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Chapter No. 3
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SENATE BILL NO. 2002

Originated in Senate

Liz Welch

Secretary

SENATE BILL NO. 2002

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 2015; 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 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, 2014, and ending June 30, 2015.....
..... \$ 927,434,559.00.

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	3,432
	Part Time	9
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 2016 do not exceed Fiscal Year 2015 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2015 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 2015 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 2015 "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.

Funds are provided herein for a One Thousand Dollar (\$1,000.00) salary increase for full-time employees, or prorated for part-time employees, which shall be awarded to each employee that has not received a salary increase since July 1, 2010, and that is making an annual salary of less than Thirty Thousand Dollars (\$30,000.00) as of June 30, 2014.

The State Personnel Board shall not approve or process personnel action for any employee unless the employee has not received a salary increase since July 1, 2010, and for such an employee the increased amount shall not exceed five percent (5%); however, the following conditions are to be exempted: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY 2015 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board or any other requested action of the agency that has been specifically authorized by the Legislature.

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	\$ 51,182,345.00
Construction	\$ 578,362,771.00
Maintenance	\$ 184,197,301.00
Debt Service	\$ 65,161,473.00
Law Enforcement	\$ 14,602,589.00
Aeronautics, Rails and other	\$ 33,928,080.00

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 2014. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2016 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 2015 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 2015.

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 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 2014 for maintenance overlay projects and maintenance repair projects but not completed by the end of Fiscal Year 2014, 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 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 authorized to escalate its budget for Fiscal Year 2015 for funds appropriated in Fiscal Year 2014 but not expended in Fiscal Year 2014 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. 1647, 2013 Regular Session, for Fiscal Year 2015.

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 Thirty Million Dollars (\$30,000,000.00) 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. 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 21. 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:

FY2015

Performance Measures

Target

Maintenance

Overlay (Miles)	250
Mowing (Acres)	300,000

Construction

Federal Funds Obligated (%)	100.00
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Law Enforcement

Trucks Weighed (Number)	6,700,000
Trucks over Axle (Number)	5,500
Weight & Size Permits Authorized (Permits)	155,000
Trucks over Gross (Number)	7,000

Aeronautics & Rails

Airports Inspected (Sites)	66
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 2016.

SECTION 22. 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 23. 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 24. 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 25. 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 26. It is the intention of the Legislature that with the funds appropriated in Section 1, One Hundred Thousand Dollars (\$100,000.00) shall be used for advertising through SKOOLADS for the agency to promote efforts for safe driving and highway safety for students in schools throughout the state.

SECTION 27. Of the funds appropriated in Section 1, it is the intention of the Legislature that Eleven Million One Hundred Sixty Thousand One Hundred Fifty-nine Dollars (\$11,160,159.00) shall be used for the rehabilitation, repair and upgrade of Highway 14 at Rolling Fork, Mississippi.

SECTION 28. Of the funds appropriated in Section 1, it is the intention of the Legislature that One Million Six Hundred Thousand Dollars (\$1,600,000.00) shall be used to rehabilitate and repair Parks Road in Drew, Mississippi.

SECTION 29. It is the intention of the Legislature that the Mississippi Department of Transportation shall access available federal funds in addition to Two Million Dollars (\$2,000,000.00)

of the funds appropriated in Section 1 to repair the Woodrow Wilson Bridge in Jackson, Mississippi.

SECTION 30. Of the funds appropriated in Section 1, it is the intention of the Legislature that the Mississippi Department of Transportation shall expend Four Million Dollars (\$4,000,000.00) to upgrade and repair Highway 552 in Claiborne County, Mississippi.

SECTION 31. It is the intention of the Legislature that the Mississippi Department of Transportation shall expend an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) to install flashing lights at the intersection of Highway 450 and Highway 61.

SECTION 32. With the funds appropriated herein, it is the intention of the Legislature that the Mississippi Department of Transportation establish and implement a career ladder for its Office of Enforcement sworn officers at a total cost not to exceed One Million Three Hundred Thousand Dollars (\$1,300,000.00).

SECTION 33. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Fastenal Company, McComb, MS, for services in prior fiscal years in an amount not to exceed Twenty-three Dollars and Twenty-nine Cents (\$23.29).

SECTION 34. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Singing River Electric Company, Hattiesburg,

MS, for services in prior fiscal years in an amount not to exceed Sixty-five Dollars and Eighteen Cents (\$65.18).

SECTION 35. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Ricoh USA, Inc., Dallas, TX, for work performed in prior fiscal years in an amount not to exceed Thirty-five Dollars (\$35.00).

SECTION 36. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Southwest Design & Landscaping, LLC., McComb, MS, for services performed in prior fiscal years in an amount not to exceed One Hundred Eighty Dollars (\$180.00).

SECTION 37. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by the American Red Cross, Chicago, IL, for services performed in prior fiscal years not to exceed Nine Hundred Eighty-eight Dollars (\$988.00).

SECTION 38. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Custom Products Corporation, Jackson, MS, for services performed in prior fiscal years in an amount not to exceed Four Hundred Ninety-two Dollars and Ninety-six Cents (\$492.96).

SECTION 39. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay

invoices submitted by the Tennessee Department of Transportation Finance Division, Nashville, TN, for services performed in prior fiscal years in an amount not to exceed Fifty-six Thousand Five Hundred Fifty-two Dollars and Forty-nine Cents (\$56,552.49).

SECTION 40. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Stuart C. Irby, Jackson, MS, for services performed in prior fiscal years in an amount not to exceed Seventy-five Dollars and Forty-one Cents (\$75.41).

SECTION 41. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by Mississippi Industries for the Blind, Jackson, MS, for services performed in prior fiscal years in an amount not to exceed Five Thousand Eight Hundred Eighty-seven Dollars and Thirty-six Cents (\$5,887.36).

SECTION 42. It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to pay invoices submitted by the United States Department of Agriculture, St. Louis, MO, for services performed in prior fiscal years in an amount not to exceed Eight Hundred Two Dollars and Thirty-nine Cents (\$802.39).

SECTION 43. It is the intention of the Legislature that with the funds appropriated in Section 1, Ten Million Dollars (\$10,000,000.00) shall be used to continue new construction on Highway 82/Leland Greenville Bypass.

SECTION 44. Of the funds appropriated in Section 1, it is the intention of the Legislature that the Mississippi Department of Transportation shall transfer One Hundred Fifty-seven Thousand Eight Hundred Sixty-one Dollars and Thirty Cents (\$157,861.30) to Alcorn County in Fund 341S for the Kimberly Clark Project, Project Number HA-033 under the Mississippi Development Authority Economic Development Highway Program.

SECTION 45. Of the funds appropriated in Section 1, it is the intention of the Legislature that Four Million Dollars (\$4,000,000.00) shall be used for the Interstate 20 South Frontage Road/Railroad Bridge Extension in Warren County.

SECTION 46. Of the funds appropriated in Section 1, it is the intention of the Legislature that Ten Million Dollars (\$10,000,000.00) shall be used for new construction on Highway 25/Lakeland Drive.

SECTION 47. Of the funds appropriated in Section 1, it is the intention of the Legislature that Two Hundred Fifteen Thousand Dollars (\$215,000.00) shall be used for a turn lane and turn-out on Highway 8 in Cleveland, MS, at the Mississippi Grammy Museum.

SECTION 48. Of the funds appropriated in Section 1, it is the intention of the Legislature that an amount not to exceed Two Hundred Seventy-five Thousand Dollars (\$275,000.00) shall be transferred to the Mississippi Development Authority for the maintenance and upkeep, landscaping, security, etc., of the Welcome Center in Natchez, MS.

SECTION 49. Of the funds appropriated herein, it is the intention of the Legislature that the Department of Transportation is authorized to reallocate one (1) PIN to a Historic Resources Specialist III at a total cost not to exceed Fifty Thousand Four Hundred Sixty-seven Dollars (\$50,467.00).

SECTION 50. 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 51. This act shall take effect and be in force from and after July 1, 2014.

PASSED BY THE SENATE
April 4, 2014



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 4, 2014



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR
4/23/14 11:40am