

By: Senator(s) Little (By Request)

To: Highways and
Transportation

SENATE BILL NO. 2148

1 AN ACT TO AMEND SECTIONS 65-1-113 AND 65-1-149, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE DATES BY WHICH THE MISSISSIPPI
3 TRANSPORTATION COMMISSION IS REQUIRED TO ADOPT ITS BUDGET AND FILE
4 REPORTS WITH THE GOVERNOR AND LEGISLATIVE BUDGET OFFICE; TO DELETE
5 THE PROVISIONS WHICH RESTRICT THE EXPENDITURE OF MONEY FOR HIGHWAY
6 MAINTENANCE DURING A GENERAL ELECTION YEAR AND PROHIBIT THE
7 TRANSPORTATION COMMISSION FROM MAKING CERTAIN PURCHASES OR LETTING
8 CERTAIN CONTRACTS DURING THE LAST SIX MONTHS OF THE TERM OF OFFICE
9 OF ANY MEMBER OF THE TRANSPORTATION COMMISSION; AND FOR RELATED
10 PURPOSES.

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

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

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

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

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

46 * * *

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

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

68 annual report of every department, agency or institution.

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

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

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

101 * * *

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