

By: Representatives Read, Eakes, Broomfield,
Brown, Coleman (29th), Denny, Ellzey, Flaggs,
Gadd, Martinson, Mitchell

To: Appropriations

HOUSE BILL NO. 1596
(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 2002.

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, 2001, and ending June 30, 2002.....
12 \$ 931,705,342.00.

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.. \$ 118,000,000.00
23 Travel and Subsistence..... 2,000,000.00
24 Contractual Services..... 85,500,000.00
25 Commodities..... 27,913,000.00

26 Capital Outlay:

27 Other Than Equipment..... 597,618,592.00

28	Equipment.....	4,000,000.00
29	Subsidies, Loans and Grants.....	<u>96,673,750.00</u>
30	Total.....	\$ 931,705,342.00

31 AUTHORIZED POSITIONS:

32	Permanent: Full Time.....	3,406
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 2003 do not exceed Fiscal Year 2002
40 funds appropriated for that purpose, unless programs or positions
41 are added to the agency's Fiscal Year 2003 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 2002 appropriation for "Personal
49 Services" when annualized. If, at the end of any calendar month,
50 the State Personnel Board determines that the agency has taken
51 action(s) which would cause the agency to exceed this projected
52 annual cost or the Fiscal Year 2002 "Personal Services"
53 appropriated level, when annualized, then only those actions which
54 reduce the projected annual cost and/or the appropriation
55 requirement will be processed by the State Personnel Board until
56 such time as the requirements of this provision are met.

57 Any transfers or escalations shall be made in accordance with
58 the terms, conditions and procedures established by law.

59 No general funds authorized to be expended herein shall be
60 used to replace federal funds and/or other special funds which are

61 being used for salaries authorized under the provisions of this
62 act and which are withdrawn and no longer available.

63 SECTION 3. Of the funds appropriated to the Mississippi
64 Department of Transportation under the provisions of Section 1 and
65 authorized for expenditure in Section 2, the following amounts
66 shall be available for expenditure in the program budgets as
67 required by Section 27-103-127, Mississippi Code of 1972:

68	Administration and Other Expenses.....	\$ 32,021,733.00
69	Construction.....	\$ 697,316,741.00
70	Maintenance - Roadway.....	\$ 115,715,196.00
71	Maintenance - Property.....	\$ 20,062,130.00
72	Debt Service.....	\$ 49,870,000.00
73	Law Enforcement.....	\$ 7,815,668.00
74	Aeronautics, Rails and other.....	\$ 8,903,874.00

75 SECTION 4. Of the funds appropriated in Section 1 and
76 authorized for expenditure in Section 2, it is the intention of
77 the Legislature that One Hundred Thousand Dollars (\$100,000.00)
78 shall be transferred to the Department of Agriculture and Commerce
79 for the Beaver Control or Eradication Program during the Fiscal
80 Year 2002.

81 SECTION 5. Of the funds appropriated in Section 1 of this
82 act, the Mississippi Department of Transportation shall expend
83 such funds as necessary to conduct project planning. Such project
84 planning shall apply to all preliminary engineering, right-of-way
85 acquisition and construction projects of the department and, at a
86 minimum, shall consist of policies for the oversight and
87 management of project cost which:

88 (a) Establish a reasonable cost estimate for each
89 project. For purposes of this provision, projects include
90 preliminary engineering, right-of-way acquisition and
91 construction;

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

94 (c) Require that any changes to a cost estimate for a
95 project will be reviewed and approved by district or central
96 office personnel. Such personnel shall be responsible for signing
97 any revision, and providing a narrative description of the reasons
98 for approving a revision;

99 (d) Capture the cost of consultants, engineers,
100 attorneys, contract appraisers and other technical and
101 professional contractors used in preliminary engineering,
102 right-of-way acquisition and construction projects;

103 (e) On or before January 10 of each year, the
104 department shall furnish the members of the Senate Highways and
105 Transportation Committee and the Transportation Committee of the
106 House of Representatives, a report which shall include, but not be
107 limited to, the following on each new construction, reconstruction
108 or rehabilitation project completed for which payment has been
109 finalized during the previous fiscal year:

110 (i) Project termini and contractor;

111 (ii) Final project cost as compared to the bid
112 cost;

113 (iii) Compare actual completion dates with the bid
114 completion date as stated in the contract;

115 (iv) All change orders;

116 (v) Length of project and cost per mile.

117 SECTION 6. (1) Of the funds appropriated in Section 1 of
118 this act, the Mississippi Department of Transportation shall
119 expend such funds as necessary to compile and deliver to the
120 Legislature by January 10, 2002, the following reports on the
121 highway segments authorized under Sections 65-3-97 and 65-39-1,
122 Mississippi Code of 1972, and any nonprogram segments statutorily
123 identified or identified by the Transportation Commission. Such
124 reports shall include:

125 (a) The name of the contractor, the amount paid and the
126 type of work. At the conclusion of each identified highway

127 segment, the total cost of all projects comprising the segment
128 shall be compiled and included in the reports;

129 (b) A compilation of all segments which were authorized
130 by the Mississippi Transportation Commission. This listing shall
131 include:

132 (i) Contract let date;

133 (ii) The highway on which the contract was let;

134 (iii) A description of the project, including the
135 beginning and end point;

136 (iv) The length of the project in miles; and

137 (v) Name of the contractor selected to perform
138 contract work;

139 (c) A compilation of costs for all preliminary
140 engineering, right-of-way and construction contracts entered
141 during the reporting period;

142 (d) A listing of all segments completed or in progress
143 by topographical area of the state for the reporting period;

144 (e) A status report of highway segments to include
145 highway segment description, the date of construction of the road,
146 and the pavement condition rating utilizing the most current
147 available data;

148 (f) A report on the causes of pavement deterioration
149 for highways on the state highway system and any proposed remedies
150 for these problems.

151 (2) The reports required under this section shall be in
152 addition to and shall not affect the reports specifically required
153 under Section 65-3-97, Mississippi Code of 1972, or any other
154 reports authorized or required by law to be prepared by the
155 Mississippi Transportation Commission or the Mississippi
156 Department of Transportation.

157 SECTION 7. (1) None of the funds appropriated under the
158 provisions of Section 1 of this act may be expended by the

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

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

164 (b) The commission, within ten (10) working days after
165 entry of its explanation and justification upon its minutes, gives
166 notice, by United States First Class Mail, and provides a copy of
167 such entry upon its minutes, to the Chairman of the Transportation
168 Committee of the Mississippi House of Representatives and the
169 Chairman of the Mississippi Senate Highways and Transportation
170 Committee; and

171 (c) The commission files a report with the Legislature
172 not later than January 10, 2002, providing the following
173 information with regard to each contract let during the preceding
174 calendar year for construction of each project within a highway
175 segment:

176 (i) The contract let date;

177 (ii) The highway on which the contract was
178 awarded;

179 (iii) A description of the project, including the
180 beginning and end point;

181 (iv) The length of the project in miles; and

182 (v) The name of the contractor selected to perform
183 contract work.

184 SECTION 8. Of the funds appropriated to the Mississippi
185 Department of Transportation, Three Hundred Thousand Dollars
186 (\$300,000.00) shall be used for the Statewide Litter Prevention
187 Program.

188 SECTION 9. It is the intention of the Legislature that the
189 Mississippi Department of Transportation shall have the authority
190 to escalate and expend funds from any proceeds arising from

191 participation in drug seizure activities not to exceed Fifty
192 Thousand Dollars (\$50,000.00).

193 SECTION 10. It is the intention of the Legislature that the
194 Mississippi Department of Transportation shall have the authority
195 to escalate its budget and expend funds obtained from the "buy
196 back" option offered by equipment manufacturers and/or suppliers
197 of certain types of equipment not to exceed One Million Dollars
198 (\$1,000,000.00) in accordance with the rules and regulations of
199 the Department of Finance and Administration in a manner
200 consistent with the escalation of federal funds.

201 SECTION 11. It is the intention of the Legislature that the
202 Executive Director of the Mississippi Department of Transportation
203 may transfer between the various programs authorized in Section 3
204 of this act, an amount not to exceed ten percent (10%) of the
205 amount appropriated in Section 1, except that no transfers shall
206 be authorized which increase the "Administration and Other
207 Expenses" Program or which decrease the "Maintenance" Programs.
208 The Executive Director of the Mississippi Department of
209 Transportation shall submit written justification for any
210 transfers authorized in this Section to the Legislative Budget
211 Office and the Department of Finance and Administration on or
212 before the fifteenth of the month prior to the effective date of
213 the transfer.

214 SECTION 12. It is the intention of the Legislature that the
215 Mississippi Department of Transportation is hereby authorized to
216 receive, budget and expend in the Capital Outlay major object of
217 expenditure an amount not to exceed Two Million Dollars
218 (\$2,000,000.00) resulting from funds received from third party
219 damages.

220 SECTION 13. Of the funds appropriated in Sections 1 and 2,
221 not less than Fifty Million Dollars (\$50,000,000.00) shall be
222 expended for contracted maintenance overlay and pavement
223 rehabilitation.

224 SECTION 14. It is the intention of the Legislature that the
225 Department of Transportation be allowed to escalate its budget in
226 either the "Capital Outlay - Other Than Equipment" or
227 "Commodities" major object of expenditure and the Maintenance
228 Program, with funds which were obligated in Fiscal Year 2001 for
229 maintenance overlay projects and maintenance repair projects but
230 not completed before the end of Fiscal Year 2001 in an amount not
231 to exceed Twelve Million Eight Hundred Thousand Dollars
232 (\$12,800,000.00).

233 SECTION 15. It is the intention of the Legislature that the
234 Department of Transportation be allowed to escalate its budget in
235 "Capital Outlay - Other Than Equipment" major object of
236 expenditure and the Aeronautics, Rails and other program with the
237 funds which were obligated in Fiscal Year 2001 for rail projects
238 but not completed before the end of Fiscal Year 2001 in an amount
239 not to exceed Three Million Seven Hundred Fifty Thousand Dollars
240 (\$3,750,000.00).

241 SECTION 16. The following sum, or so much thereof as may be
242 necessary, is hereby reappropriated out of any money not expended
243 in Fiscal Year 2001 by the Department of Transportation in the
244 "Capital Outlay - Equipment" category for the fiscal year
245 beginning July 1, 2001, and ending June 30, 2002.....
246 \$ 1,100,000.00.

247 SECTION 17. Of the funds appropriated in Section 1, Two
248 Million Dollars (\$2,000,000.00) shall come from the Mississippi
249 Public Service Commission Special Fund 3811 and Five Hundred Fifty
250 Thousand Dollars (\$550,000.00) shall come from the Mississippi
251 Public Service Commission - Utility Staff Fund 3812.

252 SECTION 18. It is the intention of the Legislature that the
253 Mississippi Department of Transportation shall reissue Payroll
254 Warrant No. 802109924 which was originally issued on April 26,
255 1995, to Wilburn L. Stephens in the amount of Six Hundred

256 Twenty-four Dollars and Thirty-three Cents (\$624.33) which was not
257 presented for payment within a one year period and is now void.

258 SECTION 19. The money herein appropriated shall be paid by
259 the State Treasurer out of any money in the State Treasury to the
260 credit of the proper fund or funds as set forth in this act, upon
261 warrants issued by the State Fiscal Officer; and the State Fiscal
262 Officer shall issue his warrants upon requisitions signed by the
263 proper person, officer or officers, in the manner provided by law.

264 SECTION 20. This act shall take effect and be in force from
265 and after July 1, 2001.