

**Senate Amendments to House Bill No. 1638**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

**AMENDMENT NO. 1**

**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, 2005, and ending June 30, 2006.....  
12 ..... \$    747,563,111.00.

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.. \$   129,386,880.00  
23             Travel and Subsistence.....            2,220,022.00  
24             Contractual Services.....               95,185,628.00  
25             Commodities.....                        29,091,986.00  
26       Capital Outlay:  
27             Other Than Equipment.....            396,538,122.00  
28             Equipment.....                         6,868,873.00  
29             Subsidies, Loans and Grants.....       88,271,600.00  
30             Total..... \$   747,563,111.00

31       **AUTHORIZED POSITIONS:**

32	Permanent:	Full Time.....	3,353
33		Part Time.....	14
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 2007 do not exceed Fiscal Year 2006  
40 funds appropriated for that purpose, unless programs or positions  
41 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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.....	\$ 40,564,373.00
77	Construction.....	\$ 509,223,941.00
78	Maintenance.....	\$ 135,943,308.00
79	Debt Service.....	\$ 27,650,000.00
80	Law Enforcement.....	\$ 10,671,242.00
81	Aeronautics, Rails and other.....	\$ 23,510,247.00

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 2005. It is further the intention of the Legislature that  
88 the agency's budget request for Fiscal Year 2007 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 2006 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 2006.

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 2005 for maintenance overlay projects and maintenance repair  
154 projects but not completed by the end of Fiscal Year 2005, 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 Mississippi Department of Transportation is hereby authorized to

171 transfer between the various programs in an amount not to exceed  
172 ten Percent (10%) of the amount appropriated in Section 3, except  
173 that no transfers shall be authorized which increase the  
174 "Administrative and Other Expenses" Program or which decrease the  
175 "Maintenance" Program.

176         **SECTION 14.** It is the intention of the Legislature that the  
177 Mississippi Department of Transportation is hereby authorized to  
178 escalate its budget for Fiscal Year 2006 for funds appropriated in  
179 Fiscal Year 2005 but not expended in Fiscal Year 2005 by the  
180 Mississippi Department of Transportation in the "Capital  
181 Outlay-Equipment" category in an amount not to exceed Two Million  
182 Four Hundred Thousand Dollars (\$2,400,000.00) as authorized in  
183 House Bill No. 1725, 2004 Regular Session, for Fiscal Year 2005.

184         **SECTION 15.** The money herein appropriated shall be paid by  
185 the State Treasurer out of any money in the State Treasury to the  
186 credit of the proper fund or funds as set forth in this act, upon  
187 warrants issued by the State Fiscal Officer; and the State Fiscal  
188 Officer shall issue his warrants upon requisitions signed by the  
189 proper person, officer or officers, in the manner provided by law.

190         **SECTION 16.** This act shall take effect and be in force from  
191 and after July 1, 2005.

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John O. Gilbert  
Secretary of the Senate