

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

To: Appropriations

HOUSE BILL NO. 1530
(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 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.. \$ 131,499,626.00
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..... 640,637,856.00
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.....	\$ 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 **SECTION 6.** (1) None of the funds appropriated under the
103 provisions of Section 1 of this act may be expended by the
104 Department of Transportation for construction of new highways if
105 such highway segment is less than ten (10) miles in length unless:

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

109 (b) The commission, within ten (10) working days after
110 entry of its explanation and justification upon its minutes, gives
111 notice, by United States First Class Mail, and provides a copy of
112 such entry upon its minutes, to the Chairman of the Transportation
113 Committee of the Mississippi House of Representatives and the
114 Chairman of the Mississippi Senate Highways and Transportation
115 Committee.

116 **SECTION 7.** Of the funds appropriated to the Mississippi
117 Department of Transportation, Three Hundred Thousand Dollars
118 (\$300,000.00) shall be used for the Statewide Litter Prevention
119 Program.

120 **SECTION 8.** It is the intention of the Legislature that the
121 Mississippi Department of Transportation shall have the authority
122 to escalate and expend funds from any proceeds arising from
123 participation in drug seizure activities not to exceed Fifty
124 Thousand Dollars (\$50,000.00).



125 **SECTION 9.** It is the intention of the Legislature that the
126 Mississippi Department of Transportation is hereby authorized to
127 receive, budget and expend in the Capital Outlay major object of
128 expenditure an amount not to exceed Two Million Dollars
129 (\$2,000,000.00) resulting from funds received from third party
130 damages.

131 **SECTION 10.** Of the funds appropriated in Section 1 and
132 allocated in Section 2, not less than Eighty Million Dollars
133 (\$80,000,000.00) shall be expended for contracted maintenance
134 overlay and pavement rehabilitation.

135 **SECTION 11.** It is the intention of the Legislature that the
136 Mississippi Department of Transportation shall have the authority
137 to escalate its budget in the Capital Outlay - Other Than
138 Equipment or the Commodities major objects of expenditure in the
139 Maintenance Program, with funds which were obligated in Fiscal
140 Year 2003 for maintenance overlay projects and maintenance repair
141 projects but not completed by the end of Fiscal Year 2003, in an
142 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any
143 escalation made from the authority granted in this Section shall
144 be reported to the Chairmen of the Appropriations Committees of
145 the Mississippi Senate and the Mississippi House of
146 Representatives, the Chairman of the Highways and Transportation
147 Committee of the Mississippi Senate, the Chairman of the
148 Transportation Committee of the Mississippi House of
149 Representatives, and the Legislative Budget Office, within fifteen
150 (15) working days after said escalation.

151 **SECTION 12.** The following sum, or so much thereof as may be
152 necessary is hereby reappropriated out of any money in the State
153 Treasury to the credit of the Department of Transportation Funds,
154 not expended by the Mississippi Department of Transportation in
155 Fiscal Year 2003 in the Capital Outlay - Equipment major object of
156 expenditure, as authorized in House Bill No. 1783, Regular Session



157 of 2002, for the fiscal year beginning July 1, 2003, and ending
158 June 30, 2004..... \$ 500,000.00.

159 **SECTION 13.** It is the intention of the Legislature that the
160 Mississippi Department of Transportation shall issue a warrant to
161 Thomas Wilkinson in the amount of Two Thousand Eight Hundred
162 Forty-eight Dollars and Thirty-two Cents (\$2,848.32) and to Rodney
163 Bateman in the amount of Two Thousand Six Hundred Ninety Dollars
164 and Twelve Cents (\$2,690.12) for unreimbursed expenses from a
165 prior year.

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

172 **SECTION 15.** This act shall take effect and be in force from
173 and after July 1, 2003.

