

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

To: Appropriations

HOUSE BILL NO. 1530

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 2004.

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, 2003, and ending June 30, 2004.....  
12 ..... \$ 1,009,175,117.00.

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.. \$ 131,855,219.00  
23 Travel and Subsistence..... 2,969,950.00  
24 Contractual Services..... 106,552,842.00  
25 Commodities..... 30,221,488.00

26 Capital Outlay:

27 Other Than Equipment..... 640,282,263.00  
28 Equipment..... 13,500,000.00



29           Subsidies, Loans and Grants..... 83,793,355.00  
 30           Total..... \$ 1,009,175,117.00

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 2005 do not exceed Fiscal Year 2004  
 40 funds appropriated for that purpose, unless programs or positions  
 41 are added to the agency's Fiscal Year 2005 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 2004 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 2004 "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.....	\$ 48,057,868.00
69	Construction.....	\$ 759,343,937.00
70	Maintenance - Roadway.....	\$ 149,935,424.00
71	Debt Service.....	\$ 27,881,275.00
72	Law Enforcement.....	\$ 9,107,469.00
73	Aeronautics, Rails and other.....	\$ 14,849,144.00

74       **SECTION 4.** Of the funds appropriated in Section 1 and  
75 authorized for expenditure in Section 2, it is the intention of  
76 the Legislature that Two Hundred Fifty Thousand Dollars  
77 (\$250,000.00) shall be transferred to the Department of  
78 Agriculture and Commerce for the Beaver Control or Eradication  
79 Program during the Fiscal Year 2004.

80       **SECTION 5.** Of the funds appropriated in Section 1 of this  
81 act, the Mississippi Department of Transportation shall expend  
82 such funds as necessary to conduct project planning. Such project  
83 planning shall apply to all preliminary engineering, right-of-way  
84 acquisition and construction projects of the department and, at a  
85 minimum, shall consist of policies for the oversight and  
86 management of project cost which:

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

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



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

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

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

109                   (i) Project termini and contractor;

110                   (ii) Final project cost as compared to the bid  
111 cost;

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

114                   (iv) All change orders;

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

116           **SECTION 6.** (1) Of the funds appropriated in Section 1 of  
117 this act, the Mississippi Department of Transportation shall  
118 expend such funds as necessary to compile and deliver to the  
119 Legislature by January 10, 2004, the following reports on the  
120 highway segments authorized under Sections 65-3-97 and 65-39-1,  
121 Mississippi Code of 1972, and any nonprogram segments statutorily  
122 identified or identified by the Transportation Commission. Such  
123 reports shall include:

124                   (a) The name of the contractor, the amount paid and the  
125 type of work. At the conclusion of each identified highway



126 segment, the total cost of all projects comprising the segment  
127 shall be compiled and included in the reports;

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

131 (i) Contract let date;

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

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

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

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

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

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

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

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

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

156 **SECTION 7.** (1) None of the funds appropriated under the  
157 provisions of Section 1 of this act may be expended by the



158 Department of Transportation for construction of new highways if  
159 such highway segment is less than ten (10) miles in length unless:

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

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

170 (c) The commission files a report with the Legislature  
171 not later than January 10, 2004, providing the following  
172 information with regard to each contract let during the preceding  
173 calendar year for construction of each project within a highway  
174 segment:

175 (i) The contract let date;

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

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

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

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

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

187 **SECTION 9.** It is the intention of the Legislature that the  
188 Mississippi Department of Transportation shall have the authority  
189 to escalate and expend funds from any proceeds arising from



190 participation in drug seizure activities not to exceed Fifty  
191 Thousand Dollars (\$50,000.00).

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

200         **SECTION 11.** It is the intention of the Legislature that the  
201 Mississippi Department of Transportation is hereby authorized to  
202 receive, budget and expend in the Capital Outlay major object of  
203 expenditure an amount not to exceed Two Million Dollars  
204 (\$2,000,000.00) resulting from funds received from third party  
205 damages.

206         **SECTION 12.** Of the funds appropriated in Section 1 and  
207 allocated in Section 2, not less than Eighty Million Dollars  
208 (\$80,000,000.00) shall be expended for contracted maintenance  
209 overlay and pavement rehabilitation.

210         **SECTION 13.** It is the intention of the Legislature that the  
211 Mississippi Department of Transportation shall issue a warrant to  
212 Thomas Wilkinson in the amount of Two Thousand Eight Hundred  
213 Forty-eight Dollars and Thirty-two Cents (\$2,848.32) and to Rodney  
214 Bateman in the amount of Two Thousand Six Hundred Ninety Dollars  
215 and Twelve Cents (\$2,690.12) for unreimbursed expenses from a  
216 prior year.

217         **SECTION 14.** It is the intention of the Legislature that none  
218 of the funds appropriated by this act shall be expended for  
219 increased charges for State and School Employees' Health Insurance  
220 Plan premium rates assessed by the Department of Finance and  
221 Administration in excess of the Fiscal Year 2003 premium rates for  
222 the health insurance plan.



223           **SECTION 15.** The money herein appropriated shall be paid by  
224 the State Treasurer out of any money in the State Treasury to the  
225 credit of the proper fund or funds as set forth in this act, upon  
226 warrants issued by the State Fiscal Officer; and the State Fiscal  
227 Officer shall issue his warrants upon requisitions signed by the  
228 proper person, officer or officers, in the manner provided by law.

229           **SECTION 16.** This act shall take effect and be in force from  
230 and after July 1, 2003.

