

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

To: Appropriations

HOUSE BILL NO. 1783

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 2003.

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, 2002, and ending June 30, 2003.....
12 \$ 905,133,868.00.

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.. \$ 117,153,258.00
23 Travel and Subsistence..... 2,075,000.00
24 Contractual Services..... 74,760,200.00
25 Commodities..... 26,707,733.00

26 Capital Outlay:

27 Other Than Equipment..... 582,324,305.00
28 Equipment..... 8,000,000.00



29 Subsidies, Loans and Grants..... 94,113,372.00
 30 Total..... \$ 905,133,868.00

31 AUTHORIZED POSITIONS:

32 Permanent: Full Time..... 3,282
 33 Part Time..... 13
 34 Time-Limited: Full Time..... 0
 35 Part Time..... 0

36 Funds are provided herein to adjust the Variable Compensation
 37 Plan to ensure that all full-time employees receive a pay increase
 38 equal to fifty percent (50%) of the realignment component of the
 39 Variable Compensation Plan or Six Hundred Dollars (\$600.00),
 40 whichever is greater, beginning on January 1, 2003.

41 With the funds herein appropriated, it is the intention of
 42 the Legislature that it shall be the agency's responsibility to
 43 make certain that funds required to be appropriated for "Personal
 44 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003
 45 funds appropriated for that purpose, unless programs, positions or
 46 pay increases are added to the agency's budget by the Mississippi
 47 Legislature. Based on data provided by the Legislative Budget
 48 Office, the State Personnel Board shall, on July 1, 2002, publish
 49 separate annual projection reports, based on July 1, 2002 data,
 50 for the period of July 1, 2002 through December 31, 2002, and
 51 January 1, 2003 through June 30, 2003, that project the annual
 52 cost to fully fund all appropriated positions in compliance with
 53 the provisions of this act. It shall be the responsibility of the
 54 agency head to ensure that no single personnel action increases
 55 this projected cost and/or the Fiscal Year 2003 appropriation for
 56 "Personal Services," as annualized on a semi-annual basis in
 57 accordance with the provisions of this act. If, at the end of any
 58 calendar month, the State Personnel Board determines that the
 59 agency has taken action(s) which would cause the agency to exceed
 60 this projected annual cost or the Fiscal Year 2003 "Personal
 61 Services" appropriated level, when annualized in compliance with



62 the provisions of this act, then only those actions which reduce
63 the projected annual cost and/or the appropriation requirement
64 will be processed by the State Personnel Board until such time as
65 the requirements of this provision are met.

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

68 No general funds authorized to be expended herein shall be
69 used to replace federal funds and/or other special funds which are
70 being used for salaries authorized under the provisions of this
71 act and which are withdrawn and no longer available.

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

77	Administration and Other Expenses.....	\$ 29,986,220.00
78	Construction.....	\$ 685,400,981.00
79	Maintenance - Roadway.....	\$ 110,161,763.00
80	Maintenance - Property.....	\$ 19,440,312.00
81	Debt Service.....	\$ 42,559,625.00
82	Law Enforcement.....	\$ 7,543,070.00
83	Aeronautics, Rails and other.....	\$ 10,041,897.00

84 **SECTION 4.** Of the funds appropriated in Section 1 and
85 authorized for expenditure in Section 2, it is the intention of
86 the Legislature that One Hundred Thousand Dollars (\$100,000.00)
87 shall be transferred to the Department of Agriculture and Commerce
88 for the Beaver Control or Eradication Program during the Fiscal
89 Year 2003.

90 **SECTION 5.** Of the funds appropriated in Section 1 of this
91 act, the Mississippi Department of Transportation shall expend
92 such funds as necessary to conduct project planning. Such project
93 planning shall apply to all preliminary engineering, right-of-way
94 acquisition and construction projects of the department and, at a



95 minimum, shall consist of policies for the oversight and
96 management of project cost which:

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

101 (b) Capture and retain the initial project cost
102 estimates for comparison with final actual expenditures;

103 (c) Require that any changes to a cost estimate for a
104 project will be reviewed and approved by district or central
105 office personnel. Such personnel shall be responsible for signing
106 any revision, and providing a narrative description of the reasons
107 for approving a revision;

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

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

119 (i) Project termini and contractor;

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

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

124 (iv) All change orders;

125 (v) Length of project and cost per mile.

126 **SECTION 6.** (1) Of the funds appropriated in Section 1 of
127 this act, the Mississippi Department of Transportation shall



128 expend such funds as necessary to compile and deliver to the
129 Legislature by January 10, 2003, the following reports on the
130 highway segments authorized under Sections 65-3-97 and 65-39-1,
131 Mississippi Code of 1972, and any nonprogram segments statutorily
132 identified or identified by the Transportation Commission. Such
133 reports shall include:

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

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

141 (i) Contract let date;

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

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

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

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

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

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

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

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



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

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

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

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

180 (c) The commission files a report with the Legislature
181 not later than January 10, 2003, providing the following
182 information with regard to each contract let during the preceding
183 calendar year for construction of each project within a highway
184 segment:

185 (i) The contract let date;

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

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

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

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



193 **SECTION 8.** Of the funds appropriated to the Mississippi
194 Department of Transportation, Three Hundred Thousand Dollars
195 (\$300,000.00) shall be used for the Statewide Litter Prevention
196 Program.

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

202 **SECTION 10.** It is the intention of the Legislature that the
203 Mississippi Department of Transportation shall have the authority
204 to escalate its budget and expend funds obtained from the "buy
205 back" option offered by equipment manufacturers and/or suppliers
206 of certain types of equipment not to exceed One Million Dollars
207 (\$1,000,000.00) in accordance with the rules and regulations of
208 the Department of Finance and Administration in a manner
209 consistent with the escalation of federal funds.

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

223 **SECTION 12.** It is the intention of the Legislature that the
224 Mississippi Department of Transportation is hereby authorized to
225 receive, budget and expend in the Capital Outlay major object of



226 expenditure an amount not to exceed Two Million Dollars
227 (\$2,000,000.00) resulting from funds received from third party
228 damages.

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

233 **SECTION 14.** The money herein appropriated shall be paid by
234 the State Treasurer out of any money in the State Treasury to the
235 credit of the proper fund or funds as set forth in this act, upon
236 warrants issued by the State Fiscal Officer; and the State Fiscal
237 Officer shall issue his warrants upon requisitions signed by the
238 proper person, officer or officers, in the manner provided by law.

239 **SECTION 15.** This act shall take effect and be in force from
240 and after July 1, 2002.

