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Chapter No. 55

11/HR40/A941SG

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HOUSE BILL NO. 1486

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1486

AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION, FOR THE FISCAL YEAR 2012; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Department of Transportation Funds, for the purpose of defraying the administrative expenses of the Mississippi Department of Transportation for the fiscal year beginning July 1, 2011, and ending June 30, 2012
..... \$ 1,000,000,000.00.

SECTION 2. The following offices are supported by the funds appropriated in Section 1: The Office of Administrative Services, the Office of Highways, the Office of Aeronautics and Rails and the Office of Enforcement. Of the funds appropriated under the provisions of Section 1, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	3,487
	Part Time	19
Time-Limited:	Full Time	0
	Part Time	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2013 do not exceed Fiscal Year 2012 funds appropriated for that purpose, unless programs or positions

are added to the agency's Fiscal Year 2012 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2012 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2012 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

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

SECTION 3. Of the funds appropriated to the Mississippi Department of Transportation under the provisions of Section 1, the following amounts shall be available for expenditure in the

program budgets as required by Section 27-103-127, Mississippi Code of 1972:

Administration and Other Expenses	\$ 50,702,997.00
Construction	\$ 666,022,786.00
Maintenance	\$ 180,675,117.00
Debt Service	\$ 53,268,012.00
Law Enforcement	\$ 14,891,958.00
Aeronautics, Rails and other	\$ 34,439,130.00

SECTION 4. It is the intention of the Legislature that the Mississippi Department of Transportation shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2011. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2013 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2012 budget request process.

SECTION 5. Of the funds appropriated in Section 1, it is the intention of the Legislature that Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be transferred to the Department of Agriculture and Commerce for the Beaver Control or Eradication Program during the Fiscal Year 2012.

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

(a) Establish a reasonable cost estimate for each project. For purposes of this provision, projects include

preliminary engineering, right-of-way acquisition and construction;

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

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

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

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

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

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

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

SECTION 9. It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to

receive, budget and expend an amount not to exceed Six Million Dollars (\$6,000,000.00) resulting from funds received from third party damages. This escalation authority shall not apply to the "Administrative and Other Expenses" Program or the "Law Enforcement" Program.

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

SECTION 11. It is the intention of the Legislature that the Mississippi Department of Transportation shall have the authority to escalate its budget in the Maintenance Program, with funds which were obligated in Fiscal Year 2011 for maintenance overlay projects and maintenance repair projects but not completed by the end of Fiscal Year 2011, in an amount not to exceed Ten Million Dollars (\$10,000,000.00). Any escalation made from the authority granted in this section shall be reported to the Chairmen of the Appropriations Committees of the Mississippi Senate and the Mississippi House of Representatives, the Chairman of the Highways and Transportation Committee of the Mississippi Senate, the Chairman of the Transportation Committee of the Mississippi House of Representatives, and the Legislative Budget Office, within fifteen (15) working days after said escalation.

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

SECTION 13. It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to escalate its budget for Fiscal Year 2012 for funds appropriated in Fiscal Year 2011 but not expended in Fiscal Year 2011 by the

Mississippi Department of Transportation in the "Capital Outlay-Equipment" and "Vehicles" category in an amount not to exceed Two Million Dollars (\$2,000,000.00) as authorized in House Bill No. 1667, 2010 Regular Session, for Fiscal Year 2011.

SECTION 14. It is the intention of the Legislature that the Mississippi Department of Transportation shall have the authority to escalate its budget and expend funds not to exceed Twenty-five Million Dollars (\$25,000,000.00) received from other public or private entities as reimbursements for payments made on federal projects. This escalation authority shall not apply to the "Administrative and Other Expenses" Program or the "Law Enforcement" Program.

SECTION 15. Of the funds appropriated in Section 1, the Mississippi Department of Transportation is authorized to expend an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) to conduct a study on monorail transportation in Tunica and DeSoto Counties.

SECTION 16. With the funds appropriated in this act, the Mississippi Department of Transportation shall notify members of the Mississippi Senate and House of Representatives upon the award of projects within their respective districts and at least five (5) days prior to a public ceremony announcing the award of any grant in their district or any public announcement of ceremony regarding the groundbreaking or opening of a facility, roadway or bridge for which the Legislature has made funds available. Any signage regarding any public event or any new facility, roadway or bridge shall include the following language: "Funds were made available for this project by the Mississippi State Legislature." Further, the signage shall state the four-year legislative term in which the project was funded.

SECTION 17. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things

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

SECTION 18. The Department of Transportation is hereby authorized to expend available funds on technology or equipment upgrades or replacements when it will generate savings through efficiency or when the savings generated from such upgrades or replacements exceed expenditures thereof.

SECTION 19. It is the intention of the Legislature that the Department of Transportation shall have the authority to escalate its budget and expend funds not to exceed Twenty Million Dollars (\$20,000,000.00) received as reimbursements for payments on project costs associated with Senate Bill No. 3215 of the 2007 Regular Legislative Session. This escalation authority shall not apply to the "Administrative and Other Expenses" Program or the "Law Enforcement" Program.

SECTION 20. Of the funds appropriated in Section 1, the Mississippi Department of Transportation shall expend so much thereof as may be necessary to four-lane Highway 15 in Laurel to the Bay Springs City Limit and three-lane Highway 15 from the Bay Springs City Limit to the Industrial Park in lieu of a bypass.

SECTION 21. Of the funds appropriated in Section 1, Three Hundred Fifty Thousand Dollars (\$350,000.00) shall be used to access federal funds for costs associated with the Rails to Trails Program from Houston, Mississippi, to New Albany, Mississippi.

SECTION 22. It is the intention of the Legislature that of the funds appropriated in Section 1, the Mississippi Department of Transportation shall expend so much thereof as may be necessary for the project known as Government Fleet Road Extension that is designated as the Intermodal Port Connector Route 83, Adams County, Mississippi.

SECTION 23. It is the intention of the Legislature that of the funds appropriated in Section 1, One Hundred Twenty Thousand Dollars (\$120,000.00) shall be used to access federal and local funds for costs associated with the Natchez Trails Project in Natchez, Mississippi, and One Hundred Fifty-five Thousand Dollars (\$155,000.00) shall be used to pay costs associated with the exhibit.

SECTION 24. The Mississippi Department of Transportation is authorized to dispose of or transfer used cell phones that are obsolete or inoperable to cell phone recycling programs dedicated to providing free phone access to United States Military personnel.

SECTION 25. Of the funds appropriated in Section 1, the Mississippi Department of Transportation shall expend so much thereof as may be necessary to acquire land for, and construct, equip and maintain a hospitality station in Wilkinson County, Mississippi, on or along U.S. Highway 61 at or near the Mississippi/Louisiana state line, all in accordance with an agreement entered into and approved by the Mississippi Transportation Commission and the Mississippi Development Authority.

SECTION 26. Of the funds provided herein, it is the intent of the Legislature that in administering Local and Public Agency Projects, the Mississippi Department of Transportation shall follow all applicable federal and state laws.

SECTION 27. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 28. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further,

it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 29. No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 30. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

FY2012

Performance Measures

Target

Maintenance

Overlay (Miles)	500
Mowing (Acres)	320,000
Construction	
Federal Funds Obligated (%)	100.00
Law Enforcement	
Trucks Weighed (Trucks)	6,700,000
Trucks over Axle or Gross (Trucks)	12,500
Weight/Size Permits Authorized (Permits)	155,000
Aeronautics & Rails	
Airports Inspected (Sites)	67
Grade Crossings Inspected (Crossings)	2,710

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2013.

SECTION 31. Of the funds appropriated in Section 1, the Mississippi Department of Transportation shall expend so much thereof as may be necessary to upgrade and maintain Highway 32 in Parchman from Highway 49 West to Highway 61.

SECTION 32. Of the funds appropriated in Section 1, the Mississippi Department of Transportation shall expend so much thereof as may be necessary to install roadway lighting on Highway 82 at the entrance of Mississippi Valley State University in Leflore County.

SECTION 33. Of the funds appropriated in Section 1, the Mississippi Department of Transportation shall expend an amount not to exceed Fifty Thousand Dollars (\$50,000.00) to continue a vehicle tracking system program.

SECTION 34. It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Southern Tractor, Summit, Mississippi, for services in prior fiscal years in an amount not to exceed One Hundred Eighty-five Dollars (\$185.00).

SECTION 35. It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by the City of Pascagoula for work performed in prior fiscal years in amount not to exceed Two Hundred Forty-one Thousand Three Hundred Thirty-two Dollars (\$241,332.00).

SECTION 36. It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Canadian National/Illinois Central Railroad for work performed in prior fiscal years in an amount not to exceed Seventy-nine Thousand Three Hundred Twelve Dollars and Fifty Cents (\$79,312.50).

SECTION 37. It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by the City of Jackson for work performed in prior fiscal years in an amount not to exceed One Hundred Fifty-nine Thousand Eighty-three Dollars (\$159,083.00).

SECTION 38. It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by the City of Gulfport for work performed in prior fiscal years in an amount not to exceed Three Hundred Ninety-four Thousand Thirteen Dollars (\$394,013.00).

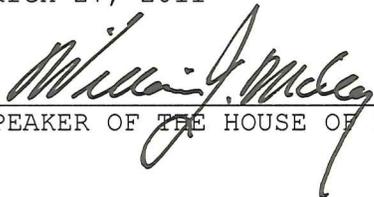
SECTION 39. It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Lower Mississippi By-Way Commission, Inc., for work performed in prior fiscal years in an amount not to exceed Eight Thousand Four Hundred Twenty-nine Dollars and Twenty-five Cents (\$8,429.25).

SECTION 40. It is the intention of the Legislature that the Mississippi Department of Transportation shall have the authority to escalate its budget and expend funds from general obligation bonds issued for highway projects.

SECTION 41. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 42. This act shall take effect and be in force from and after July 1, 2011, with the exception of Sections 34, 35, 36, 37, 38 and 39, which shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2011



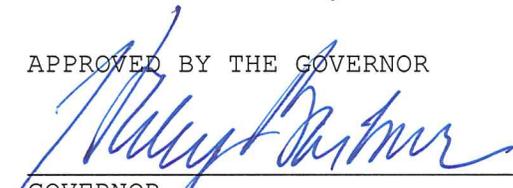
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 27, 2011



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR
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