provision are met.

73 Any transfers or escalations shall be made in accordance with  
74 the terms, conditions and procedures established by law or  
75 allowable under the terms set forth within this act. The State  
76 Personnel Board shall not escalate positions without written  
77 approval from the Department of Finance and Administration. The  
78 Department of Finance and Administration shall not provide written  
79 approval to escalate any funds for salaries and/or positions  
80 without proof of availability of new or additional funds above the  
81 appropriated level.

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

86 The agency shall not take any action to promote or otherwise  
87 award salary increases through reallocation, reclassification,  
88 realignment, education benchmark, career ladder, or any other  
89 means to increase salaries of employees or positions unless  
90 specifically exempted by the following conditions: the award of  
91 teacher pay increases, the advancement of a trainee/cadet to the  
92 next level of a bona fide career ladder, the award of an  
93 educational benchmark for the attainment of Certified Public  
94 Accountant License or higher level professional certification as

95 determined by the State Personnel Board, the immediate replacement  
96 of a departing employee with an individual from within state  
97 service or a new hire at a salary level equivalent to that of the  
98 departing employee, and the emergency appointment of nurses,  
99 pharmacists or other health care professionals at a salary to be  
100 determined by the State Personnel Board, unless otherwise  
101 authorized in this act.

102       **SECTION 4.** It is the intention of the Legislature that the  
103 Office of State Aid Road Construction shall maintain complete  
104 accounting and personnel records related to the expenditure of all  
105 funds appropriated under this act and that such records shall be  
106 in the same format and level of detail as maintained for Fiscal  
107 Year 2007. It is further the intention of the Legislature that  
108 the agency's budget request for Fiscal Year 2009 shall be  
109 submitted to the Joint Legislative Budget Committee in a format  
110 and level of detail comparable to the format and level of detail  
111 provided during the Fiscal Year 2008 budget request process.

112       **SECTION 5.** It is the intention of the Legislature that the  
113 Office of State Aid Road Construction shall have the authority to  
114 accept, budget and expend funds, comprised of special funds to the  
115 office, not to exceed Thirty-five Million Dollars (\$35,000,000.00)  
116 for the purpose of replacement of structurally deficient bridges  
117 on the state's county roads. Such funds are to be escalated in  
118 accordance with procedures for federal fund escalations as  
119 established in Section 27-104-21, Mississippi Code of 1972, and  
120 expended for the purposes of performing such duties as set forth  
121 by law in accordance with applicable rules and regulations of the  
122 State Fiscal Officer.

123       **SECTION 6.** Of the funds appropriated in Sections 1 and 2 of  
124 this act, the Office of State Aid Road Construction is authorized  
125 to reimburse Adams County in the amount of Five Hundred Thousand  
126 Dollars (\$500,000.00) from unobligated State Aid Road funds  
127 allocated to Adams County for the 2004 - 2007 term of office of

128 members of the board of supervisors to match federal aid funds of  
129 the Surface Transportation Program administered by the Mississippi  
130 Department of Transportation for the project known as Government  
131 Fleet Road Extension that is designated as the Intermodal  
132 Connector Route 83, Adams County, Mississippi.

133       **SECTION 7.** It is the intention of the Legislature that none  
134 of the funds appropriated above shall be expended unless members  
135 of the Mississippi Senate and House of Representatives are  
136 notified at least five (5) days prior to a public ceremony  
137 announcing the award of any grant in their district or any public  
138 announcement or ceremony regarding the groundbreaking or opening  
139 of a facility, roadway or bridge for which the Legislature has  
140 made funds available. Any signage regarding any public event or  
141 any new facility, roadway or bridge shall include the following  
142 language: "Funds were made available for this project by the  
143 Mississippi State Legislature."

144       **SECTION 8.** It is the intention of the Legislature that the  
145 Office of State Aid Road Construction may accept, budget and  
146 expend funds not to exceed Three Hundred Thousand Dollars  
147 (\$300,000.00) out of funds received from the Mississippi  
148 Development Authority as reimbursement for actual expenses  
149 incurred by the Office of State Aid Road Construction for  
150 administering and providing engineering services to political  
151 subdivisions as authorized under Section 65-4-15, Mississippi Code  
152 of 1972, subject to and in accordance with rules and regulations  
153 of the Department of Finance and Administration in a manner  
154 consistent with the escalation of federal funds. Any escalated  
155 funds shall be deposited into the Office of State Aid Roads  
156 Administrative Fund, a special fund hereby created in the State  
157 Treasury, for the fiscal year beginning July 1, 2007, and ending  
158 June 30, 2008.

159       **SECTION 9.** The office of State Aid Road Construction of the  
160 Mississippi Department of Transportation shall be exempt from any

161 transfer of special funds into the State General Fund or the  
162 Budget Contingency Fund created in Section 27-103-301, that is  
163 directed or authorized by the Department of Finance and  
164 Administration or by the State Treasurer.

165       **SECTION 10.**     In addition to all other sums herein  
166 appropriated, the following sum or so much thereof as may be  
167 necessary, is hereby appropriated out of any money in the special  
168 fund in the State Treasury to the credit of the Office of State  
169 Aid Road Construction, for the purpose of hiring one new Full Time  
170 Permanent Contact Analyst for the period beginning upon passage of  
171 this act and ending on June 30, 2007.....\$   8,241.25.

172       **SECTION 11.**   It is the intention of the Legislature that  
173 whenever two (2) or more bids are received by this agency for the  
174 purchase of commodities or equipment, and whenever all things  
175 stated in such received bids are equal with respect to price,  
176 quality and service, the Mississippi Industries for the Blind  
177 shall be given preference. A similar preference shall be given to  
178 the Mississippi Industries for the Blind whenever purchases are  
179 made without competitive bids.

180       **SECTION 12.**   The money herein appropriated shall be paid by  
181 the State Treasurer out of any money in the State Treasury to the  
182 credit of the proper fund or funds as set forth in this act, upon  
183 warrants issued by the State Fiscal Officer; and the State Fiscal  
184 Officer shall issue his warrants upon requisitions signed by the  
185 proper person, officer or officers in the manner provided by law.

186       **SECTION 13.**   This act shall take effect and be in force from  
187 and after July 1, 2007, except for Section 10, which shall take  
188 effect and be in force from and after its passage.