

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

HOUSE BILL NO. 1678 (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 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 \$ 950,157,592.00.

13 SECTION 2. The following offices are supported by the funds
14 appropriated in Sections 1 and 21: The Office of Administrative
15 Services, the Office of Highways, the Office of Aeronautics and
16 Rails and the Office of Enforcement. Of the funds appropriated
17 under the provisions of Sections 1 and 21, not more than the
18 amounts set forth below shall be expended for the respective major
19 objects or purposes of expenditure:

20 MAJOR OBJECTS OF EXPENDITURE:

21 Personal Services:
22 Salaries, Wages and Fringe Benefits.. \$ 159,013,280.00
23 Travel and Subsistence..... 2,949,359.00
24 Contractual Services..... 112,365,930.00
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.....	\$ 950,357,592.00

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, to be awarded on July 1, 2007.

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 2008 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 appropriations for "Personal
56 Services" when annualized, with the exception of escalated funds
57 and educational benchmarks. If, at the time the agency takes any
58 action to change "Personal Services", the State Personnel Board
59 determines that the agency has taken an action which would cause
60 the agency to exceed this projected annual cost or the Fiscal Year
61 2008 "Personal Services" appropriated level, when annualized, then

62 only those actions which reduce the projected annual cost and/or
63 the appropriation requirement will be processed by the State
64 Personnel Board until such time as the requirements of this
65 provision are met. On January 1, 2008, the State Personnel Board
66 will make adjustments to the structure side of the compliance
67 report based on data provided by the Legislative Budget Office in
68 order for agencies to award educational benchmarks.

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

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

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

87 Administration and Other Expenses.....	\$ 53,609,221.00
88 Construction.....	\$ 654,525,487.00
89 Maintenance.....	\$ 161,373,526.00
90 Debt Service.....	\$ 31,811,834.00
91 Law Enforcement.....	\$ 14,455,858.00
92 Aeronautics, Rails and other.....	\$ 34,581,666.00

93 **SECTION 4.** It is the intention of the Legislature that the
94 Mississippi Department of Transportation shall maintain complete

95 accounting and personnel records related to the expenditure of all
96 funds appropriated under this act and that such records shall be
97 in the same format and level of detail as maintained for Fiscal
98 Year 2007. It is further the intention of the Legislature that
99 the agency's budget request for Fiscal Year 2009 shall be
100 submitted to the Joint Legislative Budget Committee in a format
101 and level of detail comparable to the format and level of detail
102 provided during the Fiscal Year 2008 budget request process.

103 **SECTION 5.** Of the funds appropriated in Section 1 and
104 authorized for expenditure in Section 2, it is the intention of
105 the Legislature that Two Hundred Fifty Thousand Dollars
106 (\$250,000.00) shall be transferred to the Department of
107 Agriculture and Commerce for the Beaver Control or Eradication
108 Program during the Fiscal Year 2008.

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

116 (a) Establish a reasonable cost estimate for each
117 project. For purposes of this provision, projects include
118 preliminary engineering, right-of-way acquisition and
119 construction;

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

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

127 (d) Capture the cost of consultants, engineers,
128 attorneys, contract appraisers and other technical and
129 professional contractors used in preliminary engineering,
130 right-of-way acquisition and construction projects.

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

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

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

145 **SECTION 8.** Of the funds appropriated to the Mississippi
146 Department of Transportation, Three Hundred Thousand Dollars
147 (\$300,000.00) shall be used for the Statewide Litter Prevention
148 Program.

149 **SECTION 9.** It is the intention of the Legislature that the
150 Mississippi Department of Transportation is hereby authorized to
151 receive, budget and expend in the Capital Outlay major object of
152 expenditure an amount not to exceed Six Million Dollars
153 (\$6,000,000.00) resulting from funds received from third party
154 damages.

155 **SECTION 10.** Of the funds appropriated in Section 1 and
156 allocated in Section 2, not less than Eighty Million Dollars
157 (\$80,000,000.00) shall be expended for contracted maintenance
158 overlay and pavement rehabilitation.

159 **SECTION 11.** It is the intention of the Legislature that the
160 Mississippi Department of Transportation shall have the authority
161 to escalate its budget in the Capital Outlay - Other Than
162 Equipment or the Commodities major objects of expenditure in the
163 Maintenance Program, with funds which were obligated in Fiscal
164 Year 2007 for maintenance overlay projects and maintenance repair
165 projects but not completed by the end of Fiscal Year 2007, in an
166 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any
167 escalation made from the authority granted in this section shall
168 be reported to the Chairmen of the Appropriations Committees of
169 the Mississippi Senate and the Mississippi House of
170 Representatives, the Chairman of the Highways and Transportation
171 Committee of the Mississippi Senate, the Chairman of the
172 Transportation Committee of the Mississippi House of
173 Representatives, and the Legislative Budget Office, within fifteen
174 (15) working days after said escalation.

175 **SECTION 12.** 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 13.** 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 2008 for funds appropriated in
185 Fiscal Year 2007 but not expended in Fiscal Year 2007 by the
186 Mississippi Department of Transportation in the "Capital
187 Outlay-Equipment" and "Vehicles" category in an amount not to
188 exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000.00)
189 as authorized in House Bill No. 1606, 2006 Regular Session, for
190 Fiscal Year 2007.

191 **SECTION 14.** 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 15.** 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 16.** It is the intention of the Legislature that no
206 funds in the Treasury to the credit of the Department of
207 Transportation shall be transferred by the Treasury Department to
208 make payment on general obligation bond debt service obligations
209 of the state unless such funds are to be repaid during the fiscal
210 year ending June 30, 2008.

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

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

224 any new facility, roadway or bridge shall include the following
225 language: "Funds were made available for this project by the
226 Mississippi State Legislature."

227 **SECTION 19.** It is the intention of the Legislature that
228 whenever two (2) or more bids are received by this agency for the
229 purchase of commodities or equipment, and whenever all things
230 stated in such received bids are equal with respect to price,
231 quality and service, the Mississippi Industries for the Blind
232 shall be given preference. A similar preference shall be given to
233 the Mississippi Industries for the Blind whenever purchases are
234 made without competitive bids.

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

240 **SECTION 21.** The following sum, or so much thereof as may be
241 necessary, is hereby appropriated out of any money in the State
242 General Fund not otherwise appropriated, for the purpose of
243 defraying the expenses of the Department of Transportation for the
244 fiscal year beginning July 1, 2007, and ending June 30, 2008
245 \$ 200,000.00.

246 Such funds shall be used for costs associated with the
247 Mississippi Asphalt Consortium.

248 **SECTION 22.** Of the funds appropriated in Section 1, the
249 Mississippi Department of Transportation is authorized to expend
250 an amount not to exceed One Hundred Fifty Thousand Dollars
251 (\$150,000.00) for the relocation of utilities involved in the
252 Chickasawhay Natural Gas District.

253 **SECTION 23.** It is the intention of the Legislature that the
254 Department of Transportation shall have the authority to escalate
255 its budget and expend funds not to exceed Fifty-seven Million
256 Dollars (\$57,000,000.00) received as reimbursements for payments

257 on project costs associated with Senate Bill No. 3215 of the 2007
258 Regular Legislative Session.

259 **SECTION 24.** Of the funds appropriated in Section 1, the
260 Mississippi Department of Transportation shall expend so much
261 thereof as may be necessary to four-lane Highway 15 in Laurel to
262 the Bay Springs City Limit and three-lane Highway 15 from the Bay
263 Springs City Limit to the Industrial Park in lieu of a bypass.

264 **SECTION 25.** Of the funds appropriated in Section 1, Three
265 Hundred Fifty Thousand Dollars (\$350,000.00) shall be used to
266 access federal funds for costs associated with the Rails to Trails
267 Program from Houston, Mississippi, to New Albany, Mississippi.

268 **SECTION 26.** The Mississippi Department of Transportation
269 shall transfer One Million Dollars (\$1,000,000.00) to the Railroad
270 Revitalization Fund.

271 **SECTION 27.** The money herein appropriated shall be paid by
272 the State Treasurer out of any money in the State Treasury to the
273 credit of the proper fund or funds as set forth in this act, upon
274 warrants issued by the State Fiscal Officer; and the State Fiscal
275 Officer shall issue his warrants upon requisitions signed by the
276 proper person, officer or officers, in the manner provided by law.

277 **SECTION 28.** This act shall take effect and be in force from
278 and after July 1, 2007.