MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2002

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

HOUSE BILL NO. 1783
(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 2003.

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, 2002, and ending June 30, 2003........................ $957,880,223.00.

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... $123,973,557.00

Travel and Subsistence................. 4,000,000.00

Contractual Services.................. 98,368,989.00

Commodities........................... 27,100,000.00

Capital Outlay:

Other Than Equipment................. 582,324,305.00

Equipment......................... 15,000,000.00
Subsidies, Loans and Grants.......................... 107,113,372.00

Total.............................................. $ 957,880,223.00

AUTHORIZED POSITIONS:

Permanent: Full Time............ 3,406
            Part Time............ 19

Time-Limited: Full Time............ 0
               Part Time............ 0

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

Funds are provided herein to adjust the Variable Compensation Plan to ensure that all Mississippi Department of Transportation agency-specific engineers shall receive, beginning on July 1, 2002, a pay increase of Ten Thousand Dollars ($10,000.00). These agency specific engineers are DOT-Deputy Executive Director-Chief Engineer, DOT-Engineer Administrator, Assistant, DOT-Engineer Division Administrator, DOT-Engineer-Bureau Administrator, DOT-Engineer I, DOT-Engineer II, DOT Engineer III, DOT-Engineer IV and DOT-Engineer in Training. Employees eligible for this pay increase shall receive this increase in lieu of the increase to be awarded to other state employees beginning on January 1, 2003.

The salary ranges of these agency specific positions shall be adjusted to incorporate this realignment.

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 2004 do not exceed Fiscal Year 2003 funds appropriated for that purpose, unless programs, positions or pay increases are added to the agency's budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall, on July 1, 2002, publish...
separate annual projection reports, based on July 1, 2002, data,
for the period of July 1, 2002, through December 31, 2002, and
January 1, 2003, through June 30, 2003, that project the 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 ensure that no single personnel action increases
this projected cost and/or the Fiscal Year 2003 appropriation for
"Personal Services," as annualized on a semiannual basis in
accordance with the provisions of this act. 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 2003 "Personal
Services" appropriated level, when annualized in compliance with
the provisions of this act, 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:

<table>
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<tr>
<th>Budget Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Administration and Other Expenses</td>
<td>$68,409,300.00</td>
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<tr>
<td>Construction</td>
<td>$692,046,871.00</td>
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<tr>
<td>Maintenance - Roadway</td>
<td>$107,818,213.00</td>
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<td>Maintenance - Property</td>
<td>$28,064,654.00</td>
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<td>Debt Service</td>
<td>$42,559,625.00</td>
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Law Enforcement............................$ 8,642,775.00
Aeronautics, Rails and other..............$ 10,338,785.00

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

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, 2003, 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, 2003, 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 Eighty Million Dollars ($80,000,000.00) shall be expended for contracted maintenance overlay and pavement rehabilitation.

SECTION 14. It is the intention of the Legislature that the Mississippi Department of Transportation shall have the authority to escalate its budget in the Capital Outlay - Other Than Equipment or the Commodities major objects of expenditure in the Maintenance Program, with funds which were obligated in Fiscal Year 2002 for maintenance overlay projects and maintenance repair projects but not completed by the end of Fiscal Year 2002, in an amount not to exceed Forty Million Dollars ($40,000,000.00). Any escalation made from the authority granted in this Section shall be reported to the Chairmen of the Appropriations Committees of the Mississippi Senate and the Mississippi House of Representatives, the Chairman of the Highways and Transportation Committee of the Mississippi Senate, the Chairman of the Mississippi Department of Transportation.
Transportation Committee of the Mississippi House of Representatives, and the Legislative Budget Office, within fifteen (15) working days after said escalation.

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

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

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

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

SECTION 19. Of the funds appropriated in Section 1 and authorized for expenditure in Section 2, it is the intention of the Legislature that Eight Million Dollars ($8,000,000.00) shall be transferred to the State Board of Community and Junior Colleges for Workforce Training.
SECTION 20. Of the funds appropriated in Section 1 and authorized for expenditure in Section 2, it is the intention of the Legislature that Five Million Dollars ($5,000,000.00) shall be transferred to the Mississippi Development Authority for tourism and operations.

SECTION 21. 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 22. This act shall take effect and be in force from and after July 1, 2002.