

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1606

BY: Committee

**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.....	<u>109,832,800.00</u>
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.