

4/24/14

10:02 A.M.

Chapter No. 4  
141E/SS26/A947PS  
as 10/1/14

***SENATE BILL NO. 2001***

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2001

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 2015.

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 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, 2014, and ending June 30, 2015 ..... \$ 194,858,698.00.

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

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	52
	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 2016 do not exceed Fiscal Year 2015 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2015 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 2015 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 2015 "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.

Funds are provided herein for a One Thousand Dollar (\$1,000.00) salary increase for full-time employees, or prorated for part-time employees, which shall be awarded to each employee

that has not received a salary increase since July 1, 2010, and that is making an annual salary of less than Thirty Thousand Dollars (\$30,000.00) as of June 30, 2014.

The State Personnel Board shall not approve or process personnel action for any employee unless the employee has not received a salary increase since July 1, 2010, and for such an employee the increased amount shall not exceed five percent (5%); however, the following conditions are to be exempted: 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; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY 2015 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 any other requested action of the agency that has been specifically authorized by the Legislature.

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 2014. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2016 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 2015 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:

	FY2015
<u>Performance Measures</u>	<u>Target</u>
Administrative	
Fiscal Transactions Processed (Number)	600
Construction	
Average Completion Time (Days)	575
New County Construction Programs (Prgrs)	100
Projects Completed & Closed (Projects)	140
Avg Number of Active Projects in a County	2.50
Local System Bridge	
Replacement of Deficient Bridges (Bridges)	75
Average Contract Price (\$)	315,000.00

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 2016.

**SECTION 5.** 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 6.** 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, 2014, and ending June 30, 2015.

**SECTION 7.** 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 8.** 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 9.** 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 10.** 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 11.** The following sum, or so much thereof as may be necessary, is reappropriated out of any money in the State Treasury to the credit of Fund 394U, for the Office of State Aid Road Construction Local System Bridge Program of the Mississippi Department of Transportation for the purpose of reauthorizing the expenditure of Budget Contingency Funds, as authorized in House Bill No. 19, Regular Session of 2013, to provide additional funding for the fiscal year beginning July 1, 2014, and ending June 30, 2015..... \$20,000,000.00.

Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the unexpended balance as of June 30, 2014, or change the purpose for which the funds were originally authorized.

**SECTION 12.** 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 13.** Of the funds appropriated under Section 1 of this act, Twenty Million Dollars (\$20,000,000.00), or so much thereof as may be necessary, shall be derived out of any money in the State Treasury to the credit of the Capital Expense Fund, as created in Section 27-103-303, Mississippi Code of 1972, and allocated in a manner as determined by the Treasurer's Office, is provided to defray the expenses of the Office of State Aid Road Construction for the purpose of replacement of structurally deficient bridges on the state's county roads.

**SECTION 14.** It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally or upon their official bonds, shall be held responsible for actions contrary to this provision.

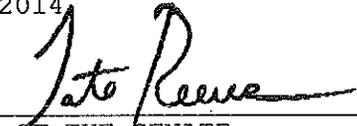
**SECTION 15.** Of the funds appropriated herein, it is the intention of the Legislature that the Office of State Aid Road Construction is authorized to reclassify twelve (12) PINs at a total cost not to exceed Forty-five Thousand Five Hundred Fifty-one Dollars (\$45,551.00), reallocate twelve (12) PINs at a total cost not to exceed Fifty-four Thousand Two Hundred Thirty-four Dollars (\$54,234.00), and award seven (7) educational benchmarks at a total cost not to exceed Seven Thousand One Hundred Ninety-three Dollars (\$7,193.00).

**SECTION 16.** In addition to all other funds appropriated within this act, no more than Thirty-two Million Dollars (\$32,000,000.00), or so much thereof as may be available, shall be appropriated out of any money in the State General Fund not otherwise appropriated, after the Working Cash-Stabilization Reserve Fund reaches its statutory limit set forth by Section 27-103-213, Mississippi Code of 1972, and provided that the Capital Expense Fund set forth in Section 27-103-303 does not fall below a balance of Sixty-eight Million Two Hundred Ninety-four Thousand Nine Hundred Ninety Dollars (\$68,294,990.00), for the purpose of defraying the expenses of the Office of State Aid Road Construction for the purpose of replacement or improvement of structurally deficient bridges and the improvements of the state's county roads. The State Fiscal Officer shall be responsible for certifying that the provisions of this section have been met, and furthermore shall certify the amount of General Funds available for appropriations. The General Funds appropriated in this section shall be reduced to the actual amount certified available for appropriation by the State Fiscal Officer.

**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, 2014.

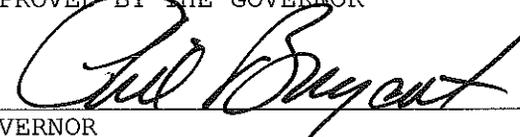
PASSED BY THE SENATE  
April 2, 2014

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 2, 2014

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
\_\_\_\_\_  
GOVERNOR

4/29/14

10:00 am