

Chapter No. 48

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SENATE BILL NO. 3146

Originated in Senate

Renault Dupres

Secretary

SENATE BILL NO. 3146

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE OFFICE OF STATE AID ROAD CONSTRUCTION OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2011.

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

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Office of State Aid Road Construction Fund, for the purpose of defraying the expenses of the Office of State Aid Road Construction of the Mississippi Department of Transportation for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 204,440,769.00.

SECTION 2. Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits \$ 3,127,762.00.

FUNDING:

General Funds	\$	0.00
Special Funds		<u>204,440,769.00</u>
Total	\$	204,440,769.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	53
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011

funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency

appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

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

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

SECTION 3. It is the intention of the Legislature that the Office of State Aid Road Construction shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

SECTION 4. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the

intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

<u>Performance Measures</u>	<u>FY2011 Target</u>
Construction	
Average Completion Time (Days)	575
New County Construction Prgs (Programs)	75
Projects Completed & Closed (Projects)	130

Local System Bridge

Replacement of Deficient Bridges (Bridges)	60
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A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

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

SECTION 6. Of the funds appropriated in Section 1 of this act, the Office of State Aid Road Construction is authorized to utilize unobligated State Aid Road funds allocated to Adams County for the 2008-2011 term of office of members of the board of supervisors in the amount of Five Hundred Thousand Dollars (\$500,000.00) to match federal aid funds of the Surface Transportation Program administered by the Mississippi Department

of Transportation for the project known as Government Fleet Road Extension that is designated as the Intermodal Port Connector Route 83, Adams County, Mississippi.

SECTION 7. It is the intention of the Legislature that none of the funds appropriated above shall be expended unless members of the Mississippi Senate and House of Representatives are notified at least five (5) days prior to a public ceremony announcing the award of any grant in their district or any public announcement or ceremony regarding the groundbreaking or opening of a facility, roadway or bridge for which the Legislature has made funds available. Any signage regarding any public event or any new facility, roadway or bridge shall include the following language: "Funds were made available for this project by the Mississippi State Legislature." The signage shall further state the four-year legislative term in which the project was funded.

SECTION 8. It is the intention of the Legislature that the Office of State Aid Road Construction may accept, budget and expend funds not to exceed Five Hundred Thousand Dollars (\$500,000.00) out of funds received from the Mississippi Development Authority as reimbursement for actual expenses incurred by the Office of State Aid Road Construction for administering and providing engineering services to political subdivisions as authorized under Section 65-4-15, Mississippi Code of 1972, subject to and in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Any escalated funds shall be deposited into the Office of State Aid Roads Administrative Fund, a special fund hereby created in the State Treasury, for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

SECTION 9. It is the intention of the Legislature to authorize the State Aid Engineer to utilize funds available to the Office of State Aid Road Construction, from any source herein

appropriated or made available by the counties or any other source, to pay for costs necessary to comply with the National Bridge Inspection Standards and the Federal Highway Administration's requirements for bridge inspections and/or special studies necessary to comply with federal laws. The State Aid Engineer shall follow the same procedures as have heretofore been established by Sections 65-9-9, 65-9-15 and 65-9-17, Mississippi Code of 1972, for payment of such costs. The Office of State Aid Road Construction may accept, budget and expend these funds subject to and in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal or state funds.

SECTION 10. It is the intention of the Legislature that in the letting of contracts for which the Office of State Aid Road Construction administers and provides engineering services to political subdivisions under the Economic Development Highway Act, bids may be made from the lowest and best bidder after advertising for competitive sealed bids once in a newspaper published or having a circulation in the county or municipality where the contract will be performed, and the date published for the bid opening may be not less than seven (7) working days after the advertisement is published.

SECTION 11. It is the intention of the Legislature that the Office of State Aid Road Construction may escalate its budget in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds and, with approval of the Mississippi Development Authority and consistent with rules and regulations of the community development block grant program, may accept, budget and expend funds, not to exceed Twenty Million Dollars (\$20,000,000.00), out of any funds made available to the Office of State Aid Road Construction through community development block grants or county contributions for the use and benefit of Hancock

County. Such funds shall be administered by the Office of State Aid Road Construction and shall be used for expenses related to the design, construction, reconstruction, repair, rehabilitation and improvement of roads and bridges in Hancock County on the state aid road system and/or roads and bridges of the county off the state aid road system, as determined by the board of supervisors and approved by the State Aid Engineer in accordance with rules and regulations of the Office of State Aid Road Construction. Any such escalated funds shall be deposited into the Office of State Aid Road Construction Fund to the credit of Hancock County and may be expended only for the purposes described in this section.

SECTION 12. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 13. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 14. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 15. Of the funds appropriated in Section 1 of this act, the Office of State Aid Road Construction is authorized to utilize federal funds and unobligated State Aid Road funds allocated to Quitman County for the 2008-2011 term of office of members of the board of supervisors in a total project amount not to exceed One Million Dollars (\$1,000,000.00) for the reconstruction and paving and bridge construction on State Highway 716 in Quitman County.

SECTION 16. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

- (a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 17. Of the funds appropriated in Section 1 of this act, the Office of State Aid Road Construction is authorized to utilize unobligated State Aid Road funds allocated to Coahoma County for the 2008-2011 term of office of members of the board of supervisors in an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00) for the reconstruction and paving and bridge construction on State Highway 316 in Coahoma County.

SECTION 18. Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriation Committees.

SECTION 19. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

SECTION 20. This act shall take effect and be in force from
and after July 1, 2010.

PASSED BY THE SENATE
April 20, 2010



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 20, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

5/13/10

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