

**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. 1530: 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, 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.

CONFEREES FOR THE HOUSE

**X** \_\_\_\_\_  
Charlie Capps, Jr.

**X** \_\_\_\_\_  
John Read

**X** \_\_\_\_\_  
Mike Eakes

CONFEREES FOR THE SENATE

**X** \_\_\_\_\_  
Jack Gordon

**X** \_\_\_\_\_  
Bob M. Dearing

**X** \_\_\_\_\_  
Travis L. Little