

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

To: Appropriations

HOUSE BILL NO. 1783  
(As Sent to Governor)

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 ..... \$ 957,880,223.00.

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.. \$ 123,973,557.00  
23 Travel and Subsistence..... 4,000,000.00  
24 Contractual Services..... 98,368,989.00  
25 Commodities..... 27,100,000.00

26 Capital Outlay:

27 Other Than Equipment..... 582,324,305.00  
28 Equipment..... 15,000,000.00



29	Subsidies, Loans and Grants.....	<u>107,113,372.00</u>
30	Total.....	\$ 957,880,223.00

31 AUTHORIZED POSITIONS:

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

36 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 Funds are provided herein to adjust the Variable Compensation  
42 Plan to ensure that all Mississippi Department of Transportation  
43 agency-specific engineers shall receive, beginning on July 1,  
44 2002, a pay increase of Ten Thousand Dollars (\$10,000.00). These  
45 agency specific engineers are DOT-Deputy Executive Director-Chief  
46 Engineer, DOT-Engineer Administrator, Assistant, DOT-Engineer  
47 Division Administrator, DOT-Engineer-Bureau Administrator,  
48 DOT-Engineer I, DOT-Engineer II, DOT Engineer III, DOT-Engineer IV  
49 and DOT-Engineer in Training. Employees eligible for this pay  
50 increase shall receive this increase in lieu of the increase to be  
51 awarded to other state employees beginning on January 1, 2003.  
52 The salary ranges of these agency specific positions shall be  
53 adjusted to incorporate this realignment.

54 With the funds herein appropriated, it is the intention of  
55 the Legislature that it shall be the agency's responsibility to  
56 make certain that funds required to be appropriated for "Personal  
57 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003  
58 funds appropriated for that purpose, unless programs, positions or  
59 pay increases are added to the agency's budget by the Mississippi  
60 Legislature. Based on data provided by the Legislative Budget  
61 Office, the State Personnel Board shall, on July 1, 2002, publish



62 separate annual projection reports, based on July 1, 2002, data,  
63 for the period of July 1, 2002, through December 31, 2002, and  
64 January 1, 2003, through June 30, 2003, that project the annual  
65 cost to fully fund all appropriated positions in compliance with  
66 the provisions of this act. It shall be the responsibility of the  
67 agency head to ensure that no single personnel action increases  
68 this projected cost and/or the Fiscal Year 2003 appropriation for  
69 "Personal Services," as annualized on a semiannual basis in  
70 accordance with the provisions of this act. If, at the end of any  
71 calendar month, the State Personnel Board determines that the  
72 agency has taken action(s) which would cause the agency to exceed  
73 this projected annual cost or the Fiscal Year 2003 "Personal  
74 Services" appropriated level, when annualized in compliance with  
75 the provisions of this act, then only those actions which reduce  
76 the projected annual cost and/or the appropriation requirement  
77 will be processed by the State Personnel Board until such time as  
78 the requirements of this provision are met.

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

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

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

90	Administration and Other Expenses.....	\$ 68,409,300.00
91	Construction.....	\$ 692,046,871.00
92	Maintenance - Roadway.....	\$ 107,818,213.00
93	Maintenance - Property.....	\$ 28,064,654.00
94	Debt Service.....	\$ 42,559,625.00



95 Law Enforcement.....\$ 8,642,775.00

96 Aeronautics, Rails and other.....\$ 10,338,785.00

97 **SECTION 4.** Of the funds appropriated in Section 1 and  
98 authorized for expenditure in Section 2, it is the intention of  
99 the Legislature that Two Hundred Fifty Thousand Dollars  
100 (\$250,000.00) shall be transferred to the Department of  
101 Agriculture and Commerce for the Beaver Control or Eradication  
102 Program during the Fiscal Year 2003.

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

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

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

116 (c) Require that any changes to a cost estimate for a  
117 project will be reviewed and approved by district or central  
118 office personnel. Such personnel shall be responsible for signing  
119 any revision, and providing a narrative description of the reasons  
120 for approving a revision;

121 (d) Capture the cost 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 (e) On or before January 10 of each year, the  
126 department shall furnish the members of the Senate Highways and  
127 Transportation Committee and the Transportation Committee of the



128 House of Representatives, a report which shall include, but not be  
129 limited to, the following on each new construction, reconstruction  
130 or rehabilitation project completed for which payment has been  
131 finalized during the previous fiscal year:

132 (i) Project termini and contractor;

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

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

137 (iv) All change orders;

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

139 **SECTION 6.** (1) Of the funds appropriated in Section 1 of  
140 this act, the Mississippi Department of Transportation shall  
141 expend such funds as necessary to compile and deliver to the  
142 Legislature by January 10, 2003, the following reports on the  
143 highway segments authorized under Sections 65-3-97 and 65-39-1,  
144 Mississippi Code of 1972, and any nonprogram segments statutorily  
145 identified or identified by the Transportation Commission. Such  
146 reports shall include:

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

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

154 (i) Contract let date;

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

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

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

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



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

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

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

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

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

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

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

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



193 (c) The commission files a report with the Legislature  
194 not later than January 10, 2003, providing the following  
195 information with regard to each contract let during the preceding  
196 calendar year for construction of each project within a highway  
197 segment:

198 (i) The contract let date;

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

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

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

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

206 **SECTION 8.** Of the funds appropriated to the Mississippi  
207 Department of Transportation, Three Hundred Thousand Dollars  
208 (\$300,000.00) shall be used for the Statewide Litter Prevention  
209 Program.

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

215 **SECTION 10.** It is the intention of the Legislature that the  
216 Mississippi Department of Transportation shall have the authority  
217 to escalate its budget and expend funds obtained from the "buy  
218 back" option offered by equipment manufacturers and/or suppliers  
219 of certain types of equipment not to exceed One Million Dollars  
220 (\$1,000,000.00) in accordance with the rules and regulations of  
221 the Department of Finance and Administration in a manner  
222 consistent with the escalation of federal funds.

223 **SECTION 11.** It is the intention of the Legislature that the  
224 Executive Director of the Mississippi Department of Transportation  
225 may transfer between the various programs authorized in Section 3



226 of this act, an amount not to exceed ten percent (10%) of the  
227 amount appropriated in Section 1, except that no transfers shall  
228 be authorized which increase the "Administration and Other  
229 Expenses" Program or which decrease the "Maintenance" Programs.  
230 The Executive Director of the Mississippi Department of  
231 Transportation shall submit written justification for any  
232 transfers authorized in this Section to the Legislative Budget  
233 Office and the Department of Finance and Administration on or  
234 before the fifteenth of the month prior to the effective date of  
235 the transfer.

236       **SECTION 12.** It is the intention of the Legislature that the  
237 Mississippi Department of Transportation is hereby authorized to  
238 receive, budget and expend in the Capital Outlay major object of  
239 expenditure an amount not to exceed Two Million Dollars  
240 (\$2,000,000.00) resulting from funds received from third party  
241 damages.

242       **SECTION 13.** Of the funds appropriated in Sections 1 and 2,  
243 not less than Eighty Million Dollars (\$80,000,000.00) shall be  
244 expended for contracted maintenance overlay and pavement  
245 rehabilitation.

246       **SECTION 14.** It is the intention of the Legislature that the  
247 Mississippi Department of Transportation shall have the authority  
248 to escalate its budget in the Capital Outlay - Other Than  
249 Equipment or the Commodities major objects of expenditure in the  
250 Maintenance Program, with funds which were obligated in Fiscal  
251 Year 2002 for maintenance overlay projects and maintenance repair  
252 projects but not completed by the end of Fiscal Year 2002, in an  
253 amount not to exceed Forty Million Dollars (\$40,000,000.00). Any  
254 escalation made from the authority granted in this Section shall  
255 be reported to the Chairmen of the Appropriations Committees of  
256 the Mississippi Senate and the Mississippi House of  
257 Representatives, the Chairman of the Highways and Transportation  
258 Committee of the Mississippi Senate, the Chairman of the





259 Transportation Committee of the Mississippi House of  
260 Representatives, and the Legislative Budget Office, within fifteen  
261 (15) working days after said escalation.

262       **SECTION 15.** The following sum, or so much thereof as may be  
263 necessary is hereby reappropriated out of any money in the State  
264 Treasury to the credit of the Department of Transportation Funds,  
265 not expended by the Mississippi Department of Transportation in  
266 Fiscal year 2002 in the Capital Outlay - Equipment major object of  
267 expenditure, as authorized in House Bill No. 1596, Regular Session  
268 of 2001, for the fiscal year beginning July 1, 2002, and ending  
269 June 30, 2003.....\$       500,000.00.

270       **SECTION 16.** It is the intention of the Legislature that the  
271 Mississippi Department of Transportation shall reissue Payroll  
272 Warrant No. 801204394 which was originally issued on November 13,  
273 1992, to Thomas G. Wall, Jr., in the amount of Eight Hundred One  
274 Dollars and Fifty-nine Cents (\$801.59) which was not presented for  
275 payment within a one-year period and is now void.

276       **SECTION 17.** It is the intention of the Legislature that the  
277 Department of Transportation shall contract with the Department of  
278 Environmental Quality for an amount no less than Five Hundred  
279 Thousand Dollars (\$500,000.00) for the purpose of providing  
280 environmental engineering services during Fiscal Year 2003.

281       **SECTION 18.** Of the funds appropriated in Section 1, One  
282 Million Dollars (\$1,000,000.00) shall come from the Mississippi  
283 Public Service Commission Special Fund 3811 and Four Hundred  
284 Thousand Dollars (\$400,000.00) shall come from the Mississippi  
285 Public Service Commission - Utility Staff Fund 3812.

286       **SECTION 19.** Of the funds appropriated in Section 1 and  
287 authorized for expenditure in Section 2, it is the intention of  
288 the Legislature that Eight Million Dollars (\$8,000,000.00) shall  
289 be transferred to the State Board of Community and Junior Colleges  
290 for Workforce Training.



291           **SECTION 20.** Of the funds appropriated in Section 1 and  
292 authorized for expenditure in Section 2, it is the intention of  
293 the Legislature that Five Million Dollars (\$5,000,000.00) shall be  
294 transferred to the Mississippi Development Authority for tourism  
295 and operations.

296           **SECTION 21.** The money herein appropriated shall be paid by  
297 the State Treasurer out of any money in the State Treasury to the  
298 credit of the proper fund or funds as set forth in this act, upon  
299 warrants issued by the State Fiscal Officer; and the State Fiscal  
300 Officer shall issue his warrants upon requisitions signed by the  
301 proper person, officer or officers, in the manner provided by law.

302           **SECTION 22.** This act shall take effect and be in force from  
303 and after July 1, 2002.

