

By: Representatives Miles, Hamilton (109th), Broomfield, Eaton, Flaggs, Gadd, Jennings, Malone, Martinson, McBride, Pierce, Straughter, Vince, Weathersby, Scott To: Appropriations

HOUSE BILL NO. 1725 (As Passed the House)

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 2005.

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, 2004, and ending June 30, 2005.....
12 \$ 857,837,415.00.

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:

Table with 2 columns: Description and Amount. Rows include Salaries, Wages and Fringe Benefits (\$123,473,129.00), Travel and Subsistence (2,228,178.00), Contractual Services (95,859,069.00), and Commodities (23,889,343.00).

26 Capital Outlay:

Table with 2 columns: Description and Amount. Rows include Other Than Equipment (513,093,986.00) and Equipment (8,205,610.00).

29 Subsidies, Loans and Grants..... 91,088,100.00
30 Total..... \$ 857,837,415.00

31 AUTHORIZED POSITIONS:

32 Permanent: Full Time..... 3,127
33 Part Time..... 16
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 2006 do not exceed Fiscal Year 2005
40 funds appropriated for that purpose, unless programs or positions
41 are added to the agency's Fiscal Year 2006 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 2005 appropriation for "Personal
49 Services" when annualized, with the exception of escalated funds.
50 If, at the time the agency takes any action to change "Personal
51 Services," the State Personnel Board determines that the agency
52 has taken an action which would cause the agency to exceed this
53 projected annual cost or the Fiscal Year 2005 "Personal Services"
54 appropriated level, when annualized, then only those actions which
55 reduce the projected annual cost and/or the appropriation
56 requirement will be processed by the State Personnel Board until
57 such time as the requirements of this provision are met.

58 Any transfers or escalations shall be made in accordance with
59 the terms, conditions and procedures established by law or
60 allowable under the terms set forth within this act. The State
61 Personnel Board shall not escalate positions without written

62 approval from the Department of Finance and Administration. The
63 Department of Finance and Administration shall not provide written
64 approval to escalate any funds for salaries and/or positions
65 without proof of availability of new or additional funds above the
66 appropriated level.

67 No general funds authorized to be expended herein shall be
68 used to replace federal funds and/or other special funds which are
69 being used for salaries authorized under the provisions of this
70 act and which are withdrawn and no longer available.

71 **SECTION 3.** Of the funds appropriated to the Mississippi
72 Department of Transportation under the provisions of Section 1 and
73 authorized for expenditure in Section 2, the following amounts
74 shall be available for expenditure in the program budgets as
75 required by Section 27-103-127, Mississippi Code of 1972:

76	Administration and Other Expenses.....	\$ 43,756,388.00
77	Construction.....	\$ 622,432,662.00
78	Maintenance.....	\$ 139,121,506.00
79	Debt Service.....	\$ 27,500,000.00
80	Law Enforcement.....	\$.00
81	Aeronautics, Rails and other.....	\$ 25,026,859.00

82 **SECTION 4.** The funds authorized herein shall be used to fund
83 all operations of the agency with the following prohibitions:

84 (1) The agency shall not fill any current or future vacant
85 positions;

86 (2) The agency shall not take any action to promote or
87 otherwise award salary increases through reallocation,
88 reclassification, realignment, education benchmark, career ladder,
89 or any other means to increase salaries of employees or positions
90 except as allowed under the provisions set forth in House Bill No.
91 1279, 2004 Regular Legislative Session;

92 (3) The agency shall not expend funds for out-of-state
93 travel except as allowed under the provisions set forth in House
94 Bill No. 1279, 2004 Regular Legislative Session;

95 (4) The agency shall not expend funds for the purchase of or
96 contract for cellular phones, two-way radios or pagers, except for
97 support of employees in the Department of Public Safety and the
98 Bureau of Narcotics as recommended by Information Technology
99 Services or as allowed under the provisions set forth in House
100 Bill No. 1279, 2004 Regular Legislative Session;

101 (5) The agency shall not expend funds to publish or
102 distribute any annual reports or other publications;

103 (6) The agency shall not expend funds for public relation
104 activities regarding the functions, programs or services of the
105 agency except as allowed under the provisions set forth in House
106 Bill No. 1279, 2004 Regular Legislative Session;

107 (7) The agency shall not advertise the functions, programs
108 or services of the agency except that the Mississippi Development
109 Authority is authorized to expend funds for advertising to carry
110 out the purposes of key programs administered by the authority;

111 (8) The agency shall not expend funds for staff development
112 or training services;

113 (9) The agency shall not expend funds for the purchase of
114 new or replacement equipment or furniture, excluding lease
115 purchase payments on agreements in effect upon passage of this
116 appropriation bill, except as allowed under the provisions set
117 forth in House Bill No. 1279, 2004 Regular Legislative Session.

118 **SECTION 5.** It is the intention of the Legislature that none
119 of the funds appropriated above shall be expended unless members
120 of the Mississippi House of Representatives and Mississippi Senate
121 are notified at least five (5) days prior to a public ceremony
122 announcing the award of any grant in their district or any public
123 announcement or ceremony regarding the groundbreaking or opening
124 of a facility, roadway or bridge for which the Legislature has
125 made funds available. Any signage regarding any public event or
126 any new facility, roadway or bridge shall include the following

127 language: "Funds were made available for this project by the
128 Mississippi State Legislature."

129 **SECTION 6.** It is the intention of the Legislature that the
130 Mississippi Department of Transportation shall maintain complete
131 accounting and personnel records related to the expenditure of all
132 funds appropriated under this act and that such records shall be
133 in the same format and level of detail as maintained for Fiscal
134 Year 2004. It is further the intention of the Legislature that
135 the agency's budget request for Fiscal Year 2006 shall be
136 submitted to the Joint Legislative Budget Committee in a format
137 and level of detail comparable to the format and level of detail
138 provided during the Fiscal Year 2005 budget request process.

139 **SECTION 7.** In accordance with Section 39 of House Bill No.
140 1279, 2004 Regular Legislative Session, the Mississippi Department
141 of Transportation shall transfer all employees, equipment,
142 inventory and resources of the department employed and used as law
143 enforcement personnel to the Department of Public Safety on July
144 1, 2004. The transfer of personnel shall be commensurate with the
145 number and classification of positions allocated to that law
146 enforcement. The transfer also shall include direct support,
147 clerical, data processing and communications positions allocated
148 to that enforcement.

149 **SECTION 8.** Of the funds appropriated in Section 1 and
150 authorized for expenditure in Section 2, it is the intention of
151 the Legislature that Two Hundred Fifty Thousand Dollars
152 (\$250,000.00) shall be transferred to the Department of
153 Agriculture and Commerce for the Beaver Control or Eradication
154 Program during the Fiscal Year 2005.

155 **SECTION 9.** Of the funds appropriated in Section 1 of this
156 act, the Mississippi Department of Transportation shall expend
157 such funds as necessary to conduct project planning. Such project
158 planning shall apply to all preliminary engineering, right-of-way
159 acquisition and construction projects of the department and, at a

160 minimum, shall consist of policies for the oversight and
161 management of project cost which:

162 (a) Establish a reasonable cost estimate for each
163 project. For purposes of this provision, projects include
164 preliminary engineering, right-of-way acquisition and
165 construction;

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

168 (c) Require that any changes to a cost estimate for a
169 project will be reviewed and approved by district or central
170 office personnel. Such personnel shall be responsible for signing
171 any revision, and providing a narrative description of the reasons
172 for approving a revision;

173 (d) Capture the cost of consultants, engineers,
174 attorneys, contract appraisers and other technical and
175 professional contractors used in preliminary engineering,
176 right-of-way acquisition and construction projects.

177 **SECTION 10.** (1) None of the funds appropriated under the
178 provisions of Section 1 of this act may be expended by the
179 Department of Transportation for construction of new highways if
180 such highway segment is less than ten (10) miles in length unless:

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

184 (b) The commission, within ten (10) working days after
185 entry of its explanation and justification upon its minutes, gives
186 notice, by United States First Class Mail, and provides a copy of
187 such entry upon its minutes, to the Chairman of the Transportation
188 Committee of the Mississippi House of Representatives and the
189 Chairman of the Mississippi Senate Highways and Transportation
190 Committee.

191 **SECTION 11.** Of the funds appropriated to the Mississippi
192 Department of Transportation, Three Hundred Thousand Dollars

193 (\$300,000.00) shall be used for the Statewide Litter Prevention
194 Program.

195 **SECTION 12.** It is the intention of the Legislature that the
196 Mississippi Department of Transportation is hereby authorized to
197 receive, budget and expend in the Capital Outlay major object of
198 expenditure an amount not to exceed Two Million Dollars
199 (\$2,000,000.00) resulting from funds received from third party
200 damages.

201 **SECTION 13.** Of the funds appropriated in Section 1 and
202 allocated in Section 2, not less than Eighty Million Dollars
203 (\$80,000,000.00) shall be expended for contracted maintenance
204 overlay and pavement rehabilitation.

205 **SECTION 14.** It is the intention of the Legislature that the
206 Mississippi Department of Transportation shall have the authority
207 to escalate its budget in the Capital Outlay - Other Than
208 Equipment or the Commodities major objects of expenditure in the
209 Maintenance Program, with funds which were obligated in Fiscal
210 Year 2004 for maintenance overlay projects and maintenance repair
211 projects but not completed by the end of Fiscal Year 2004, in an
212 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any
213 escalation made from the authority granted in this Section shall
214 be reported to the Chairmen of the Appropriations Committees of
215 the Mississippi Senate and the Mississippi House of
216 Representatives, the Chairman of the Highways and Transportation
217 Committee of the Mississippi Senate, the Chairman of the
218 Transportation Committee of the Mississippi House of
219 Representatives, and the Legislative Budget Office, within fifteen
220 (15) working days after said escalation.

221 **SECTION 15.** The money herein appropriated shall be paid by
222 the State Treasurer out of any money in the State Treasury to the
223 credit of the proper fund or funds as set forth in this act, upon
224 warrants issued by the State Fiscal Officer; and the State Fiscal

225 Officer shall issue his warrants upon requisitions signed by the
226 proper person, officer or officers, in the manner provided by law.

227 SECTION 16. It is the intent of the Legislature that no
228 state money will be used in additional brick work and cosmetic
229 design on bridge or road projects.

230 SECTION 17. This act shall take effect and be in force from
231 and after July 1, 2004.