

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

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
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 Of the funds appropriated herein, the Mississippi Department
64 of Transportation shall construct an exit and crossover on that
65 portion of Mississippi Highway 25 in Winston County between the
66 Mississippi Highway 15/25 Bypass around the City of Louisville and
67 that portion of Business Route Highway 15 in order to provide
68 access to the existing businesses.

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

74	Administration and Other Expenses.....	\$ 31,390,822.00
75	Construction.....	\$ 601,915,316.00
76	Maintenance - Roadway.....	\$ 131,061,202.00
77	Maintenance - Property.....	\$ 19,062,130.00
78	Debt Service.....	\$ 49,870,000.00
79	Law Enforcement.....	\$ 7,529,487.00
80	Aeronautics, Rails and other.....	\$ 8,576,385.00

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

87 SECTION 5. Of the funds appropriated in Section 1 of this
88 act, the Mississippi Department of Transportation shall expend
89 such funds as necessary to acquire and implement a highway segment
90 budget and project management system which shall capture and
91 implement the following for all preliminary engineering,
92 right-of-way and construction contracts:

93 (a) Establishment of a master budget for each segment

94 of highway to be constructed, reconstructed or repaired. For
95 purposes of this management system, no segment shall be less than
96 ten (10) miles in length unless a shorter segment is specifically
97 authorized or required in law, the segment connects two (2)
98 four-lane highways which were in existence on July 1, 2001, or
99 when it is at least ten percent (10%) less expensive to construct,
100 reconstruct or repair two (2) or more segments of less than ten
101 (10) miles in length.

102 (b) Oversight and management of the master budget for
103 segments which will:

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

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

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

112 (iv) Require that any changes to a budget for a
113 project will be reviewed and approved by district or central
114 office personnel. Such personnel shall be responsible for signing
115 any revision, providing a narrative description of the reasons for
116 approving a revision and why other alternative(s) were
117 inappropriate.

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

121 (vi) Capture the costs of consultants, engineers,
122 attorneys, contract appraisers and other technical and
123 professional contractors used in preliminary engineering,
124 right-of-way acquisition and construction projects.

125 (vii) Ensure that projects for preliminary
126 engineering, right-of-way acquisition and construction do not

127 overlap segments.

128 (viii) Track and report the final segment cost and
129 a comparison to the bid cost.

130 (ix) Track and compare actual completion dates
131 with the bid completion date.

132 (x) Track and report all construction contract
133 change orders and the impact they have had on the bid price for a
134 segment.

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

141 (a) All preapproved contractors who subsequently
142 receive contracts from the department. Such reports shall include
143 the name of the contractor, the amount paid, the title of the
144 project on which the contractor worked and the description of
145 services provided.

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

149 (i) Contract let date;

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

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

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

154 (v) Name of the contractor selected to perform
155 contract work;

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

159 (d) A listing of all segments completed or in progress

160 by topographical area of the state for the reporting period;

161 (e) A status report of road segments to include road
162 segment description, the date of construction of the road, and the
163 pavement condition rating, which includes roadbed rutting and
164 condition factors; and

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

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

184 SECTION 8. Of the funds appropriated to the Mississippi
185 Department of Transportation, Three Hundred Thousand Dollars
186 (\$300,000.00) shall be used for the Statewide Litter Prevention
187 Program.

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

193 SECTION 10. It is the intention of the Legislature that the
194 Mississippi Department of Transportation shall have the authority
195 to escalate its budget and expend funds obtained from the "buy
196 back" option offered by equipment manufacturers and/or suppliers
197 of certain types of equipment not to exceed One Million Dollars
198 (\$1,000,000.00) in accordance with the rules and regulations of
199 the Department of Finance and Administration in a manner
200 consistent with the escalation of federal funds.

201 SECTION 11. Of the funds appropriated under the provisions
202 of Section 1, the Mississippi Department of Transportation shall
203 retain and maintain as a state highway that portion of Mississippi
204 Highway 63 in George County and the City of Lucedale, beginning at
205 or near Sally Parker Road and extending northerly to U. S. Highway
206 98, that has been replaced by the Transportation Department with a
207 municipal bypass.

208 SECTION 12. Of the funds appropriated in Section 1, none
209 shall be expended until the provisions of House Bill No. 1324,
210 Regular Session of 2000, have been met.

211 SECTION 13. Of the funds appropriated under the provisions
212 of Section 1, the Mississippi Department of Transportation shall
213 widen the existing two (2) lanes to four (4) lanes for that
214 portion of Mississippi Highway 3 in Quitman County beginning at or
215 near the City of Lambert and extending northerly and ending at
216 Mississippi Highway 6.

217 SECTION 14. Of the funds appropriated under the provisions
218 of Section 1, the Mississippi Department of Transportation shall
219 retain and maintain as a state highway any segment of Mississippi
220 Highway 15 in Chickasaw County that has been replaced by the
221 Transportation Department with a municipal bypass.

222 SECTION 15. The money herein appropriated shall be paid by
223 the State Treasurer out of any money in the State Treasury to the
224 credit of the proper fund or funds as set forth in this act, upon
225 warrants issued by the State Fiscal Officer; and the State Fiscal

226 Officer shall issue his warrants upon requisitions signed by the
227 proper person, officer or officers, in the manner provided by law.

228 SECTION 16. This act shall take effect and be in force from
229 and after July 1, 2001.