

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

HOUSE BILL NO. 1606

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 2007.

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, 2006, and ending June 30, 2007.....
12 \$ 893,355,314.00.

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.. \$ 138,802,312.00
23 Travel and Subsistence..... 2,659,539.00
24 Contractual Services..... 104,228,498.00
25 Commodities..... 30,648,125.00

26 Capital Outlay:

27 Other Than Equipment..... 499,551,631.00
28 Equipment..... 7,632,409.00

29 Subsidies, Loans and Grants..... 109,832,800.00
 30 Total..... \$ 893,355,314.00

31 AUTHORIZED POSITIONS:

32 Permanent: Full Time..... 3,341
 33 Part Time..... 14
 34 Time-Limited: Full Time..... 0
 35 Part Time..... 0

36 For the fiscal year beginning on July 1, 2006, funds are
 37 provided herein to adjust the annual compensation of each employee
 38 who has been employed for twelve (12) months or longer by an
 39 amount equal to One Thousand Dollars (\$1,000.00), effective on
 40 July 1, 2006.

41 With the funds herein appropriated, it is the intention of
 42 the Legislature that it shall be the agency's responsibility to
 43 make certain that funds required to be appropriated for "Personal
 44 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
 45 funds appropriated for that purpose, unless programs or positions
 46 are added to the agency's Fiscal Year 2008 budget by the
 47 Mississippi Legislature. Based on data provided by the
 48 Legislative Budget Office, the State Personnel Board shall
 49 determine and publish the projected annual cost to fully fund all
 50 appropriated positions in compliance with the provisions of this
 51 act. It shall be the responsibility of the agency head to insure
 52 that no single personnel action increases this projected annual
 53 cost and/or the Fiscal Year 2007 appropriation for "Personal
 54 Services" when annualized, with the exception of escalated funds.
 55 If, at the time the agency takes any action to change "Personal
 56 Services," the State Personnel Board determines that the agency
 57 has taken an action which would cause the agency to exceed this
 58 projected annual cost or the Fiscal Year 2007 "Personal Services"
 59 appropriated level, when annualized, then only those actions which
 60 reduce the projected annual cost and/or the appropriation

61 requirement will be processed by the State Personnel Board until
62 such time as the requirements of this provision are met.

63 Any transfers or escalations shall be made in accordance with
64 the terms, conditions and procedures established by law or
65 allowable under the terms set forth within this act. The State
66 Personnel Board shall not escalate positions without written
67 approval from the Department of Finance and Administration. The
68 Department of Finance and Administration shall not provide written
69 approval to escalate any funds for salaries and/or positions
70 without proof of availability of new or additional funds above the
71 appropriated level.

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

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

81	Administration and Other Expenses.....	\$ 44,018,206.00
82	Construction.....	\$ 617,050,315.00
83	Maintenance.....	\$ 142,776,650.00
84	Debt Service.....	\$ 45,220,000.00
85	Law Enforcement.....	\$ 11,404,160.00
86	Aeronautics, Rails and other.....	\$ 32,885,983.00

87 **SECTION 4.** It is the intention of the Legislature that the
88 Mississippi Department of Transportation shall maintain complete
89 accounting and personnel records related to the expenditure of all
90 funds appropriated under this act and that such records shall be
91 in the same format and level of detail as maintained for Fiscal
92 Year 2006. It is further the intention of the Legislature that
93 the agency's budget request for Fiscal Year 2008 shall be

94 submitted to the Joint Legislative Budget Committee in a format
95 and level of detail comparable to the format and level of detail
96 provided during the Fiscal Year 2007 budget request process.

97 **SECTION 5.** Of the funds appropriated in Section 1 and
98 authorized for expenditure in Section 2, it is the intention of
99 the Legislature that Two Hundred Fifty Thousand Dollars
100 (\$250,000.00) shall be transferred to the Department of
101 Agriculture and Commerce for the Beaver Control or Eradication
102 Program during the Fiscal Year 2007.

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

110 (a) Establish a reasonable cost estimate for each
111 project. For purposes of this provision, projects include
112 preliminary engineering, right-of-way acquisition and
113 construction;

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

116 (c) Require that any changes to a cost estimate for a
117 project will be reviewed and approved by district or central
118 office personnel. Such personnel shall be responsible for signing
119 any revision, and providing a narrative description of the reasons
120 for approving a revision;

121 (d) Capture the cost of consultants, engineers,
122 attorneys, contract appraisers and other technical and
123 professional contractors used in preliminary engineering,
124 right-of-way acquisition and construction projects.

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

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

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

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

139 **SECTION 8.** Of the funds appropriated to the Mississippi
140 Department of Transportation, Three Hundred Thousand Dollars
141 (\$300,000.00) shall be used for the Statewide Litter Prevention
142 Program.

143 **SECTION 9.** It is the intention of the Legislature that the
144 Mississippi Department of Transportation is hereby authorized to
145 receive, budget and expend in the Capital Outlay major object of
146 expenditure an amount not to exceed Six Million Dollars
147 (\$6,000,000.00) resulting from funds received from third party
148 damages.

149 **SECTION 10.** Of the funds appropriated in Section 1 and
150 allocated in Section 2, not less than Eighty Million Dollars
151 (\$80,000,000.00) shall be expended for contracted maintenance
152 overlay and pavement rehabilitation.

153 **SECTION 11.** It is the intention of the Legislature that the
154 Mississippi Department of Transportation shall have the authority
155 to escalate its budget in the Capital Outlay - Other Than
156 Equipment or the Commodities major objects of expenditure in the
157 Maintenance Program, with funds which were obligated in Fiscal
158 Year 2006 for maintenance overlay projects and maintenance repair
159 projects but not completed by the end of Fiscal Year 2006, in an

160 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any
161 escalation made from the authority granted in this Section shall
162 be reported to the Chairmen of the Appropriations Committees of
163 the Mississippi Senate and the Mississippi House of
164 Representatives, the Chairman of the Highways and Transportation
165 Committee of the Mississippi Senate, the Chairman of the
166 Transportation Committee of the Mississippi House of
167 Representatives, and the Legislative Budget Office, within fifteen
168 (15) working days after said escalation.

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

174 **SECTION 13.** It is the intention of the Legislature that the
175 Mississippi Department of Transportation is hereby authorized to
176 transfer between the various programs in an amount not to exceed
177 ten Percent (10%) of the amount allocated in Section 3, except
178 that no transfers shall be authorized which increase the
179 "Administrative and Other Expenses" Program or which decrease the
180 "Maintenance" Program.

181 **SECTION 14.** It is the intention of the Legislature that the
182 Mississippi Department of Transportation is hereby authorized to
183 escalate its budget for Fiscal Year 2007 for funds appropriated in
184 Fiscal Year 2006 but not expended in Fiscal Year 2006 by the
185 Mississippi Department of Transportation in the "Capital
186 Outlay-Equipment" category in an amount not to exceed Two Million
187 Four Hundred Thousand Dollars (\$2,400,000.00) as authorized in
188 House Bill No. 111, 2005 Second Extraordinary Session, for Fiscal
189 Year 2006.

190 **SECTION 15.** Of the funds appropriated under Section 1 of
191 this act, the Mississippi Department of Transportation shall
192 expend so much thereof as may be necessary to adjust and/or

193 relocate electric transmission lines located along and within the
194 right-of-way of the construction project designated as the
195 widening of State Route 43 from State Route 12 to Blackjack Road,
196 STP-8925-00-002 (102435-201000), all within the City of Kosciusko,
197 Attala County.

198 **SECTION 16.** It is the intention of the Legislature that the
199 Mississippi Department of Transportation shall have the authority
200 to escalate its budget and expend funds not to exceed Twenty-five
201 Million Dollars (\$25,000,000.00) received from other public or
202 private entities as reimbursements for payments made on federal
203 projects.

204 **SECTION 17.** It is the intention of the Legislature that the
205 Mississippi Department of Transportation shall have the authority
206 to escalate its budget and expend funds not to exceed Four Hundred
207 Thousand Dollars (\$400,000.00) from proceeds made available to the
208 department for the construction of a new maintenance facility in
209 Itawamba County.

210 **SECTION 18.** It is the intention of the Legislature that no
211 funds in the Treasury to the credit of the Department of
212 Transportation shall be transferred by the Treasury Department to
213 make payment on general obligation bond debt service obligations
214 of the state unless such funds are to be repaid during the fiscal
215 year ending June 30, 2007.

216 **SECTION 19.** Of the funds appropriated in Section 1, the
217 Mississippi Department of Transportation is authorized to expend
218 an amount not to exceed Five Hundred Thousand Dollars
219 (\$500,000.00) to conduct a study on monorail transportation in
220 Tunica and Desoto Counties.

221 **SECTION 20.** It is the intention of the Legislature that none
222 of the funds appropriated above shall be expended unless members
223 of the Mississippi Senate and House of Representatives are
224 notified at least five (5) days prior to a public ceremony
225 announcing the award of any grant in their district or any public

226 announcement of ceremony regarding the groundbreaking or opening
227 of a facility, roadway or bridge for which the Legislature has
228 made funds available. Any signage regarding any public event or
229 any new facility, roadway or bridge shall include the following
230 language: "Funds were made available for this project by the
231 Mississippi State Legislature."

232 **SECTION 21.** It is the intention of the Legislature that
233 whenever two (2) or more bids are received by this agency for the
234 purchase of commodities or equipment, and whenever all things
235 stated in such received bids are equal with respect to price,
236 quality and service, the Mississippi Industries for the Blind
237 shall be given preference. A similar preference shall be given to
238 the Mississippi Industries for the Blind whenever purchases are
239 made without competitive bids.

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

246 **SECTION 23.** This act shall take effect and be in force from
247 and after July 1, 2006.