

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

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.