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Chapter No. 58
12/HR07/A941SG
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HOUSE BILL NO. 1592

Originated in House  Clerk

HOUSE BILL NO. 1592

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 2013; 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, 2012, and ending June 30, 2013
..... \$ 876,467,297.00.

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 2014 do not exceed Fiscal Year 2013 funds appropriated for that purpose, unless programs or positions

are added to the agency's Fiscal Year 2013 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 2013 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 2013 "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	\$ 57,955,624.00
Construction	\$ 534,863,084.00
Maintenance	\$ 180,999,172.00
Debt Service	\$ 53,438,497.00
Law Enforcement	\$ 14,996,870.00
Aeronautics, Rails and other	\$ 34,214,050.00

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 2012. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2014 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 2013 budget request process.

SECTION 5. Of the funds appropriated in Section 1, it is the intention of the Legislature that Six Hundred Fifty Thousand Dollars (\$650,000.00) shall be transferred to the Department of Agriculture and Commerce for the Beaver Control or Eradication Program during the Fiscal Year 2013.

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.

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 2012 for maintenance overlay projects and maintenance repair projects but not completed by the end of Fiscal Year 2012, 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 2013 for funds appropriated in Fiscal Year 2012 but not expended in Fiscal Year 2012 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. 1486, 2011 Regular Session, for Fiscal Year 2012.

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.

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. It is the intention of the Legislature that the Department of Transportation shall have the authority to escalate its budget for funds received in connection with HELP projects authorized in Section 65-1-8(2)(z).

SECTION 19. 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 20. 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 21. 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 22. 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 23. 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 24. 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:

	FY2013
<u>Performance Measures</u>	<u>Target</u>
Maintenance	
Overlay (Miles)	250
Mowing (Acres)	300,000
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)	3,528

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 2014.

SECTION 25. 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 26. 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 27. 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 28. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Verizon Wireless for services in prior fiscal years in an amount not to exceed One Thousand Eight Hundred Fifty-seven Dollars and Twenty-seven Cents (\$1,857.27).

SECTION 29. Of the funds provided herein, it is the intention 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 30. 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 31. It is the intention of the Legislature that with the funds appropriated in Section 1, Fifty Thousand Dollars (\$50,000.00) shall be used for advertising for the agency to promote efforts for safe driving and highway safety for students in schools throughout the state.

SECTION 32. 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 33. This act shall take effect and be in force from

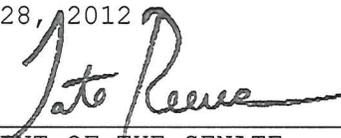
and after July 1, 2012, with the exception of Section 28 which shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 28, 2012



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 28, 2012



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR
5/17/12 12:47pm