

**REPORT OF CONFERENCE COMMITTEE**

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1596: Appropriation; Mississippi Department of Transportation.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.
- 2. That the House and Senate adopt the following amendment:

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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 ..... \$ 931,705,342.00.

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..	\$ 118,000,000.00
23	Travel and Subsistence.....	2,000,000.00
24	Contractual Services.....	85,500,000.00
25	Commodities.....	27,913,000.00

26 Capital Outlay:

27	Other Than Equipment.....	597,618,592.00
28	Equipment.....	4,000,000.00
29	Subsidies, Loans and Grants.....	<u>96,673,750.00</u>
30	Total.....	\$ 931,705,342.00

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.....	\$ 32,021,733.00
69	Construction.....	\$ 697,316,741.00
70	Maintenance - Roadway.....	\$ 115,715,196.00
71	Maintenance - Property.....	\$ 20,062,130.00
72	Debt Service.....	\$ 49,870,000.00
73	Law Enforcement.....	\$ 7,815,668.00
74	Aeronautics, Rails and other.....	\$ 8,903,874.00

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 conduct project planning. Such project  
84 \_planning shall apply to all preliminary engineering, right-of-way  
85 acquisition and construction projects of the department and, at a  
86 minimum, shall consist of policies for the oversight and  
87 management of project cost which:

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

91 construction;

92 (ii) Capture and retain the initial project cost  
93 estimates for comparison with final actual expenditures;

94 (iii) Require that any changes to a cost estimate  
95 for a project will be reviewed and approved by district or central  
96 office personnel. Such personnel shall be responsible for signing  
97 any revision, and providing a narrative description of the reasons  
98 for approving a revision;

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

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

110 1. Project termini and contractor;

111 2. Final project cost as compared to the bid  
112 cost;

113 3. Compare actual completion dates with the  
114 bid completion date as stated in the contract;

115 4. All change orders;

116 5. Length of project and cost per mile.

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

123 identified or identified by the Transportation Commission:

124 (a) Such reports shall include the name of the  
125 contractor, the amount paid and the type of work. At the  
126 conclusion of each identified highway segment, the total cost of  
127 all projects comprising the segment shall be compiled and included  
128 in the reports.

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

132 (i) Contract let date;

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

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

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

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

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

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

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

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

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

155 Mississippi Transportation Commission or the Mississippi  
156 Department of Transportation.

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

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

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

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

175 (i) The contract let date;

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

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

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

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

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

186 SECTION 9. It is the intention of the Legislature that the

187 Mississippi Department of Transportation shall have the authority  
188 to escalate and expend funds from any proceeds arising from  
189 participation in drug seizure activities not to exceed Fifty  
190 Thousand Dollars (\$50,000.00).

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

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

212 SECTION 12. It is the intention of the Legislature that the  
213 Mississippi Department of Transportation is hereby authorized to  
214 receive, budget and expend in the Capital Outlay major object of  
215 expenditure an amount not to exceed Two Million Dollars  
216 (\$2,000,000.00) resulting from funds received from third party  
217 damages.

218 SECTION 13. Of the funds appropriated in Sections 1 and 2,

219 not less than Fifty Million Dollars (\$50,000,000.00) shall be  
220 expended for contracted maintenance overlay and pavement  
221 rehabilitation.

222 SECTION 14. It is the intention of the Legislature that the  
223 Department of Transportation be allowed to escalate its budget in  
224 either the "Capital Outlay - Other Than Equipment" or  
225 "Commodities" major object of expenditure and the Maintenance  
226 Program, with funds which were obligated in Fiscal Year 2001 for  
227 maintenance overlay profits and maintenance repair projects but  
228 not completed before the end of Fiscal Year 2001 in an amount not  
229 to exceed Twelve Million Eight Hundred Thousand Dollars  
230 (\$12,800,000.00).

231 SECTION 15. It is the intention of the Legislature that the  
232 Department of Transportation be allowed to escalate its budget in  
233 "Capital Outlay - Other Than Equipment" major object of  
234 expenditure and the Aeronautics, Rails and other program with the  
235 funds which were obligated in Fiscal Year 2001 for rail projects  
236 but not completed before the end of Fiscal Year 2001 in an amount  
237 not to exceed Three Million Seven Hundred Fifty Thousand Dollars  
238 (\$3,750,000.00).

239 SECTION 16. The following sum, or so much thereof as may be  
240 necessary, is hereby reappropriated out of any money not expended  
241 in Fiscal Year 2001 by the Department of Transportation in the  
242 "Capital Outlay - Equipment" category for the fiscal year  
243 beginning July 1, 2001, and ending June 30, 2002.....  
244 ..... \$ 1,100,000.00.

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

250 SECTION 18. It is the intention of the Legislature that the



251 Mississippi Department of Transportation shall reissue Payroll  
252 Warrant No. 802109924 which was originally issued on April 26,  
253 1995, to Wilburn L. Stephens in the amount of Six Hundred  
254 Twenty-four Dollars and Thirty-three Cents (\$624.33) which was not  
255 presented for payment within a one year period and is now void.

256 SECTION 19. The money herein appropriated shall be paid by  
257 the State Treasurer out of any money in the State Treasury to the  
258 credit of the proper fund or funds as set forth in this act, upon  
259 warrants issued by the State Fiscal Officer; and the State Fiscal  
260 Officer shall issue his warrants upon requisitions signed by the  
261 proper person, officer or officers, in the manner provided by law.

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

CONFEREES FOR THE HOUSE

X  
Charlie Capps, Jr.

X  
John Read

X  
Mike Eakes

CONFEREES FOR THE SENATE

X  
Jack Gordon

X  
Bob M. Dearing

X  
Travis L. Little