

**Senate Amendments to House Bill No. 1606**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

**AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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, 2006, and ending June 30, 2007.....  
12 ..... \$    897,933,180.00.

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.. \$   143,380,178.00  
23             Travel and Subsistence.....            2,659,539.00  
24             Contractual Services.....           104,228,498.00  
25             Commodities.....                    30,648,125.00  
26       Capital Outlay:  
27             Other Than Equipment.....           499,551,631.00  
28             Equipment.....                    7,632,409.00  
29             Subsidies, Loans and Grants.....    109,832,800.00  
30             Total..... \$    897,933,180.00

31       **AUTHORIZED POSITIONS:**

32	Permanent:	Full Time.....	3,341
33		Part Time.....	14
34	Time-Limited:	Full Time.....	0
35		Part Time.....	0

36 Funds are provided herein to adjust the Variable Compensation  
37 Plan to ensure that all full-time employees receive a pay increase  
38 equal to the realignment component of the Variable Compensation  
39 Plan or Twelve Hundred Dollars (\$1,200.00), whichever is greater,  
40 beginning on July 1, 2006.

41 Pursuant to policies established by the State Personnel  
42 Board, agency heads may, on a case by case basis and within funds  
43 available, recommend equity salary adjustments to Fiscal Year 2006  
44 agency appropriation acts where application of limitations result  
45 in awarding one employee a salary increase greater than another  
46 employee within the same agency, with the same job classification  
47 series and greater longevity.

48 With the funds herein appropriated, it is the intention of  
49 the Legislature that it shall be the agency's responsibility to  
50 make certain that funds required to be appropriated for "Personal  
51 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007  
52 funds appropriated for that purpose, unless programs or positions  
53 are added to the agency's Fiscal Year 2008 budget by the  
54 Mississippi Legislature. Based on data provided by the  
55 Legislative Budget Office, the State Personnel Board shall  
56 determine and publish the projected annual cost to fully fund all  
57 appropriated positions in compliance with the provisions of this  
58 act. It shall be the responsibility of the agency head to insure  
59 that no single personnel action increases this projected annual  
60 cost and/or the Fiscal Year 2007 appropriation for "Personal  
61 Services" when annualized, with the exception of escalated funds.  
62 If, at the time the agency takes any action to change "Personal  
63 Services," the State Personnel Board determines that the agency  
64 has taken an action which would cause the agency to exceed this  
65 projected annual cost or the Fiscal Year 2007 "Personal Services"  
66 appropriated level, when annualized, then only those actions which

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

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

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

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

88	Administration and Other Expenses.....	\$ 44,018,206.00
89	Construction.....	\$ 621,628,181.00
90	Maintenance.....	\$ 142,776,650.00
91	Debt Service.....	\$ 45,220,000.00
92	Law Enforcement.....	\$ 11,404,160.00
93	Aeronautics, Rails and other.....	\$ 32,885,983.00

94 **SECTION 4.** It is the intention of the Legislature that the  
95 Mississippi Department of Transportation shall maintain complete  
96 accounting and personnel records related to the expenditure of all  
97 funds appropriated under this act and that such records shall be  
98 in the same format and level of detail as maintained for Fiscal  
99 Year 2006. It is further the intention of the Legislature that  
100 the agency's budget request for Fiscal Year 2008 shall be  
101 submitted to the Joint Legislative Budget Committee in a format

102 and level of detail comparable to the format and level of detail  
103 provided during the Fiscal Year 2007 budget request process.

104       **SECTION 5.** Of the funds appropriated in Section 1 and  
105 authorized for expenditure in Section 2, it is the intention of  
106 the Legislature that Two Hundred Fifty Thousand Dollars  
107 (\$250,000.00) shall be transferred to the Department of  
108 Agriculture and Commerce for the Beaver Control or Eradication  
109 Program during the Fiscal Year 2007.

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

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

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

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

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

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

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

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

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

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

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

160 **SECTION 11.** It is the intention of the Legislature that the  
161 Mississippi Department of Transportation shall have the authority  
162 to escalate its budget in the Capital Outlay - Other Than  
163 Equipment or the Commodities major objects of expenditure in the  
164 Maintenance Program, with funds which were obligated in Fiscal  
165 Year 2006 for maintenance overlay projects and maintenance repair  
166 projects but not completed by the end of Fiscal Year 2006, in an  
167 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any  
168 escalation made from the authority granted in this Section shall  
169 be reported to the Chairmen of the Appropriations Committees of  
170 the Mississippi Senate and the Mississippi House of

171 Representatives, the Chairman of the Highways and Transportation  
172 Committee of the Mississippi Senate, the Chairman of the  
173 Transportation Committee of the Mississippi House of  
174 Representatives, and the Legislative Budget Office, within fifteen  
175 (15) working days after said escalation.

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

181       **SECTION 13.** It is the intention of the Legislature that the  
182 Mississippi Department of Transportation is hereby authorized to  
183 transfer between the various programs in an amount not to exceed  
184 ten Percent (10%) of the amount allocated in Section 3, except  
185 that no transfers shall be authorized which increase the  
186 "Administrative and Other Expenses" Program or which decrease the  
187 "Maintenance" Program.

188       **SECTION 14.** It is the intention of the Legislature that the  
189 Mississippi Department of Transportation is hereby authorized to  
190 escalate its budget for Fiscal Year 2007 for funds appropriated in  
191 Fiscal Year 2006 but not expended in Fiscal Year 2006 by the  
192 Mississippi Department of Transportation in the "Capital  
193 Outlay-Equipment" category in an amount not to exceed Two Million  
194 Four Hundred Thousand Dollars (\$2,400,000.00) as authorized in  
195 House Bill No. 111, 2005 Second Extraordinary Session, for Fiscal  
196 Year 2006.

197       **SECTION 15.** Of the funds appropriated under Section 1 of  
198 this act, the Mississippi Department of Transportation shall  
199 expend so much thereof as may be necessary to adjust and/or  
200 relocate electric transmission lines located along and within the  
201 right-of-way of the construction project designated as the  
202 widening of State Route 43 from State Route 12 to Blackjack Road,  
203 STP-8925-00-002 (102435-201000), all within the City of Kosciusko,  
204 Attala County.

205           **SECTION 16.** It is the intention of the Legislature that the  
206 Mississippi Department of Transportation shall have the authority  
207 to escalate its budget and expend funds not to exceed Twenty-five  
208 Million Dollars (\$25,000,000.00) received from other public or  
209 private entities as reimbursements for payments made on federal  
210 projects.

211           **SECTION 17.** It is the intention of the Legislature that the  
212 Mississippi Department of Transportation shall have the authority  
213 to escalate its budget and expend funds not to exceed Four Hundred  
214 Thousand Dollars (\$400,000.00) from proceeds made available to the  
215 department for the construction of a new maintenance facility in  
216 Itawamba County.

217           **SECTION 18.** It is the intention of the Legislature that no  
218 funds in the Treasury to the credit of the Department of  
219 Transportation shall be transferred by the Treasury Department to  
220 make payment on general obligation bond debt service obligations  
221 of the state unless such funds are to be repaid during the fiscal  
222 year ending June 30, 2007.

223           **SECTION 19.** Of the funds appropriated in Section 1, the  
224 Mississippi Department of Transportation is authorized to expend  
225 an amount not to exceed Five Hundred Thousand Dollars  
226 (\$500,000.00) to conduct a study on monorail transportation in  
227 Tunica and Desoto Counties.

228           **SECTION 20.** It is the intention of the Legislature that none  
229 of the funds appropriated above shall be expended unless members  
230 of the Mississippi Senate and House of Representatives are  
231 notified at least five (5) days prior to a public ceremony  
232 announcing the award of any grant in their district or any public  
233 announcement of ceremony regarding the groundbreaking or opening  
234 of a facility, roadway or bridge for which the Legislature has  
235 made funds available. Any signage regarding any public event or  
236 any new facility, roadway or bridge shall include the following  
237 language: "Funds were made available for this project by the  
238 Mississippi State Legislature."

239           **SECTION 21.** It is the intention of the Legislature that  
240 whenever two (2) or more bids are received by this agency for the  
241 purchase of commodities or equipment, and whenever all things  
242 stated in such received bids are equal with respect to price,  
243 quality and service, the Mississippi Industries for the Blind  
244 shall be given preference. A similar preference shall be given to  
245 the Mississippi Industries for the Blind whenever purchases are  
246 made without competitive bids.

247           **SECTION 22.** The money herein appropriated shall be paid by  
248 the State Treasurer out of any money in the State Treasury to the  
249 credit of the proper fund or funds as set forth in this act, upon  
250 warrants issued by the State Fiscal Officer; and the State Fiscal  
251 Officer shall issue his warrants upon requisitions signed by the  
252 proper person, officer or officers, in the manner provided by law.

253           **SECTION 23.** This act shall take effect and be in force from  
254 and after July 1, 2006.

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John O. Gilbert  
Secretary of the Senate