

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

HOUSE BILL NO. 1725 (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 2005.

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, 2004, and ending June 30, 2005.....
12 ..... \$ 897,603,972.00.

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.. \$ 139,190,685.00
23 Travel and Subsistence..... 3,109,142.00
24 Contractual Services..... 107,738,087.00
25 Commodities..... 29,457,356.00
26 Capital Outlay:
27 Other Than Equipment..... 513,093,986.00
28 Equipment..... 13,918,616.00

29           Subsidies, Loans and Grants..... 91,096,100.00  
30           Total..... \$ 897,603,972.00

31   AUTHORIZED POSITIONS:

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

36           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 2006 do not exceed Fiscal Year 2005  
40 funds appropriated for that purpose, unless programs or positions  
41 are added to the agency's Fiscal Year 2006 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 2005 appropriation for "Personal  
49 Services" when annualized, with the exception of escalated funds.  
50 If, at the time the agency takes any action to change "Personal  
51 Services," the State Personnel Board determines that the agency  
52 has taken an action which would cause the agency to exceed this  
53 projected annual cost or the Fiscal Year 2005 "Personal Services"  
54 appropriated level, when annualized, then only those actions which  
55 reduce the projected annual cost and/or the appropriation  
56 requirement will be processed by the State Personnel Board until  
57 such time as the requirements of this provision are met.

58           Any transfers or escalations shall be made in accordance with  
59 the terms, conditions and procedures established by law or  
60 allowable under the terms set forth within this act. The State  
61 Personnel Board shall not escalate positions without written

62 approval from the Department of Finance and Administration. The  
63 Department of Finance and Administration shall not provide written  
64 approval to escalate any funds for salaries and/or positions  
65 without proof of availability of new or additional funds above the  
66 appropriated level.

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

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

76	Administration and Other Expenses.....	\$ 49,359,794.00
77	Construction.....	\$ 627,318,090.00
78	Maintenance.....	\$ 153,541,865.00
79	Debt Service.....	\$ 27,500,000.00
80	Law Enforcement.....	\$ 14,308,095.00
81	Aeronautics, Rails and other.....	\$ 25,576,128.00

82 **SECTION 4.** It is the intention of the Legislature that the  
83 Mississippi Department of Transportation shall maintain complete  
84 accounting and personnel records related to the expenditure of all  
85 funds appropriated under this act and that such records shall be  
86 in the same format and level of detail as maintained for Fiscal  
87 Year 2004. It is further the intention of the Legislature that  
88 the agency's budget request for Fiscal Year 2006 shall be  
89 submitted to the Joint Legislative Budget Committee in a format  
90 and level of detail comparable to the format and level of detail  
91 provided during the Fiscal Year 2005 budget request process.

92 **SECTION 5.** Of the funds appropriated in Section 1 and  
93 authorized for expenditure in Section 2, it is the intention of  
94 the Legislature that Two Hundred Fifty Thousand Dollars

95 (\$250,000.00) shall be transferred to the Department of  
96 Agriculture and Commerce for the Beaver Control or Eradication  
97 Program during the Fiscal Year 2005.

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

105           (a) Establish a reasonable cost estimate for each  
106 project. For purposes of this provision, projects include  
107 preliminary engineering, right-of-way acquisition and  
108 construction;

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

111           (c) Require that any changes to a cost estimate for a  
112 project will be reviewed and approved by district or central  
113 office personnel. Such personnel shall be responsible for signing  
114 any revision, and providing a narrative description of the reasons  
115 for approving a revision;

116           (d) Capture the cost of consultants, engineers,  
117 attorneys, contract appraisers and other technical and  
118 professional contractors used in preliminary engineering,  
119 right-of-way acquisition and construction projects.

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

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

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

134           **SECTION 8.** Of the funds appropriated to the Mississippi  
135 Department of Transportation, Three Hundred Thousand Dollars  
136 (\$300,000.00) shall be used for the Statewide Litter Prevention  
137 Program.

138           **SECTION 9.** It is the intention of the Legislature that the  
139 Mississippi Department of Transportation is hereby authorized to  
140 receive, budget and expend in the Capital Outlay major object of  
141 expenditure an amount not to exceed Two Million Dollars  
142 (\$2,000,000.00) resulting from funds received from third party  
143 damages.

144           **SECTION 10.** Of the funds appropriated in Section 1 and  
145 allocated in Section 2, not less than Eighty Million Dollars  
146 (\$80,000,000.00) shall be expended for contracted maintenance  
147 overlay and pavement rehabilitation.

148           **SECTION 11.** It is the intention of the Legislature that the  
149 Mississippi Department of Transportation shall have the authority  
150 to escalate its budget in the Capital Outlay - Other Than  
151 Equipment or the Commodities major objects of expenditure in the  
152 Maintenance Program, with funds which were obligated in Fiscal  
153 Year 2004 for maintenance overlay projects and maintenance repair  
154 projects but not completed by the end of Fiscal Year 2004, in an  
155 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any  
156 escalation made from the authority granted in this Section shall  
157 be reported to the Chairmen of the Appropriations Committees of  
158 the Mississippi Senate and the Mississippi House of  
159 Representatives, the Chairman of the Highways and Transportation

160 Committee of the Mississippi Senate, the Chairman of the  
161 Transportation Committee of the Mississippi House of  
162 Representatives, and the Legislative Budget Office, within fifteen  
163 (15) working days after said escalation.

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

169       **SECTION 13.** It is the intention of the Legislature that the  
170 agency shall provide a report reflecting Fiscal Year 2004 usage of  
171 wireless communication devices which shall include cellular  
172 phones, two-way radios, pagers, or any other means of wireless  
173 communications to the Chairman of the House Appropriations  
174 Committee, the Chairman of the Senate Appropriations Committee,  
175 and the State Auditor by September 1, 2004. The report shall  
176 contain, but not be limited to, the following:

177       (1) The number of wireless communication devices provided to  
178 employees by the agency;

179       (2) The annual cost of usage of wireless communication  
180 devices by each employee of the agency who is issued a wireless  
181 communication device;

182       (3) Separate justification of the usage of wireless  
183 communication devices by those employees issued wireless  
184 communication devices; and

185       (4) To determine whether quantifiable benefits are  
186 associated with the utilization of wireless communications and  
187 whether such service provides more efficient or effective service  
188 delivery.

189       **SECTION 14.** It is the intention of the Legislature that the  
190 Mississippi Department of Transportation is hereby authorized to  
191 transfer between the various programs in an amount not to exceed  
192 ten Percent (10%) of the amount appropriated in Section 3, except

193 that no transfers shall be authorized which increase the  
194 "Administrative and Other Expenses" Program or which decrease the  
195 "Maintenance" Program.

196 **SECTION 15.** It is the intention of the Legislature that the  
197 Mississippi Department of Transportation is hereby authorized to  
198 escalate its budget for Fiscal Year 2005 for funds appropriated in  
199 Fiscal Year 2004 but not expended in Fiscal Year 2004 by the  
200 Mississippi Department of Transportation in the "Capital  
201 Outlay-Equipment" category in an amount not to exceed Two Million  
202 Four Hundred Thousand Dollars (\$2,400,000.00) as authorized in  
203 House Bill No. 1530, 2003 Regular Session, for Fiscal Year 2004.

204 **SECTION 16.** It is the intention of the Legislature that the  
205 Mississippi Department of Transportation is hereby authorized to  
206 pay certain bills which were submitted by the law firm of Gore,  
207 Kilpatrick, Purdie, Metz and Adcock in prior fiscal years for  
208 services rendered in eminent domain litigation but which were not  
209 paid in an amount not to exceed Twenty-six Thousand Five Hundred  
210 Ninety Dollars and Ninety Cents (\$26,590.90).

211 **SECTION 17.** It is the intention of the Legislature that the  
212 Mississippi Department of Transportation is hereby authorized to  
213 pay certain bills submitted by the law firm of Mitchell, McNutt  
214 and Sams in prior fiscal years for services rendered in eminent  
215 domain litigation but which were not paid in an amount not to  
216 exceed Sixty Thousand Seven Hundred Sixty-two Dollars and  
217 Fifty-four Cents (\$60,762.54).

218 **SECTION 18.** It is the intention of the Legislature that the  
219 Mississippi Department of Transportation is hereby authorized to  
220 reimburse actual travel expenses which were incurred by certain  
221 Law Enforcement Division employees attending the Law Enforcement  
222 Training Academy in Pearl during Fiscal Year 2002: Jessica David,  
223 in the amount of Six Hundred Twenty-one Dollars (\$621.00); Lynn  
224 Harvey, in the amount of Five Hundred Forty-six Dollars and  
225 Forty-eight Cents (\$546.48); Kewain Reese, in the amount of Nine

226 Hundred Thirty-seven Dollars and Eighty Cents (\$937.80); and  
227 Jennifer Dubose, in the amount of Seven Hundred Sixty-eight  
228 Dollars and Seventy-eight Cents (\$768.78).

229       **SECTION 19.** It is the intention of the Legislature that of  
230 the funds appropriated in Section 1, an amount not to exceed Two  
231 Million Dollars (\$2,000,000.00) is provided to construct,  
232 reconstruct or improve roads along Canal Street from John R.  
233 Junkin Drive to Madison Street that connects to D.A. Biglane  
234 Street, Silver Street, Roth Hill Street and Learned Mill Road and  
235 the surrounding area in the City of Natchez.

236       **SECTION 20.** It is the intention of the Legislature that the  
237 Mississippi Department of Transportation shall have the authority  
238 to expend an amount not to exceed Fifty Thousand Dollars  
239 (\$50,000.00) for railroad crossings that were previously approved  
240 but not funded.

241       **SECTION 21.** Contingent upon passage of House Bill No. 1279,  
242 2004 Regular Session, the Public Service Commission shall transfer  
243 all employees, equipment, inventory and resources of the  
244 commission employed and used as law enforcement personnel to the  
245 Department of Transportation on July 1, 2004. The transfer of  
246 personnel shall be commensurate with the number and classification  
247 of positions allocated to that law enforcement. The transfer  
248 shall also include direct support, clerical, data processing and  
249 communications positions allocated to that law enforcement.

250       **SECTION 22.** Of the funds appropriated in Section 1 and  
251 authorized for expenditure in Section 2, Four Million Six Hundred  
252 Seventeen Thousand One Hundred Sixty-nine Dollars (\$4,617,169.00)  
253 shall be provided from Fund No. 3811 in the State Treasury,  
254 contingent upon the passage of House Bill No. 1279, 2004 Regular  
255 Session.

256       **SECTION 23.** With the funds provided herein, overtime may be  
257 paid to PSC-Enforcement Office Regulated Carrier positions, the  
258 PSC-Enforcement Officer Chief position, PSC-Enforcement Officer



259 District Supervisor positions, PSC-Special Projects Officer IV  
260 positions, and PSC-Training Director positions, contingent upon  
261 passage of House Bill No. 1279, 2004 Regular Session.

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

268       **SECTION 25.** This act shall take effect and be in force from  
269 and after July 1, 2004.