

**Senate Amendments to House Bill No. 1678**

**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, 2007, and ending June 30, 2008.....  
12 ..... \$    945,512,779.00.

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.. \$	154,368,467.00
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..... \$ 945,512,779.00

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 Dollars (\$1,000.00), or Three Percent (3%)  
42 whichever is greater, to be awarded on July 1, 2007.

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 The agency shall not take any action to promote or otherwise  
79 award salary increases through reallocation, reclassification,  
80 realignment, education benchmark, career ladder, or any other  
81 means to increase salaries of employees or positions unless  
82 specifically exempted by the following conditions: the award of  
83 teacher pay increases, the advancement of a trainee/cadet to the  
84 next level of a bona fide career ladder, the award of an  
85 educational benchmark for the attainment of Certified Public  
86 Accountant License or higher level professional certification as  
87 determined by the State Personnel Board, the immediate replacement  
88 of a departing employee with an individual from within state  
89 service or a new hire at a salary level equivalent to that of the  
90 departing employee, and the emergency appointment of nurses,  
91 pharmacists or other health care professionals at a salary to be  
92 determined by the State Personnel Board, unless otherwise  
93 authorized in this act.

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

99	Administration and Other Expenses.....	\$ 53,313,693.00
100	Construction.....	\$ 654,955,441.00
101	Maintenance.....	\$ 156,624,093.00

102 Debt Service.....\$ 31,811,834.00  
103 Law Enforcement.....\$ 14,061,348.00  
104 Aeronautics, Rails and other.....\$ 34,746,370.00

105 **SECTION 4.** It is the intention of the Legislature that the  
106 Mississippi Department of Transportation shall maintain complete  
107 accounting and personnel records related to the expenditure of all  
108 funds appropriated under this act and that such records shall be  
109 in the same format and level of detail as maintained for Fiscal  
110 Year 2007. It is further the intention of the Legislature that  
111 the agency's budget request for Fiscal Year 2009 shall be  
112 submitted to the Joint Legislative Budget Committee in a format  
113 and level of detail comparable to the format and level of detail  
114 provided during the Fiscal Year 2008 budget request process.

115 **SECTION 5.** Of the funds appropriated in Section 1 and  
116 authorized for expenditure in Section 2, it is the intention of  
117 the Legislature that Two Hundred Fifty Thousand Dollars  
118 (\$250,000.00) shall be transferred to the Department of  
119 Agriculture and Commerce for the Beaver Control or Eradication  
120 Program during the Fiscal Year 2008.

121 **SECTION 6.** Of the funds appropriated in Section 1 of this  
122 act, the Mississippi Department of Transportation shall expend  
123 such funds as necessary to conduct project planning. Such project  
124 planning shall apply to all preliminary engineering, right-of-way  
125 acquisition and construction projects of the department and, at a  
126 minimum, shall consist of policies for the oversight and  
127 management of project cost which:

128 (a) Establish a reasonable cost estimate for each  
129 project. For purposes of this provision, projects include  
130 preliminary engineering, right-of-way acquisition and  
131 construction;

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

134 (c) Require that any changes to a cost estimate for a  
135 project will be reviewed and approved by district or central  
136 office personnel. Such personnel shall be responsible for signing

137 any revision, and providing a narrative description of the reasons  
138 for approving a revision;

139 (d) Capture the cost of consultants, engineers,  
140 attorneys, contract appraisers and other technical and  
141 professional contractors used in preliminary engineering,  
142 right-of-way acquisition and construction projects.

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

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

150 (b) The commission, within ten (10) working days after  
151 entry of its explanation and justification upon its minutes, gives  
152 notice, by United States First Class Mail, and provides a copy of  
153 such entry upon its minutes, to the Chairman of the Transportation  
154 Committee of the Mississippi House of Representatives and the  
155 Chairman of the Mississippi Senate Highways and Transportation  
156 Committee.

157 **SECTION 8.** Of the funds appropriated to the Mississippi  
158 Department of Transportation, Three Hundred Thousand Dollars  
159 (\$300,000.00) shall be used for the Statewide Litter Prevention  
160 Program.

161 **SECTION 9.** It is the intention of the Legislature that the  
162 Mississippi Department of Transportation is hereby authorized to  
163 receive, budget and expend in the Capital Outlay major object of  
164 expenditure an amount not to exceed Six Million Dollars  
165 (\$6,000,000.00) resulting from funds received from third party  
166 damages.

167 **SECTION 10.** Of the funds appropriated in Section 1 and  
168 allocated in Section 2, not less than Eighty Million Dollars  
169 (\$80,000,000.00) shall be expended for contracted maintenance  
170 overlay and pavement rehabilitation.

171           **SECTION 11.** It is the intention of the Legislature that the  
172 Mississippi Department of Transportation shall have the authority  
173 to escalate its budget in the Capital Outlay - Other Than  
174 Equipment or the Commodities major objects of expenditure in the  
175 Maintenance Program, with funds which were obligated in Fiscal  
176 Year 2007 for maintenance overlay projects and maintenance repair  
177 projects but not completed by the end of Fiscal Year 2007, in an  
178 amount not to exceed Ten Million Dollars (\$10,000,000.00). Any  
179 escalation made from the authority granted in this section shall  
180 be reported to the Chairmen of the Appropriations Committees of  
181 the Mississippi Senate and the Mississippi House of  
182 Representatives, the Chairman of the Highways and Transportation  
183 Committee of the Mississippi Senate, the Chairman of the  
184 Transportation Committee of the Mississippi House of  
185 Representatives, and the Legislative Budget Office, within fifteen  
186 (15) working days after said escalation.

187           **SECTION 12.** It is the intention of the Legislature that the  
188 Mississippi Department of Transportation is hereby authorized to  
189 transfer between the various programs in an amount not to exceed  
190 ten percent (10%) of the amount allocated in Section 3, except  
191 that no transfers shall be authorized which increase the  
192 "Administrative and Other Expenses" Program or which decrease the  
193 "Maintenance" Program.

194           **SECTION 13.** It is the intention of the Legislature that the  
195 Mississippi Department of Transportation is hereby authorized to  
196 escalate its budget for Fiscal Year 2008 for funds appropriated in  
197 Fiscal Year 2007 but not expended in Fiscal Year 2007 by the  
198 Mississippi Department of Transportation in the "Capital  
199 Outlay-Equipment" category in an amount not to exceed Two Million  
200 Four Hundred Thousand Dollars (\$2,400,000.00) as authorized in  
201 House Bill No. 1606, 2006 Regular Session, for Fiscal Year 2007.

202           **SECTION 14.** Of the funds appropriated under Section 1 of  
203 this act, the Mississippi Department of Transportation shall  
204 expend so much thereof as may be necessary to adjust and/or  
205 relocate electric transmission lines located along and within the

206 right-of-way of the construction project designated as the  
207 widening of State Route 43 from State Route 12 to Blackjack Road,  
208 STP-8925-00-002 (102435-201000), all within the City of Kosciusko,  
209 Attala County.

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

216       **SECTION 16.** It is the intention of the Legislature that no  
217 funds in the Treasury to the credit of the Department of  
218 Transportation shall be transferred by the Treasury Department to  
219 make payment on general obligation bond debt service obligations  
220 of the state unless such funds are to be repaid during the fiscal  
221 year ending June 30, 2008.

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

227       **SECTION 18.** It is the intention of the Legislature that none  
228 of the funds appropriated above shall be expended unless members  
229 of the Mississippi Senate and House of Representatives are  
230 notified at least five (5) days prior to a public ceremony  
231 announcing the award of any grant in their district or any public  
232 announcement of ceremony regarding the groundbreaking or opening  
233 of a facility, roadway or bridge for which the Legislature has  
234 made funds available. Any signage regarding any public event or  
235 any new facility, roadway or bridge shall include the following  
236 language: "Funds were made available for this project by the  
237 Mississippi State Legislature."

238       **SECTION 19.** Of the funds appropriated in Section 1, the  
239 Mississippi Department of Transportation is authorized to expend  
240 an amount not to exceed One Hundred Fifty Thousand Dollars

241 (\$150,000.00) for the relocation of utilities involved in the  
242 Chickasawhay Natural Gas District.

243         **SECTION 20.** It is the intention of the Legislature that  
244 whenever two (2) or more bids are received by this agency for the  
245 purchase of commodities or equipment, and whenever all things  
246 stated in such received bids are equal with respect to price,  
247 quality and service, the Mississippi Industries for the Blind  
248 shall be given preference. A similar preference shall be given to  
249 the Mississippi Industries for the Blind whenever purchases are  
250 made without competitive bids.

251         **SECTION 21.** The Department of Transportation is hereby  
252 authorized to expend available funds on technology or equipment  
253 upgrades or replacements when it will generate savings through  
254 efficiency or when the savings generated from such upgrades or  
255 replacements exceed expenditures thereof.

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

262         **SECTION 23.** This act shall take effect and be in force from  
263 and after July 1, 2007.

SS05\HB1678A.J

John O. Gilbert  
Secretary of the Senate