

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

HOUSE BILL NO. 1678

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 2008.

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, 2007, and ending June 30, 2008.....
12 \$ 945,896,918.00.

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.. \$ 154,752,606.00
23 Travel and Subsistence..... 2,949,359.00
24 Contractual Services..... 112,165,930.00
25 Commodities..... 34,924,013.00
26 Capital Outlay:
27 Other Than Equipment..... 527,599,588.00
28 Equipment..... 10,169,139.00

29	Vehicles.....	3,321,861.00
30	Wireless Communication Devices.....	9,000.00
31	Subsidies, Loans and Grants.....	<u>100,005,422.00</u>
32	Total.....	\$ 945,896,918.00

33 AUTHORIZED POSITIONS:

34	Permanent: Full Time.....	3,466
35	Part Time.....	19
36	Time-Limited: Full Time.....	0
37	Part Time.....	0

38 Funds are provided herein to adjust the Variable Compensation
39 Plan to ensure that all full-time employees receive a pay increase
40 equal to the realignment component of the Variable Compensation
41 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
42 is greater.

43 With the funds herein appropriated, it is the intention of
44 the Legislature that it shall be the agency's responsibility to
45 make certain that funds required to be appropriated for "Personal
46 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
47 funds appropriated for that purpose, unless programs or positions
48 are added to the agency's Fiscal Year 2009 budget by the
49 Mississippi Legislature. Based on data provided by the
50 Legislative Budget Office, the State Personnel Board shall
51 determine and publish the projected annual cost to fully fund all
52 appropriated positions in compliance with the provisions of this
53 act. It shall be the responsibility of the agency head to insure
54 that no single personnel action increases this projected annual
55 cost and/or the Fiscal Year 2008 appropriation for "Personal
56 Services" when annualized, with the exception of escalated funds.
57 If, at the time the agency takes any action to change "Personal
58 Services," the State Personnel Board determines that the agency
59 has taken an action which would cause the agency to exceed this
60 projected annual cost or the Fiscal Year 2008 "Personal Services"
61 appropriated level, when annualized, then only those actions which

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

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

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

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

83	Administration and Other Expenses.....	\$ 53,313,693.00
84	Construction.....	\$ 655,339,580.00
85	Maintenance.....	\$ 156,624,093.00
86	Debt Service.....	\$ 31,811,834.00
87	Law Enforcement.....	\$ 14,061,348.00
88	Aeronautics, Rails and other.....	\$ 34,746,370.00

89 **SECTION 4.** It is the intention of the Legislature that the
90 Mississippi Department of Transportation shall maintain complete
91 accounting and personnel records related to the expenditure of all
92 funds appropriated under this act and that such records shall be
93 in the same format and level of detail as maintained for Fiscal
94 Year 2007. It is further the intention of the Legislature that

95 the agency's budget request for Fiscal Year 2009 shall be
96 submitted to the Joint Legislative Budget Committee in a format
97 and level of detail comparable to the format and level of detail
98 provided during the Fiscal Year 2008 budget request process.

99 **SECTION 5.** Of the funds appropriated in Section 1 and
100 authorized for expenditure in Section 2, it is the intention of
101 the Legislature that Two Hundred Fifty Thousand Dollars
102 (\$250,000.00) shall be transferred to the Department of
103 Agriculture and Commerce for the Beaver Control or Eradication
104 Program during the Fiscal Year 2008.

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

112 (a) Establish a reasonable cost estimate for each
113 project. For purposes of this provision, projects include
114 preliminary engineering, right-of-way acquisition and
115 construction;

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

118 (c) Require that any changes to a cost estimate for a
119 project will be reviewed and approved by district or central
120 office personnel. Such personnel shall be responsible for signing
121 any revision, and providing a narrative description of the reasons
122 for approving a revision;

123 (d) Capture the cost of consultants, engineers,
124 attorneys, contract appraisers and other technical and
125 professional contractors used in preliminary engineering,
126 right-of-way acquisition and construction projects.

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

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

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

141 **SECTION 8.** Of the funds appropriated to the Mississippi
142 Department of Transportation, Three Hundred Thousand Dollars
143 (\$300,000.00) shall be used for the Statewide Litter Prevention
144 Program.

145 **SECTION 9.** It is the intention of the Legislature that the
146 Mississippi Department of Transportation is hereby authorized to
147 receive, budget and expend in the Capital Outlay major object of
148 expenditure an amount not to exceed Six Million Dollars
149 (\$6,000,000.00) resulting from funds received from third party
150 damages.

151 **SECTION 10.** Of the funds appropriated in Section 1 and
152 allocated in Section 2, not less than Eighty Million Dollars
153 (\$80,000,000.00) shall be expended for contracted maintenance
154 overlay and pavement rehabilitation.

155 **SECTION 11.** It is the intention of the Legislature that the
156 Mississippi Department of Transportation shall have the authority
157 to escalate its budget in the Capital Outlay - Other Than
158 Equipment or the Commodities major objects of expenditure in the
159 Maintenance Program, with funds which were obligated in Fiscal

160 Year 2007 for maintenance overlay projects and maintenance repair
161 projects but not completed by the end of Fiscal Year 2007, in an
162 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any
163 escalation made from the authority granted in this section shall
164 be reported to the Chairmen of the Appropriations Committees of
165 the Mississippi Senate and the Mississippi House of
166 Representatives, the Chairman of the Highways and Transportation
167 Committee of the Mississippi Senate, the Chairman of the
168 Transportation Committee of the Mississippi House of
169 Representatives, and the Legislative Budget Office, within fifteen
170 (15) working days after said escalation.

171 **SECTION 12.** It is the intention of the Legislature that the
172 Mississippi Department of Transportation is hereby authorized to
173 transfer between the various programs in an amount not to exceed
174 ten percent (10%) of the amount allocated in Section 3, except
175 that no transfers shall be authorized which increase the
176 "Administrative and Other Expenses" Program or which decrease the
177 "Maintenance" Program.

178 **SECTION 13.** It is the intention of the Legislature that the
179 Mississippi Department of Transportation is hereby authorized to
180 escalate its budget for Fiscal Year 2008 for funds appropriated in
181 Fiscal Year 2007 but not expended in Fiscal Year 2007 by the
182 Mississippi Department of Transportation in the "Capital
183 Outlay-Equipment" category in an amount not to exceed Three
184 Million Four Hundred Thousand Dollars (\$3,400,000.00) as
185 authorized in House Bill No. 1606, 2006 Regular Session, for
186 Fiscal Year 2007.

187 **SECTION 14.** Of the funds appropriated under Section 1 of
188 this act, the Mississippi Department of Transportation shall
189 expend so much thereof as may be necessary to adjust and/or
190 relocate electric transmission lines located along and within the
191 right-of-way of the construction project designated as the
192 widening of State Route 43 from State Route 12 to Blackjack Road,

193 STP-8925-00-002 (102435-201000), all within the City of Kosciusko,
194 Attala County.

195 **SECTION 15.** It is the intention of the Legislature that the
196 Mississippi Department of Transportation shall have the authority
197 to escalate its budget and expend funds not to exceed Twenty-five
198 Million Dollars (\$25,000,000.00) received from other public or
199 private entities as reimbursements for payments made on federal
200 projects.

201 **SECTION 16.** It is the intention of the Legislature that no
202 funds in the Treasury to the credit of the Department of
203 Transportation shall be transferred by the Treasury Department to
204 make payment on general obligation bond debt service obligations
205 of the state unless such funds are to be repaid during the fiscal
206 year ending June 30, 2008.

207 **SECTION 17.** Of the funds appropriated in Section 1, the
208 Mississippi Department of Transportation is authorized to expend
209 an amount not to exceed One Hundred Thousand Dollars (\$100,000.00)
210 to conduct a study on monorail transportation in Tunica and Desoto
211 Counties.

212 **SECTION 18.** It is the intention of the Legislature that none
213 of the funds appropriated above shall be expended unless members
214 of the Mississippi Senate and House of Representatives are
215 notified at least five (5) days prior to a public ceremony
216 announcing the award of any grant in their district or any public
217 announcement of ceremony regarding the groundbreaking or opening
218 of a facility, roadway or bridge for which the Legislature has
219 made funds available. Any signage regarding any public event or
220 any new facility, roadway or bridge shall include the following
221 language: "Funds were made available for this project by the
222 Mississippi State Legislature."

223 **SECTION 19.** It is the intention of the Legislature that
224 whenever two (2) or more bids are received by this agency for the
225 purchase of commodities or equipment, and whenever all things

226 stated in such received bids are equal with respect to price,
227 quality and service, the Mississippi Industries for the Blind
228 shall be given preference. A similar preference shall be given to
229 the Mississippi Industries for the Blind whenever purchases are
230 made without competitive bids.

231 **SECTION 20.** The Department of Transportation is hereby
232 authorized to expend available funds on technology or equipment
233 upgrades or replacements when it will generate savings through
234 efficiency or when the savings generated from such upgrades or
235 replacements exceed expenditures thereof.

236 **SECTION 21.** The money herein appropriated shall be paid by
237 the State Treasurer out of any money in the State Treasury to the
238 credit of the proper fund or funds as set forth in this act, upon
239 warrants issued by the State Fiscal Officer; and the State Fiscal
240 Officer shall issue his warrants upon requisitions signed by the
241 proper person, officer or officers, in the manner provided by law.

242 **SECTION 22.** This act shall take effect and be in force from
243 and after July 1, 2007.