MISSISSIPPI LEGISLATURE

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
STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
MISSISSIPPI DEPARTMENT OF TRANSPORTATION; AND FOR RELATED

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

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... $ 131,499,626.00
Travel and Subsistence................. 2,969,950.00
Contractual Services.................... 106,552,842.00
Commodities............................ 30,221,488.00
Capital Outlay:
Other Than Equipment............... 640,637,856.00
Equipment............................. 13,500,000.00
Subsidies, Loans and Grants..............  83,793,355.00  
Total................................ $ 1,009,175,117.00  

AUTHORIZED POSITIONS:  
Permanent:  Full Time..........  3,406  
Part Time..........  19  
Time-Limited:  Full Time..........  0  
Part Time..........  0  

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 2005 do not exceed Fiscal Year 2004 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2005 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected 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 insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2004 appropriation for "Personal Services" when annualized. 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 2004 "Personal Services" appropriated level, when annualized, 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>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration and Other Expenses</td>
<td>$48,057,868.00</td>
</tr>
<tr>
<td>Construction</td>
<td>$759,343,937.00</td>
</tr>
<tr>
<td>Maintenance</td>
<td>$149,935,424.00</td>
</tr>
<tr>
<td>Debt Service</td>
<td>$27,881,275.00</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>$9,107,469.00</td>
</tr>
<tr>
<td>Aeronautics, Rails and other</td>
<td>$14,849,144.00</td>
</tr>
</tbody>
</table>

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 2004.

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.

SECTION 6. (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 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.

SECTION 7. 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 8. 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 9. 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 10. Of the funds appropriated in Section 1 and allocated in Section 2, not less than Eighty Million Dollars ($80,000,000.00) shall be expended for contracted maintenance overlay and pavement rehabilitation.

SECTION 11. 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 2003 for maintenance overlay projects and maintenance repair projects but not completed by the end of Fiscal Year 2003, in an amount not to exceed Ten Million Dollars ($10,000,000.00). 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 Transportation Committee of the Mississippi House of Representatives, and the Legislative Budget Office, within fifteen (15) working days after said escalation.

SECTION 12. 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 2003 in the Capital Outlay - Equipment major object of expenditure, as authorized in House Bill No. 1783, Regular Session
of 2002, for the fiscal year beginning July 1, 2003, and ending
June 30, 2004 ............................................. $ 500,000.00.

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

SECTION 14. 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 15. This act shall take effect and be in force from
and after July 1, 2003.