

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

To: Appropriations

SENATE BILL NO. 3163
(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 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 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..... \$ 183,389,656.00.

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..	\$	2,882,690.00
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.....		27,707.00
26	Vehicles.....		58,800.00
27	Wireless Communication Devices.....		1,500.00
28	Subsidies, Loans and Grants.....		<u>180,000,000.00</u>

29 Total..... \$ 183,389,656.00

30 FUNDING:

31 General Funds..... \$ 0.00

32 Special Funds..... 183,389,656.00

33 Total..... \$ 183,389,656.00

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, to be awarded on July 1, 2007.

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 2008 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 appropriations for "Personal
57 Services" when annualized, with the exception of escalated funds
58 and educational benchmarks. If, at the time the agency takes any
59 action to change "Personal Services," the State Personnel Board
60 determines that the agency has taken an action which would cause
61 the agency to exceed this projected annual cost or the Fiscal Year

62 2008 "Personal Services" appropriated level, when annualized, then
63 only those actions which reduce the projected annual cost and/or
64 the appropriation requirement will be processed by the State
65 Personnel Board until such time as the requirements of this
66 provision are met. On January 1, 2008, the State Personnel Board
67 will make adjustments to the structure side of the compliance
68 report based on data provided by the Legislative Budget Office in
69 order for agencies to award educational benchmarks.

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

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

83 **SECTION 3.** It is the intention of the Legislature that the
84 Office of State Aid Road Construction shall maintain complete
85 accounting and personnel records related to the expenditure of all
86 funds appropriated under this act and that such records shall be
87 in the same format and level of detail as maintained for Fiscal
88 Year 2007. It is further the intention of the Legislature that
89 the agency's budget request for Fiscal Year 2009 shall be
90 submitted to the Joint Legislative Budget Committee in a format
91 and level of detail comparable to the format and level of detail
92 provided during the Fiscal Year 2008 budget request process.

93 **SECTION 4.** It is the intention of the Legislature that the
94 Office of State Aid Road Construction shall have the authority to

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

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

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

125 **SECTION 7.** It is the intention of the Legislature that the
126 Office of State Aid Road Construction may accept, budget and
127 expend funds not to exceed Three Hundred Thousand Dollars

128 (\$300,000.00) out of funds received from the Mississippi
129 Development Authority as reimbursement for actual expenses
130 incurred by the Office of State Aid Road Construction for
131 administering and providing engineering services to political
132 subdivisions as authorized under Section 65-4-15, Mississippi Code
133 of 1972, subject to and in accordance with rules and regulations
134 of the Department of Finance and Administration in a manner
135 consistent with the escalation of federal funds. Any escalated
136 funds shall be deposited into the Office of State Aid Roads
137 Administrative Fund, a special fund hereby created in the State
138 Treasury, for the fiscal year beginning July 1, 2007, and ending
139 June 30, 2008.

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

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

153 **SECTION 10.** It is the intention of the Legislature that
154 whenever two (2) or more bids are received by this agency for the
155 purchase of commodities or equipment, and whenever all things
156 stated in such received bids are equal with respect to price,
157 quality and service, the Mississippi Industries for the Blind
158 shall be given preference. A similar preference shall be given to
159 the Mississippi Industries for the Blind whenever purchases are
160 made without competitive bids.

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

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