

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. 1783: 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, 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, DOT-
48 Engineer I, DOT-Engineer II, DOT Engineer III, DOT-Engineer IV and
49 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 semi-annual 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.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____

X _____

Charlie Capps, Jr.

Jack Gordon

X _____

X _____

John Read

Bob M. Dearing

X _____

X _____

Mike Eakes

Travis L. Little