

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

HOUSE BILL NO. 1678

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 2008.

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, 2007, and ending June 30, 2008.....
12 ..... \$ 945,896,918.00.

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.. \$ 154,752,606.00
23 Travel and Subsistence..... 2,949,359.00
24 Contractual Services..... 112,165,930.00
25 Commodities..... 34,924,013.00
26 Capital Outlay:
27 Other Than Equipment..... 527,599,588.00
28 Equipment..... 10,169,139.00



29	Vehicles.....	3,321,861.00
30	Wireless Communication Devices.....	9,000.00
31	Subsidies, Loans and Grants.....	<u>100,005,422.00</u>
32	Total.....	\$ 945,896,918.00

33 AUTHORIZED POSITIONS:

34	Permanent: Full Time.....	3,466
35	Part Time.....	19
36	Time-Limited: Full Time.....	0
37	Part Time.....	0

38 Funds are provided herein to adjust the Variable Compensation  
39 Plan to ensure that all full-time employees receive a pay increase  
40 equal to the realignment component of the Variable Compensation  
41 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever  
42 is greater.

43 With the funds herein appropriated, it is the intention of  
44 the Legislature that it shall be the agency's responsibility to  
45 make certain that funds required to be appropriated for "Personal  
46 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
47 funds appropriated for that purpose, unless programs or positions  
48 are added to the agency's Fiscal Year 2009 budget by the  
49 Mississippi Legislature. Based on data provided by the  
50 Legislative Budget Office, the State Personnel Board shall  
51 determine and publish the projected annual cost to fully fund all  
52 appropriated positions in compliance with the provisions of this  
53 act. It shall be the responsibility of the agency head to insure  
54 that no single personnel action increases this projected annual  
55 cost and/or the Fiscal Year 2008 appropriation for "Personal  
56 Services" when annualized, with the exception of escalated funds.  
57 If, at the time the agency takes any action to change "Personal  
58 Services," the State Personnel Board determines that the agency  
59 has taken an action which would cause the agency to exceed this  
60 projected annual cost or the Fiscal Year 2008 "Personal Services"  
61 appropriated level, when annualized, then only those actions which



62 reduce the projected annual cost and/or the appropriation  
63 requirement will be processed by the State Personnel Board until  
64 such time as the requirements of this provision are met.

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

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

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

83	Administration and Other Expenses.....	\$ 53,313,693.00
84	Construction.....	\$ 655,339,580.00
85	Maintenance.....	\$ 156,624,093.00
86	Debt Service.....	\$ 31,811,834.00
87	Law Enforcement.....	\$ 14,061,348.00
88	Aeronautics, Rails and other.....	\$ 34,746,370.00

89 **SECTION 4.** It is the intention of the Legislature that the  
90 Mississippi Department of Transportation shall maintain complete  
91 accounting and personnel records related to the expenditure of all  
92 funds appropriated under this act and that such records shall be  
93 in the same format and level of detail as maintained for Fiscal  
94 Year 2007. It is further the intention of the Legislature that



95 the agency's budget request for Fiscal Year 2009 shall be  
96 submitted to the Joint Legislative Budget Committee in a format  
97 and level of detail comparable to the format and level of detail  
98 provided during the Fiscal Year 2008 budget request process.

99       **SECTION 5.** Of the funds appropriated in Section 1 and  
100 authorized for expenditure in Section 2, it is the intention of  
101 the Legislature that Two Hundred Fifty Thousand Dollars  
102 (\$250,000.00) shall be transferred to the Department of  
103 Agriculture and Commerce for the Beaver Control or Eradication  
104 Program during the Fiscal Year 2008.

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

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

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

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

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



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

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

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

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

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

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

155           **SECTION 11.** It is the intention of the Legislature that the  
156 Mississippi Department of Transportation shall have the authority  
157 to escalate its budget in the Capital Outlay - Other Than  
158 Equipment or the Commodities major objects of expenditure in the  
159 Maintenance Program, with funds which were obligated in Fiscal



160 Year 2007 for maintenance overlay projects and maintenance repair  
161 projects but not completed by the end of Fiscal Year 2007, in an  
162 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any  
163 escalation made from the authority granted in this section shall  
164 be reported to the Chairmen of the Appropriations Committees of  
165 the Mississippi Senate and the Mississippi House of  
166 Representatives, the Chairman of the Highways and Transportation  
167 Committee of the Mississippi Senate, the Chairman of the  
168 Transportation Committee of the Mississippi House of  
169 Representatives, and the Legislative Budget Office, within fifteen  
170 (15) working days after said escalation.

171 **SECTION 12.** It is the intention of the Legislature that the  
172 Mississippi Department of Transportation is hereby authorized to  
173 transfer between the various programs in an amount not to exceed  
174 ten percent (10%) of the amount allocated in Section 3, except  
175 that no transfers shall be authorized which increase the  
176 "Administrative and Other Expenses" Program or which decrease the  
177 "Maintenance" Program.

178 **SECTION 13.** It is the intention of the Legislature that the  
179 Mississippi Department of Transportation is hereby authorized to  
180 escalate its budget for Fiscal Year 2008 for funds appropriated in  
181 Fiscal Year 2007 but not expended in Fiscal Year 2007 by the  
182 Mississippi Department of Transportation in the "Capital  
183 Outlay-Equipment" category in an amount not to exceed Three  
184 Million Four Hundred Thousand Dollars (\$3,400,000.00) as  
185 authorized in House Bill No. 1606, 2006 Regular Session, for  
186 Fiscal Year 2007.

187 **SECTION 14.** Of the funds appropriated under Section 1 of  
188 this act, the Mississippi Department of Transportation shall  
189 expend so much thereof as may be necessary to adjust and/or  
190 relocate electric transmission lines located along and within the  
191 right-of-way of the construction project designated as the  
192 widening of State Route 43 from State Route 12 to Blackjack Road,



193 STP-8925-00-002 (102435-201000), all within the City of Kosciusko,  
194 Attala County.

195 **SECTION 15.** It is the intention of the Legislature that the  
196 Mississippi Department of Transportation shall have the authority  
197 to escalate its budget and expend funds not to exceed Twenty-five  
198 Million Dollars (\$25,000,000.00) received from other public or  
199 private entities as reimbursements for payments made on federal  
200 projects.

201 **SECTION 16.** It is the intention of the Legislature that no  
202 funds in the Treasury to the credit of the Department of  
203 Transportation shall be transferred by the Treasury Department to  
204 make payment on general obligation bond debt service obligations  
205 of the state unless such funds are to be repaid during the fiscal  
206 year ending June 30, 2008.

207 **SECTION 17.** Of the funds appropriated in Section 1, the  
208 Mississippi Department of Transportation is authorized to expend  
209 an amount not to exceed One Hundred Thousand Dollars (\$100,000.00)  
210 to conduct a study on monorail transportation in Tunica and Desoto  
211 Counties.

212 **SECTION 18.** It is the intention of the Legislature that none  
213 of the funds appropriated above shall be expended unless members  
214 of the Mississippi Senate and House of Representatives are  
215 notified at least five (5) days prior to a public ceremony  
216 announcing the award of any grant in their district or any public  
217 announcement of ceremony regarding the groundbreaking or opening  
218 of a facility, roadway or bridge for which the Legislature has  
219 made funds available. Any signage regarding any public event or  
220 any new facility, roadway or bridge shall include the following  
221 language: "Funds were made available for this project by the  
222 Mississippi State Legislature."

223 **SECTION 19.** It is the intention of the Legislature that  
224 whenever two (2) or more bids are received by this agency for the  
225 purchase of commodities or equipment, and whenever all things



226 stated in such received bids are equal with respect to price,  
227 quality and service, the Mississippi Industries for the Blind  
228 shall be given preference. A similar preference shall be given to  
229 the Mississippi Industries for the Blind whenever purchases are  
230 made without competitive bids.

231 **SECTION 20.** The Department of Transportation is hereby  
232 authorized to expend available funds on technology or equipment  
233 upgrades or replacements when it will generate savings through  
234 efficiency or when the savings generated from such upgrades or  
235 replacements exceed expenditures thereof.

236 **SECTION 21.** The money herein appropriated shall be paid by  
237 the State Treasurer out of any money in the State Treasury to the  
238 credit of the proper fund or funds as set forth in this act, upon  
239 warrants issued by the State Fiscal Officer; and the State Fiscal  
240 Officer shall issue his warrants upon requisitions signed by the  
241 proper person, officer or officers, in the manner provided by law.

242 **SECTION 22.** This act shall take effect and be in force from  
243 and after July 1, 2007.

