

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. 1725: 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, 2004, and ending June 30, 2005
12 \$ 897,603,972.00.

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 ..	\$	139,190,685.00
23 Travel and Subsistence.....		3,109,142.00
24 Contractual Services		107,738,087.00
25 Commodities.....		29,457,356.00

26 Capital Outlay:

27	Other Than Equipment	513,093,986.00
28	Equipment	13,918,616.00
29	Subsidies, Loans and Grants.....	<u>91,096,100.00</u>
30	Total.....	\$ 897,603,972.00

31 AUTHORIZED POSITIONS:

32	Permanent: Full Time	3,466
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 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.....	\$ 49,359,794.00
77 Construction.....	\$ 627,318,090.00
78 Maintenance.....	\$ 153,541,865.00
79 Debt Service.....	\$ 27,500,000.00
80 Law Enforcement.....	\$ 14,308,095.00
81 Aeronautics, Rails and other.....	\$ 25,576,128.00

82 **SECTION 4.** It is the intention of the Legislature that the
83 Mississippi Department of Transportation shall maintain complete
84 accounting and personnel records related to the expenditure of all
85 funds appropriated under this act and that such records shall be
86 in the same format and level of detail as maintained for Fiscal
87 Year 2004. It is further the intention of the Legislature that
88 the agency's budget request for Fiscal Year 2006 shall be
89 submitted to the Joint Legislative Budget Committee in a format

90 and level of detail comparable to the format and level of detail
91 provided during the Fiscal Year 2005 budget request process.

92 **SECTION 5.** Of the funds appropriated in Section 1 and
93 authorized for expenditure in Section 2, it is the intention of
94 the Legislature that Two Hundred Fifty Thousand Dollars
95 (\$250,000.00) shall be transferred to the Department of
96 Agriculture and Commerce for the Beaver Control or Eradication
97 Program during the Fiscal Year 2005.

98 **SECTION 6.** Of the funds appropriated in Section 1 of this
99 act, the Mississippi Department of Transportation shall expend
100 such funds as necessary to conduct project planning. Such project
101 planning shall apply to all preliminary engineering, right-of-way
102 acquisition and construction projects of the department and, at a
103 minimum, shall consist of policies for the oversight and
104 management of project cost which:

105 (a) Establish a reasonable cost estimate for each
106 project. For purposes of this provision, projects include
107 preliminary engineering, right-of-way acquisition and
108 construction;

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

111 (c) Require that any changes to a cost estimate for a
112 project will be reviewed and approved by district or central
113 office personnel. Such personnel shall be responsible for signing
114 any revision, and providing a narrative description of the reasons
115 for approving a revision;

116 (d) Capture the cost of consultants, engineers,
117 attorneys, contract appraisers and other technical and
118 professional contractors used in preliminary engineering,
119 right-of-way acquisition and construction projects.

120 **SECTION 7.** None of the funds appropriated under the
121 provisions of Section 1 of this act may be expended by the

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

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

127 (b) The commission, within ten (10) working days after
128 entry of its explanation and justification upon its minutes, gives
129 notice, by United States First Class Mail, and provides a copy of
130 such entry upon its minutes, to the Chairman of the Transportation
131 Committee of the Mississippi House of Representatives and the
132 Chairman of the Mississippi Senate Highways and Transportation
133 Committee.

134 **SECTION 8.** Of the funds appropriated to the Mississippi
135 Department of Transportation, Three Hundred Thousand Dollars
136 (\$300,000.00) shall be used for the Statewide Litter Prevention
137 Program.

138 **SECTION 9.** It is the intention of the Legislature that the
139 Mississippi Department of Transportation is hereby authorized to
140 receive, budget and expend in the Capital Outlay major object of
141 expenditure an amount not to exceed Two Million Dollars
142 (\$2,000,000.00) resulting from funds received from third party
143 damages.

144 **SECTION 10.** Of the funds appropriated in Section 1 and
145 allocated in Section 2, not less than Eighty Million Dollars
146 (\$80,000,000.00) shall be expended for contracted maintenance
147 overlay and pavement rehabilitation.

148 **SECTION 11.** It is the intention of the Legislature that the
149 Mississippi Department of Transportation shall have the authority
150 to escalate its budget in the Capital Outlay - Other Than
151 Equipment or the Commodities major objects of expenditure in the
152 Maintenance Program, with funds which were obligated in Fiscal
153 Year 2004 for maintenance overlay projects and maintenance repair

154 projects but not completed by the end of Fiscal Year 2004, in an
155 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any
156 escalation made from the authority granted in this Section shall
157 be reported to the Chairmen of the Appropriations Committees of
158 the Mississippi Senate and the Mississippi House of
159 Representatives, the Chairman of the Highways and Transportation
160 Committee of the Mississippi Senate, the Chairman of the
161 Transportation Committee of the Mississippi House of
162 Representatives, and the Legislative Budget Office, within fifteen
163 (15) working days after said escalation.

164 **SECTION 12.** It is the intention of the Legislature that the
165 Mississippi Department of Transportation shall have the authority
166 to escalate and expend funds from any proceeds arising from
167 participation in drug seizure activities not to exceed One Hundred
168 Fifty Thousand Dollars (\$150,000.00).

169 **SECTION 13.** It is the intention of the Legislature that the
170 agency shall provide a report reflecting Fiscal Year 2004 usage of
171 wireless communication devices which shall include cellular
172 phones, two-way radios, pagers, or any other means of wireless
173 communications to the Chairman of the House Appropriations
174 Committee, the Chairman of the Senate Appropriations Committee,
175 and the State Auditor by September 1, 2004. The report shall
176 contain, but not be limited to, the following:

177 (1) The number of wireless communication devices provided to
178 employees by the agency;

179 (2) The annual cost of usage of wireless communication
180 devices by each employee of the agency who is issued a wireless
181 communication device;

182 (3) Separate justification of the usage of wireless
183 communication devices by those employees issued wireless
184 communication devices; and

185 (4) To determine whether quantifiable benefits are
186 associated with the utilization of wireless communications and
187 whether such service provides more efficient or effective service
188 delivery.

189 **SECTION 14.** It is the intention of the Legislature that the
190 Mississippi Department of Transportation is hereby authorized to
191 transfer between the various programs in an amount not to exceed
192 ten Percent (10%) of the amount appropriated in Section 3, except
193 that no transfers shall be authorized which increase the
194 "Administrative and Other Expenses" Program or which decrease the
195 "Maintenance" Program.

196 **SECTION 15.** It is the intention of the Legislature that the
197 Mississippi Department of Transportation is hereby authorized to
198 escalate its budget for Fiscal Year 2005 for funds appropriated in
199 Fiscal Year 2004 but not expended in Fiscal Year 2004 by the
200 Mississippi Department of Transportation in the "Capital
201 Outlay-Equipment" category in an amount not to exceed Two Million
202 Four Hundred Thousand Dollars (\$2,400,000.00) as authorized in
203 House Bill No. 1530, 2003 Regular Session, for Fiscal Year 2004.

204 **SECTION 16.** It is the intention of the Legislature that the
205 Mississippi Department of Transportation is hereby authorized to
206 pay certain bills which were submitted by the law firm of Gore,
207 Kilpatrick, Purdie, Metz and Adcock in prior fiscal years for
208 services rendered in eminent domain litigation but which were not
209 paid in an amount not to exceed Twenty-six Thousand Five Hundred
210 Ninety Dollars and Ninety Cents (\$26,590.90).

211 **SECTION 17.** It is the intention of the Legislature that the
212 Mississippi Department of Transportation is hereby authorized to
213 pay certain bills submitted by the law firm of Mitchell, McNutt
214 and Sams in prior fiscal years for services rendered in eminent
215 domain litigation but which were not paid in an amount not to

216 exceed Sixty Thousand Seven Hundred Sixty-two Dollars and
217 Fifty-four Cents (\$60,762.54).

218 **SECTION 18.** It is the intention of the Legislature that the
219 Mississippi Department of Transportation is hereby authorized to
220 reimburse actual travel expenses which were incurred by certain
221 Law Enforcement Division employees attending the Law Enforcement
222 Training Academy in Pearl during Fiscal Year 2002: Jessica David,
223 in the amount of Six Hundred Twenty-one Dollars (\$621.00); Lynn
224 Harvey, in the amount of Five Hundred Forty-six Dollars and
225 Forty-eight Cents (\$546.48); Kewain Reese, in the amount of Nine
226 Hundred Thirty-seven Dollars and Eighty Cents (\$937.80); and
227 Jennifer Dubose, in the amount of Seven Hundred Sixty-eight
228 Dollars and Seventy-eight Cents (\$768.78).

229 **SECTION 19.** It is the intention of the Legislature that of
230 the funds appropriated in Section 1, an amount not to exceed Two
231 Million Dollars (\$2,000,000.00) is provided to construct,
232 reconstruct or improve roads along Canal Street from John R.
233 Junkin Drive to Madison Street that connects to D.A. Biglane
234 Street, Silver Street, Roth Hill Street and Learned Mill Road and
235 the surrounding area in the City of Natchez.

236 **SECTION 20.** It is the intention of the Legislature that the
237 Mississippi Department of Transportation shall have the authority
238 to expend an amount not to exceed Fifty Thousand Dollars
239 (\$50,000.00) for railroad crossings that were previously approved
240 but not funded.

241 **SECTION 21.** Contingent upon passage of House Bill No. 1279,
242 2004 Regular Session, the Public Service Commission shall transfer
243 all employees, equipment, inventory and resources of the
244 commission employed and used as law enforcement personnel to the
245 Department of Transportation on July 1, 2004. The transfer of
246 personnel shall be commensurate with the number and classification
247 of positions allocated to that law enforcement. The transfer

248 shall also include direct support, clerical, data processing and
249 communications positions allocated to that law enforcement.

250 **SECTION 22.** Of the funds appropriated in Section 1 and
251 authorized for expenditure in Section 2, Four Million Six Hundred
252 Seventeen Thousand One Hundred Sixty-nine Dollars (\$4,617,169.00)
253 shall be provided from Fund No. 3811 in the State Treasury,
254 contingent upon the passage of House Bill No. 1279, 2004 Regular
255 Session.

256 **SECTION 23.** With the funds provided herein, overtime may be
257 paid to PSC-Enforcement Office Regulated Carrier positions, the
258 PSC-Enforcement Officer Chief position, PSC-Enforcement Officer
259 District Supervisor positions, PSC-Special Projects Officer IV
260 positions, and PSC-Training Director positions, contingent upon
261 passage of House Bill No. 1279, 2004 Regular Session.

262 **SECTION 24.** The money herein appropriated shall be paid by
263 the State Treasurer out of any money in the State Treasury to the
264 credit of the proper fund or funds as set forth in this act, upon
265 warrants issued by the State Fiscal Officer; and the State Fiscal
266 Officer shall issue his warrants upon requisitions signed by the
267 proper person, officer or officers, in the manner provided by law.

268 **SECTION 25.** This act shall take effect and be in force from
269 and after July 1, 2004.

CONFEREES FOR THE HOUSE

X (SIGNED)
Johnny W. Stringer

X (SIGNED)
William Miles

X (SIGNED)
Bennett Malone

CONFEREES FOR THE SENATE

X (SIGNED)
Jack Gordon

X (SIGNED)
Hillman Terome Frazier

X (SIGNED)
Merle Flowers