

House Amendments to Senate Bill No. 3163

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 Treasury to the credit of the Office of State Aid Road
9 Construction Fund, for the purpose of defraying the expenses of
10 the 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..... \$ 163,316,844.00.

13 **SECTION 2.** Of the funds appropriated under the provisions of
14 Section 1, not more than the amounts set forth below shall be
15 expended for the respective major objects or purposes of
16 expenditure:

17 MAJOR OBJECTS OF EXPENDITURE:

18 Personal Services:

19 Salaries, Wages and Fringe Benefits..	\$	2,809,878.00
20 Travel and Subsistence.....		43,959.00
21 Contractual Services.....		325,000.00
22 Commodities.....		50,000.00
23 Capital Outlay:		
24 Other Than Equipment.....		0.00
25 Equipment.....		29,207.00
26 Vehicles.....		58,800.00
27 Wireless Communication Devices.....		0.00
28 Subsidies, Loans and Grants.....		<u>160,000,000.00</u>
29 Total.....	\$	163,316,844.00

30 FUNDING:

31 General Funds.....	\$	0.00
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32 Special Funds..... 163,316,844.00
 33 Total..... \$ 163,316,844.00

34 AUTHORIZED POSITIONS:

35 Permanent: Full Time..... 48
 36 Part Time..... 0
 37 Time-Limited: Full Time..... 0
 38 Part Time..... 0

39 Funds are provided herein to adjust the Variable Compensation
 40 Plan to ensure that all full-time employees receive a pay increase
 41 equal to the realignment component of the Variable Compensation
 42 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
 43 is greater.

44 With the funds herein appropriated, it is the intention of
 45 the Legislature that it shall be the agency's responsibility to
 46 make certain that funds required to be appropriated for "Personal
 47 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
 48 funds appropriated for that purpose, unless programs or positions
 49 are added to the agency's Fiscal Year 2009 budget by the
 50 Mississippi Legislature. Based on data provided by the
 51 Legislative Budget Office, the State Personnel Board shall
 52 determine and publish the projected annual cost to fully fund all
 53 appropriated positions in compliance with the provisions of this
 54 act. It shall be the responsibility of the agency head to insure
 55 that no single personnel action increases this projected annual
 56 cost and/or the Fiscal Year 2008 appropriation for "Personal
 57 Services" when annualized, with the exception of escalated funds.
 58 If, at the time the agency takes any action to change "Personal
 59 Services," the State Personnel Board determines that the agency
 60 has taken an action which would cause the agency to exceed this
 61 projected annual cost or the Fiscal Year 2008 "Personal Services"
 62 appropriated level, when annualized, then only those actions which
 63 reduce the projected annual cost and/or the appropriation
 64 requirement will be processed by the State Personnel Board until
 65 such time as the requirements of this provision are met.

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

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

79 The agency shall not take any action to promote or otherwise
80 award salary increases through reallocation, reclassification,
81 realignment, education benchmark, career ladder, or any other
82 means to increase salaries of employees or positions unless
83 specifically exempted by the following conditions: the award of
84 teacher pay increases, the advancement of a trainee/cadet to the
85 next level of a bona fide career ladder, the award of an
86 educational benchmark for the attainment of Certified Public
87 Accountant License or higher level professional certification as
88 determined by the State Personnel Board, the immediate replacement
89 of a departing employee with an individual from within state
90 service or a new hire at a salary level equivalent to that of the
91 departing employee, and the emergency appointment of nurses,
92 pharmacists or other health care professionals at a salary to be
93 determined by the State Personnel Board, unless otherwise
94 authorized in this act.

95 **SECTION 3.** It is the intention of the Legislature that the
96 Office of State Aid Road Construction shall maintain complete
97 accounting and personnel records related to the expenditure of all
98 funds appropriated under this act and that such records shall be
99 in the same format and level of detail as maintained for Fiscal
100 Year 2007. It is further the intention of the Legislature that

101 the agency's budget request for Fiscal Year 2009 shall be
102 submitted to the Joint Legislative Budget Committee in a format
103 and level of detail comparable to the format and level of detail
104 provided during the Fiscal Year 2008 budget request process.

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

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

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

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

137 **SECTION 7.** It is the intention of the Legislature that the
138 Office of State Aid Road Construction may accept, budget and
139 expend funds not to exceed Three Hundred Thousand Dollars
140 (\$300,000.00) out of funds received from the Mississippi
141 Development Authority as reimbursement for actual expenses
142 incurred by the Office of State Aid Road Construction for
143 administering and providing engineering services to political
144 subdivisions as authorized under Section 65-4-15, Mississippi Code
145 of 1972, subject to and in accordance with rules and regulations
146 of the Department of Finance and Administration in a manner
147 consistent with the escalation of federal funds. Any escalated
148 funds shall be deposited into the Office of State Aid Roads
149 Administrative Fund, a special fund hereby created in the State
150 Treasury, for the fiscal year beginning July 1, 2007, and ending
151 June 30, 2008.

152 **SECTION 8.** The office of State Aid Road Construction of the
153 Mississippi Department of Transportation shall be exempt from any
154 transfer of special funds into the State General Fund or the
155 Budget Contingency Fund created in Section 27-103-301, that is
156 directed or authorized by the Department of Finance and
157 Administration or by the State Treasurer.

158 **SECTION 9.** In addition to all other sums herein
159 appropriated, the following sum or so much thereof as may be
160 necessary, is hereby appropriated out of any money in the special
161 fund in the State Treasury to the credit of the Office of State
162 Aid Road Construction, for the purpose of hiring one new Full Time
163 Permanent Contact Analyst for the period beginning upon passage of
164 this act and ending on June 30, 2007.....\$ 8,241.25.

165 **SECTION 10.** It is the intention of the Legislature that
166 whenever two (2) or more bids are received by this agency for the
167 purchase of commodities or equipment, and whenever all things
168 stated in such received bids are equal with respect to price,
169 quality and service, the Mississippi Industries for the Blind

170 shall be given preference. A similar preference shall be given to
171 the Mississippi Industries for the Blind whenever purchases are
172 made without competitive bids.

173 **SECTION 11.** The money herein appropriated shall be paid by
174 the State Treasurer out of any money in the State Treasury to the
175 credit of the proper fund or funds as set forth in this act, upon
176 warrants issued by the State Fiscal Officer; and the State Fiscal
177 Officer shall issue his warrants upon requisitions signed by the
178 proper person, officer or officers in the manner provided by law.

179 **SECTION 12.** This act shall take effect and be in force from
180 and after July 1, 2007, except for Section 9, which shall take
181 effect and be in force from and after its passage.

HR05\SB3163A.J

Don Richardson
Clerk of the House of Representatives