

By: Senator(s) Clarke, Burton,
Simmons (13th), Gollott, Jolly,
Wiggins

To: Appropriations

SENATE BILL NO. 2002

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, FOR THE FISCAL YEAR
4 2015; AND FOR RELATED PURPOSES.

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 appropriated out of any money in the State Treasury
8 to the credit of the Department of Transportation Funds, for the
9 purpose of defraying the administrative expenses of the
10 Mississippi Department of Transportation for the fiscal year
11 beginning July 1, 2014, and ending June 30, 2015.....
12\$ 927,434,559.00.

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, the following positions are authorized:

18 AUTHORIZED POSITIONS:

19 Permanent: Full Time..... 3,432



20	Part Time.....	9
21	Time-Limited: Full Time.....	0
22	Part Time.....	0

23 With the funds herein appropriated, it is the intention of
24 the Legislature that it shall be the agency's responsibility to
25 make certain that funds required to be appropriated for "Personal
26 Services" for Fiscal Year 2016 do not exceed Fiscal Year 2015
27 funds appropriated for that purpose, unless programs or positions
28 are added to the agency's Fiscal Year 2015 budget by the
29 Mississippi Legislature. Based on data provided by the
30 Legislative Budget Office, the State Personnel Board shall
31 determine and publish the projected annual cost to fully fund all
32 appropriated positions in compliance with the provisions of this
33 act. It shall be the responsibility of the agency head to ensure
34 that no single personnel action increases this projected annual
35 cost and/or the Fiscal Year 2015 appropriations for "Personal
36 Services" when annualized, with the exception of escalated funds.
37 If, at the time the agency takes any action to change "Personal
38 Services," the State Personnel Board determines that the agency
39 has taken an action which would cause the agency to exceed this
40 projected annual cost or the Fiscal Year 2015 "Personal Services"
41 appropriated level, when annualized, then only those actions which
42 reduce the projected annual cost and/or the appropriation
43 requirement will be processed by the State Personnel Board until
44 such time as the requirements of this provision are met.



45 Funds are provided herein for a One Thousand Dollar
46 (\$1,000.00) salary increase for full-time employees, or prorated
47 for part-time employees, which shall be awarded to each employee
48 that has not received a salary increase since July 1, 2010, and
49 that is making an annual salary of less than Thirty Thousand
50 Dollars (\$30,000.00) as of June 30, 2014.

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

68 Any transfers or escalations shall be made in accordance with
69 the terms, conditions and procedures established by law or



70 allowable under the terms set forth within this act. The State
71 Personnel Board shall not escalate positions without written
72 approval from the Department of Finance and Administration. The
73 Department of Finance and Administration shall not provide written
74 approval to escalate any funds for salaries and/or positions
75 without proof of availability of new or additional funds above the
76 appropriated level.

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

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

86	Administration and Other Expenses.....	\$ 51,182,345.00
87	Construction.....	\$ 578,362,771.00
88	Maintenance.....	\$ 184,197,301.00
89	Debt Service.....	\$ 65,161,473.00
90	Law Enforcement.....	\$ 14,602,589.00
91	Aeronautics, Rails and other.....	\$ 33,928,080.00

92 **SECTION 4.** It is the intention of the Legislature that the
93 Mississippi Department of Transportation shall maintain complete
94 accounting and personnel records related to the expenditure of all



95 funds appropriated under this act and that such records shall be
96 in the same format and level of detail as maintained for Fiscal
97 Year 2014. It is further the intention of the Legislature that
98 the agency's budget request for Fiscal Year 2016 shall be
99 submitted to the Joint Legislative Budget Committee in a format
100 and level of detail comparable to the format and level of detail
101 provided during the Fiscal Year 2015 budget request process.

102 **SECTION 5.** Of the funds appropriated in Section 1, it is the
103 intention of the Legislature that Six Hundred Fifty Thousand
104 Dollars (\$650,000.00) shall be transferred to the Department of
105 Agriculture and Commerce for the Beaver Control or Eradication
106 Program during the Fiscal Year 2015.

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

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

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



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

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

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

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

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

143 **SECTION 8.** Of the funds appropriated to the Mississippi
144 Department of Transportation, Three Hundred Thousand Dollars



145 (\$300,000.00) shall be used for the Statewide Litter Prevention
146 Program.

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

152 **SECTION 10.** Of the funds appropriated in Section 1, not less
153 than Eighty Million Dollars (\$80,000,000.00) shall be expended for
154 contracted maintenance 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 Maintenance Program, with funds
158 which were obligated in Fiscal Year 2014 for maintenance overlay
159 projects and maintenance repair projects but not completed by the
160 end of Fiscal Year 2014, in an amount not to exceed Ten Million
161 Dollars (\$10,000,000.00). Any escalation made from the authority
162 granted in this section shall be reported to the Chairmen of the
163 Appropriations Committees of the Mississippi Senate and the
164 Mississippi House of Representatives, the Chairman of the Highways
165 and Transportation Committee of the Mississippi Senate, the
166 Chairman of the Transportation Committee of the Mississippi House
167 of Representatives, and the Legislative Budget Office, within
168 fifteen (15) working days after said escalation.



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

176 **SECTION 13.** It is the intention of the Legislature that the
177 Mississippi Department of Transportation is authorized to escalate
178 its budget for Fiscal Year 2015 for funds appropriated in Fiscal
179 Year 2014 but not expended in Fiscal Year 2014 by the Mississippi
180 Department of Transportation in the "Capital Outlay-Equipment" and
181 "Vehicles" category in an amount not to exceed Two Million Dollars
182 (\$2,000,000.00) as authorized in House Bill No. 1647, 2013 Regular
183 Session, for Fiscal Year 2015.

184 **SECTION 14.** It is the intention of the Legislature that the
185 Mississippi Department of Transportation shall have the authority
186 to escalate its budget and expend funds not to exceed Thirty
187 Million Dollars (\$30,000,000.00) received from other public or
188 private entities as reimbursements for payments made on federal
189 projects.

190 **SECTION 15.** Of the funds appropriated in Section 1, the
191 Mississippi Department of Transportation is authorized to expend
192 an amount not to exceed One Hundred Thousand Dollars (\$100,000.00)



193 to conduct a study on monorail transportation in Tunica and DeSoto
194 Counties.

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

208 **SECTION 17.** It is the intention of the Legislature that
209 whenever two (2) or more bids are received by this agency for the
210 purchase of commodities or equipment, and whenever all things
211 stated in such received bids are equal with respect to price,
212 quality and service, the Mississippi Industries for the Blind
213 shall be given preference. A similar preference shall be given to
214 the Mississippi Industries for the Blind whenever purchases are
215 made without competitive bids.

216 **SECTION 18.** It is the intention of the Legislature that the
217 Department of Transportation shall have the authority to escalate



218 its budget for funds received in connection with HELP projects
219 authorized in Section 65-1-8(2) (z).

220 **SECTION 19.** Of the funds appropriated in Section 1, the
221 Mississippi Department of Transportation shall expend so much
222 thereof as may be necessary to four-lane Highway 15 in Laurel to
223 the Bay Springs City Limit and three-lane Highway 15 from the Bay
224 Springs City Limit to the Industrial Park in lieu of a bypass.

225 **SECTION 20.** The Mississippi Department of Transportation is
226 authorized to dispose of or transfer used cell phones that are
227 obsolete or inoperable to cell phone recycling programs dedicated
228 to providing free phone access to United States military
229 personnel.

230 **SECTION 21.** In compliance with the "Mississippi Performance
231 Budget and Strategic Planning Act of 1994," it is the intent of
232 the Legislature that the funds provided herein shall be utilized
233 in the most efficient and effective manner possible to achieve the
234 intended mission of this agency. Based on the funding authorized,
235 this agency shall make every effort to attain the targeted
236 performance measures provided below:

	FY2015
<u>Performance Measures</u>	<u>Target</u>
Maintenance	
Overlay (Miles)	250
Mowing (Acres)	300,000
Construction	



243	Federal Funds Obligated (%)	100.00
244	Law Enforcement	
245	Trucks Weighed (Number)	6,700,000
246	Trucks over Axle (Number)	5,500
247	Weight & Size Permits Authorized (Permits)	155,000
248	Trucks over Gross (Number)	7,000

249 Aeronautics & Rails

250	Airports Inspected (Sites)	66
251	Grade Crossings Inspected (Crossings)	2,710

252 A reporting of the degree to which the performance targets
 253 set above have been or are being achieved shall be provided in the
 254 agency's budget request submitted to the Joint Legislative Budget
 255 Committee for Fiscal Year 2016.

256 **SECTION 22.** Of the funds appropriated in Section 1, the
 257 Mississippi Department of Transportation shall expend so much
 258 thereof as may be necessary to upgrade and maintain Highway 32 in
 259 Parchman from Highway 49 West to Highway 61.

260 **SECTION 23.** It is the intention of the Legislature that the
 261 Mississippi Department of Transportation shall have the authority
 262 to escalate its budget and expend funds from general obligation
 263 bonds issued for highway projects.

264 **SECTION 24.** Of the funds provided herein, it is the
 265 intention of the Legislature that in administering Local and
 266 Public Agency Projects, the Mississippi Department of
 267 Transportation shall follow all applicable federal and state laws.



268 **SECTION 25.** Of the funds appropriated in Section 1, the
269 Mississippi Department of Transportation shall expend an amount
270 not to exceed Fifty Thousand Dollars (\$50,000.00) to continue a
271 vehicle tracking system program.

272 **SECTION 26.** It is the intention of the Legislature that with
273 the funds appropriated in Section 1, One Hundred Thousand Dollars
274 (\$100,000.00) shall be used for advertising through SKOOLADS for
275 the agency to promote efforts for safe driving and highway safety
276 for students in schools throughout the state.

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

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

286 **SECTION 29.** It is the intention of the Legislature that the
287 Mississippi Department of Transportation shall access available
288 federal funds in addition to Two Million Dollars (\$2,000,000.00)
289 of the funds appropriated in Section 1 to repair the Woodrow
290 Wilson Bridge in Jackson, Mississippi.

291 **SECTION 30.** Of the funds appropriated in Section 1, it is
292 the intention of the Legislature that the Mississippi Department



293 of Transportation shall expend Four Million Dollars
294 (\$4,000,000.00) to upgrade and repair Highway 552 in Claiborne
295 County, Mississippi.

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

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

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

311 **SECTION 34.** It is the intention of the Legislature that the
312 Mississippi Department of Transportation is authorized to pay
313 invoices submitted by Singing River Electric Company, Hattiesburg,
314 MS, for services in prior fiscal years in an amount not to exceed
315 Sixty-five Dollars and Eighteen Cents (\$65.18).

316 **SECTION 35.** It is the intention of the Legislature that the
317 Mississippi Department of Transportation is authorized to pay



318 invoices submitted by Ricoh USA, Inc., Dallas, TX, for work
319 performed in prior fiscal years in an amount not to exceed
320 Thirty-five Dollars (\$35.00).

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

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

331 **SECTION 38.** It is the intention of the Legislature that the
332 Mississippi Department of Transportation is authorized to pay
333 invoices submitted by Custom Products Corporation, Jackson, MS,
334 for services performed in prior fiscal years in an amount not to
335 exceed Four Hundred Ninety-two Dollars and Ninety-six Cents
336 (\$492.96).

337 **SECTION 39.** It is the intention of the Legislature that the
338 Mississippi Department of Transportation is authorized to pay
339 invoices submitted by the Tennessee Department of Transportation
340 Finance Division, Nashville, TN, for services performed in prior
341 fiscal years in an amount not to exceed Fifty-six Thousand Five
342 Hundred Fifty-two Dollars and Forty-nine Cents (\$56,552.49).



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

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

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

360 **SECTION 43.** It is the intention of the Legislature that with
361 the funds appropriated in Section 1, Ten Million Dollars
362 (\$10,000,000.00) shall be used to continue new construction on
363 Highway 82/Leland Greenville Bypass.

364 **SECTION 44.** Of the funds appropriated in Section 1, it is
365 the intention of the Legislature that the Mississippi Department
366 of Transportation shall transfer One Hundred Fifty-seven Thousand
367 Eight Hundred Sixty-one Dollars and Thirty Cents (\$157,861.30) to



368 Alcorn County in Fund 341S for the Kimberly Clark Project, Project
369 Number HA-033 under the Mississippi Development Authority Economic
370 Development Highway Program.

371 **SECTION 45.** Of the funds appropriated in Section 1, it is
372 the intention of the Legislature that Four Million Dollars
373 (\$4,000,000.00) shall be used for the Interstate 20 South Frontage
374 Road/Railroad Bridge Extension in Warren County.

375 **SECTION 46.** Of the funds appropriated in Section 1, it is
376 the intention of the Legislature that Ten Million Dollars
377 (\$10,000,000.00) shall be used for new construction on Highway
378 25/Lakeland Drive.

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

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

389 **SECTION 49.** Of the funds appropriated herein, it is the
390 intention of the Legislature that the Department of Transportation
391 is authorized to reallocate one (1) PIN to a Historic Resources



392 Specialist III at a total cost not to exceed Fifty Thousand Four
393 Hundred Sixty-seven Dollars (\$50,467.00).

394 **SECTION 50.** The money herein appropriated shall be paid by
395 the State Treasurer out of any money in the State Treasury to the
396 credit of the proper fund or funds as set forth in this act, upon
397 warrants issued by the State Fiscal Officer; and the State Fiscal
398 Officer shall issue his warrants upon requisitions signed by the
399 proper person, officer or officers, in the manner provided by law.

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

