

By: Representative Compretta (By Request)

To: Transportation

HOUSE BILL NO. 734
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 65-1-113 AND 65-1-149, MISSISSIPPI
2 CODE OF 1972, TO DELETE THE PROVISIONS WHICH RESTRICT THE
3 EXPENDITURE OF MONEY FOR HIGHWAY MAINTENANCE DURING A GENERAL
4 ELECTION YEAR AND WHICH PROHIBIT THE TRANSPORTATION COMMISSION
5 FROM MAKING CERTAIN PURCHASES OR LETTING CERTAIN CONTRACTS DURING
6 THE LAST SIX MONTHS OF THE TERM OF OFFICE OF ANY MEMBER OF THE
7 TRANSPORTATION COMMISSION; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 65-1-113, Mississippi Code of 1972, is
10 amended as follows:

11 65-1-113. The books and accounts of the Mississippi
12 Department of Transportation shall be audited at the end of each
13 fiscal year by the State Auditor. A copy of the audit shall be
14 filed with the Governor, * * * the Legislative Budget Office, and
15 the Department of Finance and Administration and a copy kept on
16 file in the Office of the Mississippi Transportation Commission.
17 The audit shall be so segregated that it shall show in detail the
18 expenditures of the Mississippi Department of Transportation for
19 the period involved.

20 At a regular meeting in April of each year prior to the
21 beginning of each July 1 fiscal year, the Mississippi
22 Transportation Commission shall adopt a complete, detailed and
23 itemized budget of each construction program, maintenance and
24 administration based on information as required by the Legislative
25 Budget Office, which budget shall not exceed a reasonably
26 anticipated income of the commission for the succeeding fiscal
27 year, and the essential features of such budget shall be spread at
28 large on the minutes of the commission. A copy of the detailed

29 budget shall be filed with the Governor and three (3) copies each
30 with the Legislative Budget Office and the Department of Finance
31 and Administration on or before May 30 of each year and shall
32 cover all anticipated expenditures for construction, maintenance
33 and all other expenditures for the ensuing fiscal year. The
34 commission shall not make expenditures in excess of its published
35 budget or any item thereof without written notice to the
36 Legislative Budget Office and prior approval of the Department of
37 Finance and Administration, except in case of extraordinary,
38 unusual or unprecedented occurrences arising by reason of
39 unforeseen events, floods, hurricanes or other acts of God or
40 force majeure, in which event, upon the declaration of emergency
41 and necessity spread at large upon the minutes, appropriate and
42 necessary emergency expenditures may be made. * * *

43 * * *

44 SECTION 2. Section 65-1-149, Mississippi Code of 1972, is
45 amended as follows:

46 65-1-149. The Mississippi Transportation Commission shall
47 file a detailed annual report with the Governor, Department of
48 Finance and Administration, Secretary of the Senate, Clerk of the
49 House of Representatives, and each member of the Senate and the
50 House of Representatives requesting one, by January 15 of each
51 year showing by county the construction and maintenance work in
52 progress, the cost of each project with an indication of specific
53 cost incurred and expenses paid during the fiscal year reported, a
54 list of contracts let, a summary of the bids received, and the
55 name and address of the contractor to whom the contract was
56 awarded in each case. The annual report of the Transportation
57 Commission shall also contain all receipts and disbursements
58 during the preceding fiscal period and an estimate of the receipts
59 for not less than the next fiscal period, plus the average cost of
60 maintenance of each general type of road and the average cost of
61 construction of the various types of surface. Any information and
62 recommendations, including proposed legislation which in the
63 opinion of the commission is needed, shall be contained in said
64 report, in addition to any other required by law to be in the
65 annual report of every department, agency or institution.

66 In addition to the report hereinabove required, there shall
67 be presented, by January 15 of each year to the Senate Highways
68 and Transportation Committee and to the House Transportation
69 Committee, a report on the projected projects for the next three
70 (3) years outlined in detail sufficient enough to facilitate an
71 accurate assessment of such projects by such committees.

72 The Transportation Commission shall adopt a complete,
73 detailed and itemized budget based on information as required by
74 the Legislative Budget Office, which budget shall not exceed a
75 reasonably anticipated income of the commission for the succeeding
76 fiscal year, and the essential features of such budget shall be
77 spread at large on the minutes of the commission. A copy of the
78 detailed budget shall be filed with the Legislative Budget Office
79 and the Department of Finance and Administration and shall cover
80 all anticipated expenditures for the ensuing fiscal year. The
81 commission shall not make expenditures in excess of its published
82 budget or any item thereof without written notice to the
83 Legislative Budget Office and prior approval of the Department of
84 Finance and Administration, except in case of extraordinary,
85 unusual or unprecedented occurrences arising by reason of
86 unforeseen events, floods, hurricanes or other Acts of God or
87 force majeure, in which event, upon the declaration of emergency
88 and necessity spread at large upon the minutes, appropriate and
89 necessary emergency expenditures may be made.

90 The books and accounts of the Mississippi Department of
91 Transportation shall be audited at the end of each fiscal year by
92 the State Auditor. A copy of the audit shall be filed with the
93 Governor, the State Auditor, the Legislative Budget Office, the
94 Department of Finance and Administration, and a copy kept on file
95 in the office of the Transportation Commission. The audit should
96 be so segregated that it shall show in detail the expenditures of
97 the Transportation Department for the period involved.

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99 SECTION 3. This act shall take effect and be in force from
100 and after its passage.