

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

HOUSE BILL NO. 1638

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 2006.

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, 2005, and ending June 30, 2006.....
12 \$ 747,563,112.00.

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.. \$ 129,386,881.00
23 Travel and Subsistence..... 2,220,022.00
24 Contractual Services..... 95,185,628.00
25 Commodities..... 29,091,986.00
26 Capital Outlay:
27 Other Than Equipment..... 396,538,122.00
28 Equipment..... 6,868,873.00

29 Subsidies, Loans and Grants..... 88,271,600.00
 30 Total..... \$ 747,563,112.00

31 AUTHORIZED POSITIONS:

32 Permanent: Full Time..... 3,353
 33 Part Time..... 14
 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 2007 do not exceed Fiscal Year 2006
 40 funds appropriated for that purpose, unless programs or positions
 41 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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.....	\$ 40,564,374.00
77	Construction.....	\$ 509,223,941.00
78	Maintenance.....	\$ 135,943,308.00
79	Debt Service.....	\$ 27,650,000.00
80	Law Enforcement.....	\$ 10,671,242.00
81	Aeronautics, Rails and other.....	\$ 23,510,247.00

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 2005. It is further the intention of the Legislature that
88 the agency's budget request for Fiscal Year 2007 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 2006 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 2006.

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 2005 for maintenance overlay projects and maintenance repair
154 projects but not completed by the end of Fiscal Year 2005, 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 Mississippi Department of Transportation is hereby authorized to
171 transfer between the various programs in an amount not to exceed
172 ten Percent (10%) of the amount appropriated in Section 3, except
173 that no transfers shall be authorized which increase the
174 "Administrative and Other Expenses" Program or which decrease the
175 "Maintenance" Program.

176 **SECTION 14.** It is the intention of the Legislature that the
177 Mississippi Department of Transportation is hereby authorized to
178 escalate its budget for Fiscal Year 2006 for funds appropriated in
179 Fiscal Year 2005 but not expended in Fiscal Year 2005 by the
180 Mississippi Department of Transportation in the "Capital
181 Outlay-Equipment" category in an amount not to exceed Two Million
182 Four Hundred Thousand Dollars (\$2,400,000.00) as authorized in
183 House Bill No. 1725, 2004 Regular Session, for Fiscal Year 2005.

184 **SECTION 15.** The money herein appropriated shall be paid by
185 the State Treasurer out of any money in the State Treasury to the
186 credit of the proper fund or funds as set forth in this act, upon
187 warrants issued by the State Fiscal Officer; and the State Fiscal
188 Officer shall issue his warrants upon requisitions signed by the
189 proper person, officer or officers, in the manner provided by law.

190 **SECTION 16.** This act shall take effect and be in force from
191 and after July 1, 2005.