

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

To: Appropriations

HOUSE BILL NO. 56
(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 2006.

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, 2005, and ending June 30, 2006.....
12 \$ 783,024,459.00.

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.. \$ 141,215,144.00
23 Travel and Subsistence..... 2,759,523.00
24 Contractual Services..... 105,040,930.00
25 Commodities..... 30,699,140.00

26 Capital Outlay:

27 Other Than Equipment..... 401,538,122.00
28 Equipment..... 13,500,000.00

29 Subsidies, Loans and Grants..... 88,271,600.00
30 Total..... \$ 783,024,459.00

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 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 The agency shall not take any action to promote or otherwise
72 award salary increases through reallocation, reclassification,
73 realignment, education benchmark, career ladder, or any other
74 means to increase salaries of employees or positions unless
75 specifically exempted by the following conditions: the award of
76 teacher pay increases, the advancement of a trainee/cadet to the
77 next level of a bona fide career ladder, the award of an
78 educational benchmark for the attainment of Certified Public
79 Accountant License or higher level professional certification as
80 determined by the State Personnel Board, the immediate replacement
81 of a departing employee with an individual from within state
82 service or a new hire at a salary level equivalent to that of the
83 departing employee, and the emergency appointment of nurses,
84 pharmacists or other health care professionals at a salary to be
85 determined by the State Personnel Board, unless otherwise
86 authorized in this act.

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

92	Administration and Other Expenses.....	\$ 51,262,606.00
93	Construction.....	\$ 514,778,164.00
94	Maintenance.....	\$ 151,356,498.00

95 Debt Service.....\$ 27,650,000.00
96 Law Enforcement.....\$ 13,700,430.00
97 Aeronautics, Rails and other.....\$ 24,276,761.00

98 **SECTION 4.** It is the intention of the Legislature that the
99 Mississippi Department of Transportation shall maintain complete
100 accounting and personnel records related to the expenditure of all
101 funds appropriated under this act and that such records shall be
102 in the same format and level of detail as maintained for Fiscal
103 Year 2005. It is further the intention of the Legislature that
104 the agency's budget request for Fiscal Year 2007 shall be
105 submitted to the Joint Legislative Budget Committee in a format
106 and level of detail comparable to the format and level of detail
107 provided during the Fiscal Year 2006 budget request process.

108 **SECTION 5.** Of the funds appropriated in Section 1 and
109 authorized for expenditure in Section 2, it is the intention of
110 the Legislature that Two Hundred Fifty Thousand Dollars
111 (\$250,000.00) shall be transferred to the Department of
112 Agriculture and Commerce for the Beaver Control or Eradication
113 Program during the Fiscal Year 2006.

114 **SECTION 6.** Of the funds appropriated in Section 1 of this
115 act, the Mississippi Department of Transportation shall expend
116 such funds as necessary to conduct project planning. Such project
117 planning shall apply to all preliminary engineering, right-of-way
118 acquisition and construction projects of the department and, at a
119 minimum, shall consist of policies for the oversight and
120 management of project cost which:

121 (a) Establish a reasonable cost estimate for each
122 project. For purposes of this provision, projects include
123 preliminary engineering, right-of-way acquisition and
124 construction;

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

127 (c) Require that any changes to a cost estimate for a
128 project will be reviewed and approved by district or central
129 office personnel. Such personnel shall be responsible for signing
130 any revision, and providing a narrative description of the reasons
131 for approving a revision;

132 (d) Capture the cost of consultants, engineers,
133 attorneys, contract appraisers and other technical and
134 professional contractors used in preliminary engineering,
135 right-of-way acquisition and construction projects.

136 **SECTION 7.** None of the funds appropriated under the
137 provisions of Section 1 of this act may be expended by the
138 Department of Transportation for construction of new highways if
139 such highway segment is less than ten (10) miles in length unless:

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

143 (b) The commission, within ten (10) working days after
144 entry of its explanation and justification upon its minutes, gives
145 notice, by United States First Class Mail, and provides a copy of
146 such entry upon its minutes, to the Chairman of the Transportation
147 Committee of the Mississippi House of Representatives and the
148 Chairman of the Mississippi Senate Highways and Transportation
149 Committee.

150 **SECTION 8.** Of the funds appropriated to the Mississippi
151 Department of Transportation, Three Hundred Thousand Dollars
152 (\$300,000.00) shall be used for the Statewide Litter Prevention
153 Program.

154 **SECTION 9.** It is the intention of the Legislature that the
155 Mississippi Department of Transportation is hereby authorized to
156 receive, budget and expend in the Capital Outlay major object of
157 expenditure an amount not to exceed Two Million Dollars
158 (\$2,000,000.00) resulting from funds received from third party
159 damages.

160 **SECTION 10.** Of the funds appropriated in Section 1 and
161 allocated in Section 2, not less than Eighty Million Dollars
162 (\$80,000,000.00) shall be expended for contracted maintenance
163 overlay and pavement rehabilitation.

164 **SECTION 11.** It is the intention of the Legislature that the
165 Mississippi Department of Transportation shall have the authority
166 to escalate its budget in the Capital Outlay - Other Than
167 Equipment or the Commodities major objects of expenditure in the
168 Maintenance Program, with funds which were obligated in Fiscal
169 Year 2005 for maintenance overlay projects and maintenance repair
170 projects but not completed by the end of Fiscal Year 2005, in an
171 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any
172 escalation made from the authority granted in this Section shall
173 be reported to the Chairmen of the Appropriations Committees of
174 the Mississippi Senate and the Mississippi House of
175 Representatives, the Chairman of the Highways and Transportation
176 Committee of the Mississippi Senate, the Chairman of the
177 Transportation Committee of the Mississippi House of
178 Representatives, and the Legislative Budget Office, within fifteen
179 (15) working days after said escalation.

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

185 **SECTION 13.** It is the intention of the Legislature that the
186 Mississippi Department of Transportation is hereby authorized to
187 transfer between the various programs in an amount not to exceed
188 ten Percent (10%) of the amount allocated in Section 3, except
189 that no transfers shall be authorized which increase the
190 "Administrative and Other Expenses" Program or which decrease the
191 "Maintenance" Program.

192 **SECTION 14.** It is the intention of the Legislature that the
193 Mississippi Department of Transportation is hereby authorized to
194 escalate its budget for Fiscal Year 2006 for funds appropriated in
195 Fiscal Year 2005 but not expended in Fiscal Year 2005 by the
196 Mississippi Department of Transportation in the "Capital
197 Outlay-Equipment" category in an amount not to exceed Two Million
198 Four Hundred Thousand Dollars (\$2,400,000.00) as authorized in
199 House Bill No. 1725, 2004 Regular Session, for Fiscal Year 2005.

200 **SECTION 15.** Of the funds appropriated under Section 1 of
201 this act, the Mississippi Department of Transportation shall
202 expend so much thereof as may be necessary to adjust and/or
203 relocate electric transmission lines located along and within the
204 right-of-way of the construction project designated as the
205 widening of State Route 43 from State Route 12 to Blackjack Road,
206 STP-8925-00-002 (102435-201000), all within the City of Kosciusko,
207 Attala County.

208 **SECTION 16.** It is the intention of the Legislature that the
209 Mississippi Department of Transportation shall have the authority
210 to escalate its budget and expend funds not to exceed Sixty-four
211 Million Dollars (\$64,000,000.00) from any proceeds made available
212 to the department pursuant to agreements for construction
213 acceleration under the provisions of Section 65-1-8(4),
214 Mississippi Code of 1972.

215 **SECTION 17.** It is the intention of the Legislature that the
216 Mississippi Department of Transportation shall have the authority
217 to escalate its budget and expend funds not to exceed Three
218 Hundred Thousand Dollars (\$300,000.00) accumulated from state
219 assessments deposited into the Statewide Litter Prevention Fund
220 established under the provisions of Section 65-1-167, Mississippi
221 Code of 1972.

222 **SECTION 18.** It is the intention of the Legislature that the
223 Mississippi Department of Transportation shall have the authority
224 to escalate its budget and expend funds not to exceed Twenty-five

225 Million Dollars (\$25,000,000.00) received from other public or
226 private entities as reimbursements for payments made on federal
227 projects.

228 **SECTION 19.** It is the intention of the Legislature that the
229 Mississippi Department of Transportation shall have the authority
230 to escalate its budget and expend funds not to exceed Four Hundred
231 Thousand Dollars (\$400,000.00) from proceeds made available to the
232 department for the construction of a new maintenance facility in
233 Itawamba County.

234 **SECTION 20.** It is the intention of the Legislature that no
235 funds in the Treasury to the credit of the Department of
236 Transportation shall be transferred by the Treasury Department to
237 make payment on general obligation bond debt service obligations
238 of the state unless such funds are to be repaid during the fiscal
239 year ending June 30, 2006.

240 **SECTION 21.** None of the monies appropriated under this act
241 shall be expended for payment of that amount of the salary of any
242 person holding the position of division director, department
243 director or head, bureau director, deputy or assistant director or
244 similar position on May 15, 2005, which would exceed the amount
245 actually paid for the same position on June 30, 2003, regardless
246 of the title or position held or duties performed by the person
247 holding the position on June 30, 2003.

248 **SECTION 22.** The money herein appropriated shall be paid by
249 the State Treasurer out of any money in the State Treasury to the
250 credit of the proper fund or funds as set forth in this act, upon
251 warrants issued by the State Fiscal Officer; and the State Fiscal
252 Officer shall issue his warrants upon requisitions signed by the
253 proper person, officer or officers, in the manner provided by law.

254 **SECTION 23.** This act shall take effect and be in force from
255 and after July 1, 2005.