HOUSE BILL NO. 1596
(As Sent to Governor)

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

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 hereby appropriated out of any money in the State
Treasury to the credit of the Department of Transportation Funds,
for the purpose of defraying the administrative expenses of the
Mississippi Department of Transportation for the fiscal year
beginning July 1, 2001, and ending June 30, 2002.................

$ 931,705,342.00

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

MAJOR OBJECTS OF EXPENDITURE:

| Personal Services:                                   |
|---------------------------------------------|------|
| Salaries, Wages and Fringe Benefits... $        | 118,000,000.00 |
| Travel and Subsistence                        | 2,000,000.00 |
| Contractual Services                          | 85,500,000.00 |
| Commodities                                   | 27,913,000.00 |
| Capital Outlay:                                | 597,618,592.00 |
Equipment............................. 4,000,000.00
Subsidies, Loans and Grants............. 96,673,750.00
Total................................ $ 931,705,342.00

AUTHORIZED POSITIONS:
Permanent: Full Time............ 3,406
          Part Time............ 19
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 2003 do not exceed Fiscal Year 2002 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2003 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 insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2002 appropriation for "Personal Services" when annualized. If, at the end of any calendar month, the State Personnel Board determines that the agency has taken action(s) which would cause the agency to exceed this projected annual cost or the Fiscal Year 2002 "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.

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

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

- Administration and Other Expenses........$  32,021,733.00
- Construction............................$  697,316,741.00
- Maintenance - Roadway.................$ 115,715,196.00
- Maintenance - Property..................$   20,062,130.00
- Debt Service.............................$   49,870,000.00
- Law Enforcement........................$  7,815,668.00
- Aeronautics, Rails and other..........$  8,903,874.00

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

SECTION 5. Of the funds appropriated in Section 1 of this
act, the Mississippi Department of Transportation shall expend
such funds as necessary to conduct project planning. Such project
planning shall apply to all preliminary engineering, right-of-way
acquisition and construction projects of the department and, at a
minimum, shall consist of policies for the oversight and
management of project cost which:

(a) Establish a reasonable cost estimate for each
project. For purposes of this provision, projects include
preliminary engineering, right-of-way acquisition and
construction;

(b) Capture and retain the initial project cost
estimates for comparison with final actual expenditures;
(c) Require that any changes to a cost estimate for a project will be reviewed and approved by district or central office personnel. Such personnel shall be responsible for signing any revision, and providing a narrative description of the reasons for approving a revision;

(d) Capture the cost of consultants, engineers, attorneys, contract appraisers and other technical and professional contractors used in preliminary engineering, right-of-way acquisition and construction projects;

(e) On or before January 10 of each year, the department shall furnish the members of the Senate Highways and Transportation Committee and the Transportation Committee of the House of Representatives, a report which shall include, but not be limited to, the following on each new construction, reconstruction or rehabilitation project completed for which payment has been finalized during the previous fiscal year:

(i) Project termini and contractor;

(ii) Final project cost as compared to the bid cost;

(iii) Compare actual completion dates with the bid completion date as stated in the contract;

(iv) All change orders;

(v) Length of project and cost per mile.

SECTION 6. (1) Of the funds appropriated in Section 1 of this act, the Mississippi Department of Transportation shall expend such funds as necessary to compile and deliver to the Legislature by January 10, 2002, the following reports on the highway segments authorized under Sections 65-3-97 and 65-39-1, Mississippi Code of 1972, and any nonprogram segments statutorily identified or identified by the Transportation Commission. Such reports shall include:

(a) The name of the contractor, the amount paid and the type of work. At the conclusion of each identified highway
segment, the total cost of all projects comprising the segment shall be compiled and included in the reports;

(b) A compilation of all segments which were authorized by the Mississippi Transportation Commission. This listing shall include:

(i) Contract let date;

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

(iii) A description of the project, including the beginning and end point;

(iv) The length of the project in miles; and

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

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

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

(e) A status report of highway segments to include highway segment description, the date of construction of the road, and the pavement condition rating utilizing the most current available data;

(f) A report on the causes of pavement deterioration for highways on the state highway system and any proposed remedies for these problems.

(2) The reports required under this section shall be in addition to and shall not affect the reports specifically required under Section 65-3-97, Mississippi Code of 1972, or any other reports authorized or required by law to be prepared by the Mississippi Transportation Commission or the Mississippi Department of Transportation.

SECTION 7. (1) None of the funds appropriated under the provisions of Section 1 of this act may be expended by the
Department of Transportation for construction of new highways if such highway segment is less than ten (10) miles in length unless:

(a) The explanation and justification for letting such a contract for a length of less than ten (10) miles is entered upon the official minutes of the Transportation Commission;

(b) The commission, within ten (10) working days after entry of its explanation and justification upon its minutes, gives notice, by United States First Class Mail, and provides a copy of such entry upon its minutes, to the Chairman of the Transportation Committee of the Mississippi House of Representatives and the Chairman of the Mississippi Senate Highways and Transportation Committee; and

(c) The commission files a report with the Legislature not later than January 10, 2002, providing the following information with regard to each contract let during the preceding calendar year for construction of each project within a highway segment:

(i) The contract let date;

(ii) The highway on which the contract was awarded;

(iii) A description of the project, including the beginning and end point;

(iv) The length of the project in miles; and

(v) The name of the contractor selected to perform contract work.

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

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

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

SECTION 11. It is the intention of the Legislature that the Executive Director of the Mississippi Department of Transportation may transfer between the various programs authorized in Section 3 of this act, an amount not to exceed ten percent (10%) of the amount appropriated in Section 1, except that no transfers shall be authorized which increase the "Administration and Other Expenses" Program or which decrease the "Maintenance" Programs. The Executive Director of the Mississippi Department of Transportation shall submit written justification for any transfers authorized in this Section to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer.

SECTION 12. It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to receive, budget and expend in the Capital Outlay major object of expenditure an amount not to exceed Two Million Dollars ($2,000,000.00) resulting from funds received from third party damages.

SECTION 13. Of the funds appropriated in Sections 1 and 2, not less than Fifty Million Dollars ($50,000,000.00) shall be expended for contracted maintenance overlay and pavement rehabilitation.

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SECTION 14. It is the intention of the Legislature that the Department of Transportation be allowed to escalate its budget in either the "Capital Outlay - Other Than Equipment" or "Commodities" major object of expenditure and the Maintenance Program, with funds which were obligated in Fiscal Year 2001 for maintenance overlay projects and maintenance repair projects but not completed before the end of Fiscal Year 2001 in an amount not to exceed Twelve Million Eight Hundred Thousand Dollars ($12,800,000.00).

SECTION 15. It is the intention of the Legislature that the Department of Transportation be allowed to escalate its budget in "Capital Outlay - Other Than Equipment" major object of expenditure and the Aeronautics, Rails and other program with the funds which were obligated in Fiscal Year 2001 for rail projects but not completed before the end of Fiscal Year 2001 in an amount not to exceed Three Million Seven Hundred Fifty Thousand Dollars ($3,750,000.00).

SECTION 16. The following sum, or so much thereof as may be necessary, is hereby reappropriated out of any money not expended in Fiscal Year 2001 by the Department of Transportation in the "Capital Outlay - Equipment" category for the fiscal year beginning July 1, 2001, and ending June 30, 2002.

$ 1,100,000.00.

SECTION 17. Of the funds appropriated in Section 1, Two Million Dollars ($2,000,000.00) shall come from the Mississippi Public Service Commission Special Fund 3811 and Five Hundred Fifty Thousand Dollars ($550,000.00) shall come from the Mississippi Public Service Commission - Utility Staff Fund 3812.

SECTION 18. It is the intention of the Legislature that the Mississippi Department of Transportation shall reissue Payroll Warrant No. 802109924 which was originally issued on April 26, 1995, to Wilburn L. Stephens in the amount of Six Hundred
Twenty-four Dollars and Thirty-three Cents ($624.33) which was not presented for payment within a one year period and is now void.

SECTION 19. 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 20. This act shall take effect and be in force from and after July 1, 2001.