

By: Representatives Read, Eakes, Broomfield, Brown, Coleman (29th), Denny, Ellzey, Flaggs, Gadd, Martinson, Mitchell

To: Appropriations

HOUSE BILL NO. 1596

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
3 MISSISSIPPI DEPARTMENT OF TRANSPORTATION; AND FOR RELATED
4 PURPOSES, FOR THE FISCAL YEAR 2002.

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

6 SECTION 1. The following sum, or so much thereof as may be
7 necessary, is hereby appropriated out of any money in the State
8 Treasury to the credit of the Department of Transportation Funds,
9 for the purpose of defraying the administrative expenses of the
10 Mississippi Department of Transportation for the fiscal year
11 beginning July 1, 2001, and ending June 30, 2002.....
12 \$ 849,405,342.00.

13 SECTION 2. The following offices are supported by the funds
14 appropriated in Section 1: The Office of Administrative Services,
15 the Office of Highways, the Office of Aeronautics and Rails and
16 the Office of Enforcement. Of the funds appropriated under the
17 provisions of Section 1, not more than the amounts set forth below
18 shall be expended for the respective major objects or purposes of
19 expenditure:

20 MAJOR OBJECTS OF EXPENDITURE:

21 Personal Services:

22 Salaries, Wages and Fringe Benefits.. \$ 115,727,184.00
23 Travel and Subsistence..... 1,500,000.00
24 Contractual Services..... 81,000,000.00
25 Commodities..... 27,913,000.00

26 Capital Outlay:

27 Other Than Equipment..... 521,591,408.00

28	Equipment.....	5,000,000.00
29	Subsidies, Loans and Grants.....	<u>96,673,750.00</u>
30	Total.....	\$ 849,405,342.00

31 AUTHORIZED POSITIONS:

32	Permanent: Full Time.....	3,406
33	Part Time.....	19
34	Time-Limited: Full Time.....	0
35	Part Time.....	0

36 With the funds herein appropriated, it is the intention of
37 the Legislature that it shall be the agency's responsibility to
38 make certain that funds required to be appropriated for "Personal
39 Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002
40 funds appropriated for that purpose, unless programs or positions
41 are added to the agency's Fiscal Year 2003 budget by the
42 Mississippi Legislature. Based on data provided by the
43 Legislative Budget Office, the State Personnel Board shall
44 determine and publish the projected annual cost to fully fund all
45 appropriated positions in compliance with the provisions of this
46 act. It shall be the responsibility of the agency head to insure
47 that no single personnel action increases this projected annual
48 cost and/or the Fiscal Year 2002 appropriation for "Personal
49 Services" when annualized. If, at the end of any calendar month,
50 the State Personnel Board determines that the agency has taken
51 action(s) which would cause the agency to exceed this projected
52 annual cost or the Fiscal Year 2002 "Personal Services"
53 appropriated level, when annualized, then only those actions which
54 reduce the projected annual cost and/or the appropriation
55 requirement will be processed by the State Personnel Board until
56 such time as the requirements of this provision are met.

57 Any transfers or escalations shall be made in accordance with
58 the terms, conditions and procedures established by law.

59 No general funds authorized to be expended herein shall be
60 used to replace federal funds and/or other special funds which are

61 being used for salaries authorized under the provisions of this
62 act and which are withdrawn and no longer available.

63 SECTION 3. Of the funds appropriated to the Mississippi
64 Department of Transportation under the provisions of Section 1 and
65 authorized for expenditure in Section 2, the following amounts
66 shall be available for expenditure in the program budgets as
67 required by Section 27-103-127, Mississippi Code of 1972:

68	Administration and Other Expenses.....	\$ 31,390,822.00
69	Construction.....	\$ 601,915,316.00
70	Maintenance - Roadway.....	\$ 131,061,202.00
71	Maintenance - Property.....	\$ 19,062,130.00
72	Debt Service.....	\$ 49,870,000.00
73	Law Enforcement.....	\$ 7,529,487.00
74	Aeronautics, Rails and other.....	\$ 8,576,385.00

75 SECTION 4. Of the funds appropriated in Section 1 and
76 authorized for expenditure in Section 2, it is the intention of
77 the Legislature that One Hundred Thousand Dollars (\$100,000.00)
78 shall be transferred to the Department of Agriculture and Commerce
79 for the Beaver Control or Eradication Program during the Fiscal
80 Year 2002.

81 SECTION 5. Of the funds appropriated in Section 1 of this
82 act, the Mississippi Department of Transportation shall expend
83 such funds as necessary to acquire and implement a highway segment
84 budget and project management system which shall capture and
85 implement the following for all preliminary engineering,
86 right-of-way and construction contracts:

87 (a) Establishment of a master budget for each segment
88 of highway to be constructed, reconstructed or repaired. For
89 purposes of this management system, no segment shall be less than
90 ten (10) miles in length unless a shorter segment is specifically
91 authorized or required in law, the segment connects two (2)
92 four-lane highways which were in existence on July 1, 2001, or
93 when it is at least ten percent (10%) less expensive to construct,

94 reconstruct or repair two (2) or more segments of less than ten
95 (10) miles in length.

96 (b) Oversight and management of the master budget for
97 segments which will:

98 (i) Establish a reasonable cost estimate to serve
99 as a budget for each project within a segment. For purposes of
100 this provision, projects include preliminary engineering,
101 right-of-way acquisition and construction.

102 (ii) Capture and retain the initial project
103 budgets for comparison with final actual expenditures.

104 (iii) Capture and retain the initial segment
105 budget for comparison with final segment actual expenditures.

106 (iv) Require that any changes to a budget for a
107 project will be reviewed and approved by district or central
108 office personnel. Such personnel shall be responsible for signing
109 any revision, providing a narrative description of the reasons for
110 approving a revision and why other alternative(s) were
111 inappropriate.

112 (v) With existing resources, develop an
113 information system to provide the Legislature, managers and the
114 public with up-to-date segment cost and status information.

115 (vi) Capture the costs of consultants, engineers,
116 attorneys, contract appraisers and other technical and
117 professional contractors used in preliminary engineering,
118 right-of-way acquisition and construction projects.

119 (vii) Ensure that projects for preliminary
120 engineering, right-of-way acquisition and construction do not
121 overlap segments.

122 (viii) Track and report the final segment cost and
123 a comparison to the bid cost.

124 (ix) Track and compare actual completion dates
125 with the bid completion date.

126 (x) Track and report all construction contract

127 change orders and the impact they have had on the bid price for a
128 segment.

129 SECTION 6. Of the funds appropriated in Section 1 of this
130 act, the Mississippi Department of Transportation shall expend
131 such funds as necessary to compile and deliver to the Legislature
132 by December 10, 2001, the following reports on the highway
133 segments authorized under Sections 65-3-97 and 65-39-1,
134 Mississippi Code of 1972, and any nonprogram segments:

135 (a) All preapproved contractors who subsequently
136 receive contracts from the department. Such reports shall include
137 the name of the contractor, the amount paid, the title of the
138 project on which the contractor worked and the description of
139 services provided.

140 (b) A compilation of all segments of less than ten (10)
141 miles in length which were authorized by the Mississippi
142 Transportation Commission. This listing shall include:

143 (i) Contract let date;

144 (ii) The highway on which the contract was let;

145 (iii) A description of the segment, including the
146 beginning and end point of the contract;

147 (iv) The length of the segment in miles; and

148 (v) Name of the contractor selected to perform
149 contract work;

150 (c) A compilation of costs for all preliminary
151 engineering, right-of-way and construction contracts entered
152 during the reporting period;

153 (d) A listing of all segments completed or in progress
154 by topographical area of the state for the reporting period;

155 (e) A status report of road segments to include road
156 segment description, the date of construction of the road, and the
157 pavement condition rating, which includes roadbed rutting and
158 condition factors; and

159 (f) A report on the causes of roadbed deterioration for
160 all highways in the state highway system and any proposed remedies
161 for these problems.

162 SECTION 7. None of the funds appropriated in Section 1 of
163 this act may be used by the Department of Transportation to
164 complete construction on the 1987 four-lane highway program
165 established under Section 65-3-97, Mississippi Code of 1972,
166 construct roads in the gaming roads program created under Section
167 65-39-1, Mississippi Code of 1972, construct nonprogram projects,
168 or contract for reconstruction or repair in segments of less than
169 ten (10) miles in length except as authorized by general law, or
170 whenever the Mississippi Transportation Commission determines by
171 entry upon its minutes that it is at least ten percent (10%) less
172 expensive to construct, reconstruct or repair two(2) or more
173 segments of less than ten (10) miles in length. In addition, none
174 of the funds appropriated in Section 1 of this act may be expended
175 by the Department of Transportation for new segment construction
176 except through contracts which incorporate paving, grade, drain
177 and bridge work into a single contract for each segment.

178 SECTION 8. Of the funds appropriated to the Mississippi
179 Department of Transportation, Three Hundred Thousand Dollars
180 (\$300,000.00) shall be used for the Statewide Litter Prevention
181 Program.

182 SECTION 9. It is the intention of the Legislature that the
183 Mississippi Department of Transportation shall have the authority
184 to escalate and expend funds from any proceeds arising from
185 participation in drug seizure activities not to exceed Fifty
186 Thousand Dollars (\$50,000.00).

187 SECTION 10. It is the intention of the Legislature that the
188 Mississippi Department of Transportation shall have the authority
189 to escalate its budget and expend funds obtained from the "buy
190 back" option offered by equipment manufacturers and/or suppliers
191 of certain types of equipment not to exceed One Million Dollars

192 (\$1,000,000.00) in accordance with the rules and regulations of
193 the Department of Finance and Administration in a manner
194 consistent with the escalation of federal funds.

195 SECTION 11. The money herein appropriated shall be paid by
196 the State Treasurer out of any money in the State Treasury to the
197 credit of the proper fund or funds as set forth in this act, upon
198 warrants issued by the State Fiscal Officer; and the State Fiscal
199 Officer shall issue his warrants upon requisitions signed by the
200 proper person, officer or officers, in the manner provided by law.

201 SECTION 12. This act shall take effect and be in force from
202 and after July 1, 2001.