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Chapter No. 52
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SENATE BILL NO. 3058

Originated in Senate [signature] Secretary

SENATE BILL NO. 3058

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 2012.

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, 2011, and ending June 30, 2012 ..... $ 245,714,345.00.

SECTION 2. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	55
	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 2013 do not exceed Fiscal Year 2012 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2012 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 ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2012 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 2012 "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.

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 2011. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2013 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 2012 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:

Performance Measures	FY2012 Target
Construction	
Average Completion Time (Days)	575
New County Construction Programs (Prgs)	75
Projects Completed & Closed (Projects)	95
Local System Bridge	
Replacement of Deficient Bridges (Bridges)	50

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 2013.

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 Forty Million Dollars ($40,000,000.00) 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. With the funds appropriated in this act, the Office of State Aid Road Construction shall notify members of the Mississippi Senate and House of Representatives upon the award of projects within their respective districts and 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 7. 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, 2011, and ending June 30, 2012.

SECTION 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. This act shall take effect and be in force from and after July 1, 2011.

PASSED BY THE SENATE
March 27, 2011

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2011

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

GOVERNOR

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