

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

HOUSE BILL NO. 1606 (As Sent to Governor)

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 \$ 919,640,544.00.

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.. \$ 148,855,688.00
23 Travel and Subsistence..... 2,918,434.00
24 Contractual Services..... 110,934,364.00
25 Commodities..... 34,047,627.00
26 Capital Outlay:
27 Other Than Equipment..... 514,551,631.00
28 Equipment..... 13,500,000.00

29 Subsidies, Loans and Grants..... 94,832,800.00
 30 Total..... \$ 919,640,544.00

31 AUTHORIZED POSITIONS:

32 Permanent: Full Time..... 3,466
 33 Part Time..... 19
 34 Time-Limited: Full Time..... 0
 35 Part Time..... 0

36 Funds are provided herein to adjust the Variable Compensation
 37 Plan to ensure that all full-time employees receive a pay increase
 38 equal to the realignment component of the Variable Compensation
 39 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
 40 with not more than one-half (1/2) to be awarded on July 1, 2006,
 41 with the remainder to be awarded on January 1, 2007.

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

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

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

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

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

82	Administration and Other Expenses.....	\$ 52,179,158.00
83	Construction.....	\$ 637,611,095.00
84	Maintenance.....	\$ 153,260,650.00
85	Debt Service.....	\$ 30,220,000.00
86	Law Enforcement.....	\$ 13,002,884.00
87	Aeronautics, Rails and other.....	\$ 33,366,757.00

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

217 **SECTION 19.** Of the funds appropriated in Section 1, the
218 Mississippi Department of Transportation is authorized to expend
219 an amount not to exceed One Hundred Thousand Dollars (\$100,000.00)
220 to conduct a study on monorail transportation in Tunica and Desoto
221 Counties.

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

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

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

241 **SECTION 22.** Of the funds appropriated in Section 1, the
242 Mississippi Department of Transportation is authorized to expend
243 an amount not to exceed One Hundred Fifty Thousand Dollars
244 (\$150,000.00) for the relocation of utilities involved in the
245 Chickasawhay Natural Gas District.

246 **SECTION 23.** The Department of Transportation is hereby
247 authorized to expend available funds on technology or equipment
248 upgrades or replacements when it will generate savings through
249 efficiency or when the savings generated from such upgrades or
250 replacements exceed expenditures thereof.

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

257 **SECTION 25.** This act shall take effect and be in force from
258 and after July 1, 2006.