

By: Representatives Read, Busby, Arnold, Baker, Baria, Barker, Bennett, Bounds, Brown, Clarke, Currie, DeLano, Denny, Gipson, Huddleston (30th), Monsour, Moore, Myers, Staples, Thomas, Turner

To: Appropriations

HOUSE BILL NO. 1509

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 2018; 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, 2017, and ending June 30, 2018.....
12\$ 1,174,539,492.00.

13 **SECTION 2.** Of the funds appropriated under the provisions of
14 this act, not more than the following amount shall be expended for
15 Salaries, Wages and Fringe Benefits.....\$ 156,802,468.00.

16 The following offices are supported by the funds appropriated
17 in Section 1: The Office of Administrative Services, the Office
18 of Highways, the Office of Aeronautics and Rails and the Office of



19 Enforcement. Of the funds appropriated under the provisions of
20 Section 1, the following positions are authorized:

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	3,279
23		Part Time.....	9
24	Time-Limited:	Full Time.....	0
25		Part Time.....	0

26 With the funds herein appropriated, it shall be the agency's
27 responsibility to make certain that funds required to be
28 appropriated for "Personal Services" for Fiscal Year 2019 do not
29 exceed Fiscal Year 2018 funds appropriated for that purpose,
30 unless programs or positions are added to the agency's Fiscal Year
31 2018 budget by the Mississippi Legislature. Based on data
32 provided by the Legislative Budget Office, the State Personnel
33 Board shall determine and publish the projected annual cost to
34 fully fund all appropriated positions in compliance with the
35 provisions of this act. It shall be the responsibility of the
36 agency head to ensure that no single personnel action increases
37 this projected annual cost and/or the Fiscal Year 2018
38 appropriations for "Personal Services" when annualized, with the
39 exception of escalated funds and the award of benchmarks. If, at
40 the time the agency takes any action to change "Personal
41 Services," the State Personnel Board determines that the agency
42 has taken an action which would cause the agency to exceed this
43 projected annual cost or the Fiscal Year 2018 "Personal Services"



44 appropriated level, when annualized, then only those actions which
45 reduce the projected annual cost and/or the appropriation
46 requirement will be processed by the State Personnel Board until
47 such time as the requirements of this provision are met.

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

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

61 None of the funds herein appropriated shall be used in
62 violation of Internal Revenue Service's Publication 15-A relating
63 to the reporting of income paid to contract employees, as
64 interpreted by the Office of the State Auditor.

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



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

70	Administration and Other Expenses.....	\$ 52,423,210.00
71	Construction.....	\$ 781,762,355.00
72	Maintenance.....	\$ 215,603,882.00
73	Debt Service.....	\$ 77,249,630.00
74	Law Enforcement.....	\$ 15,079,979.00
75	Aeronautics, Rails and other.....	\$ 32,420,436.00

76 **SECTION 4.** It is the intention of the Legislature that the
77 Mississippi Department of Transportation shall maintain complete
78 accounting and personnel records related to the expenditure of all
79 funds appropriated under this act and that such records shall be
80 in the same format and level of detail as maintained for Fiscal
81 Year 2017. It is further the intention of the Legislature that
82 the agency's budget request for Fiscal Year 2019 shall be
83 submitted to the Joint Legislative Budget Committee in a format
84 and level of detail comparable to the format and level of detail
85 provided during the Fiscal Year 2018 budget request process.

86 **SECTION 5.** Of the funds appropriated in Section 1, it is the
87 intention of the Legislature that Six Hundred Fifty Thousand
88 Dollars (\$650,000.00) shall be transferred to the Department of
89 Agriculture and Commerce for the Beaver Control or Eradication
90 Program during the Fiscal Year 2018.

91 **SECTION 6.** Of the funds appropriated in Section 1 of this
92 act, the Mississippi Department of Transportation shall expend



93 such funds as necessary to conduct project planning. Such project
94 planning shall apply to all preliminary engineering, right-of-way
95 acquisition and construction projects of the department and, at a
96 minimum, shall consist of policies for the oversight and
97 management of project cost which:

98 (a) Establish a reasonable cost estimate for each
99 project. For purposes of this provision, projects include
100 preliminary engineering, right-of-way acquisition and
101 construction;

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

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

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

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



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

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

127 **SECTION 8.** Of the funds appropriated to the Mississippi
128 Department of Transportation, Three Hundred Thousand Dollars
129 (\$300,000.00) shall be used for the Statewide Litter Prevention
130 Program.

131 **SECTION 9.** It is the intention of the Legislature that the
132 Mississippi Department of Transportation is authorized to expend
133 an amount not to exceed Six Million Dollars (\$6,000,000.00)
134 received from third-party damages.

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

138 **SECTION 11.** It is the intention of the Legislature that the
139 Mississippi Department of Transportation is authorized to expend
140 with funds which were obligated in Fiscal Year 2017 for
141 maintenance overlay projects and maintenance repair projects but



142 not completed by the end of Fiscal Year 2017, in an amount not to
143 exceed Ten Million Dollars (\$10,000,000.00).

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

151 **SECTION 13.** It is the intention of the Legislature that the
152 Mississippi Department of Transportation is authorized to expend
153 funds which were obligated in Fiscal Year 2017 but not expended in
154 2017 in the "Capital Outlay-Equipment" category in an amount not
155 to exceed Two Million Dollars (\$2,000,000.00) as authorized in HB
156 1648, 2016 Regular Session, for Fiscal Year 2018.

157 **SECTION 14.** It is the intention of the Legislature that the
158 Mississippi Department of Transportation is authorized to expend
159 an amount not to exceed Thirty Million Dollars (\$30,000,000.00)
160 received from other public or private entities as reimbursements
161 for payments made on federal projects.

162 **SECTION 15.** With the funds appropriated in this act, the
163 Mississippi Department of Transportation shall notify members of
164 the Mississippi Senate and House of Representatives upon the award
165 of projects within their respective districts and at least five
166 (5) days prior to a public ceremony announcing the award of any



167 grant in their district or any public announcement of ceremony
168 regarding the groundbreaking or opening of a facility, roadway or
169 bridge for which the Legislature has made funds available. Any
170 signage regarding any public event or any new facility, roadway or
171 bridge shall include the following language: "Funds were made
172 available for this project by the Mississippi State Legislature."
173 Further, the signage shall state the four-year legislative term in
174 which the project was funded.

175 **SECTION 16.** It is the intention of the Legislature that
176 whenever two (2) or more bids are received by this agency for the
177 purchase of commodities or equipment, and whenever all things
178 stated in such received bids are equal with respect to price,
179 quality and service, the Mississippi Industries for the Blind
180 shall be given preference. A similar preference shall be given to
181 the Mississippi Industries for the Blind whenever purchases are
182 made without competitive bids.

183 **SECTION 17.** The Mississippi Department of Transportation is
184 authorized to dispose of or transfer used cell phones that are
185 obsolete or inoperable to cell phone recycling programs dedicated
186 to providing free phone access to United States military
187 personnel.

188 **SECTION 18.** In compliance with the "Mississippi Performance
189 Budget and Strategic Planning Act of 1994," it is the intent of
190 the Legislature that the funds provided herein shall be utilized
191 in the most efficient and effective manner possible to achieve the



192 intended mission of this agency. Based on the funding authorized,
193 this agency shall make every effort to attain the targeted
194 performance measures provided below:

195		FY2018
196	<u>Performance Measures</u>	<u>Target</u>
197	Maintenance	
198	Total Acres Mowed (First & Subsequent) (Num)	300,000
199	Percentage Increase of Acreage Mowed	
200	(Not Mowing Same Acreage Multiple Times)	0.47
201	Reduce Number of Fatalities on Roadways	
202	Baseline: 525 or Less Fatalities	610
203	Percent Decrease in State-Maintained Lane	
204	Miles Needing Repair or Rehabilitation	1.50
205	Percent of Pavement Needs Met Annually	5.00
206	Percent of Interstate Lane-miles with an	
207	Acceptable Pavement Condition Rating	38.00
208	Percent of 4 Lane Highway Lane-miles with	
209	an Acceptable Pavement Condition Rating	71.00
210	Percent of 2 Lane Highway Lane-miles with	
211	an Acceptable Pavement Condition Rating	54.00
212	Cost per Mile to Maintain State Highways (\$)	18,914.00
213	Number of Structurally Deficient Bridges	215.00
214	Bridge Replacement Cost Per Sq Ft (\$)	80.00
215	Construction	
216	Percentage of Miles of State Maintained	



217	Highways that Meet MDOT Thresholds	
218	for Congestion (%)	1.40
219	Miles of State Maintained Highways Requiring	
220	Additional Capacity (Num of Lane Miles)	153.00
221	Cost per Mile to Construct State Highways	10,210,000.00
222	Administration & Other	
223	Administration as a Percent of Total Budget	5.00
224	GO-MDOT - Total Number of Page Views	245,000
225	Percent Increase in Utilization of	
226	MDOTTTRAFFIC.COM Website	10.00
227	Bonded Debt Service	
228	Amount of Funds Invested For Adding Capacity	0.00
229	Law Enforcement	
230	Trucks Weighed (Number)	6,700,000
231	Trucks Over Axle (Number)	5,500
232	Weight & Size Permits Authorized (Permits)	155,000
233	Trucks Over Gross (Number)	7,000
234	Percent of Vehicles Inspected Exceeding	
235	Restricted Weight Limits	0.00
236	Aeronautics & Rails	
237	Airports Inspected (Sites)	68
238	Grade Crossings Inspected (Crossings)	2,710
239	Percentage of Airports Passing Inspection (%)	100.00
240	A reporting of the degree to which the performance targets	
241	set above have been or are being achieved shall be provided in the	



242 agency's budget request submitted to the Joint Legislative Budget
243 Committee for Fiscal Year 2019.

244 **SECTION 19.** Of the funds provided herein, it is the
245 intention of the Legislature that in administering Local and
246 Public Agency Projects, the Mississippi Department of
247 Transportation shall follow all applicable federal and state laws.

248 **SECTION 20.** It is the intention of the Legislature that the
249 Mississippi State Department of Transportation is authorized to
250 pay invoices submitted by the Mississippi Department of Health
251 Boiler and Pressure Vessel Safety Branch, Ridgeland, Mississippi,
252 for services in prior fiscal years in an amount not to exceed
253 Sixty Dollars (\$60.00).

254 **SECTION 21.** It is the intention of the Legislature that the
255 Mississippi Department of Transportation is authorized to pay
256 invoices submitted by FedEx, Dallas, Texas for services in prior
257 fiscal years in an amount not to exceed Thirty-six Dollars and
258 One Cent (\$36.01).

259 **SECTION 22.** It is the intention of the Legislature that the
260 Mississippi Department of Transportation is authorized to pay
261 invoices submitted by Entergy, Baton Rouge, Louisiana, for
262 services performed in prior fiscal years in an amount not to
263 exceed Thirty-six Thousand One Hundred Eighty-nine Dollars and
264 Thirty Cents (\$36,189.30).

265 **SECTION 23.** It is the intention of the Legislature that the
266 Mississippi Department of Transportation is authorized to pay



267 invoices submitted by Canton Municipal Utilities, Canton,
268 Mississippi, for services performed in prior fiscal years in an
269 amount not to exceed Three Hundred Six Dollars and Forty-six Cents
270 (\$306.46).

271 **SECTION 24.** It is the intention of the Legislature that the
272 Mississippi Department of Transportation is authorized to pay
273 invoices submitted by Pike County Circuit Clerk, McComb,
274 Mississippi, for services performed in prior fiscal years not to
275 exceed Fifteen Dollars (\$15.00).

276 **SECTION 25.** It is the intention of the Legislature that the
277 Department of Transportation is authorized to expend an amount not
278 to exceed Two Hundred Million Dollars (\$200,000,000.00) received
279 in connection with HELP projects as authorized in Section
280 65-1-8(2)(z) and from general obligation bonds issued for highway
281 projects.

282 **SECTION 26.** With the funds herein appropriated to develop
283 and implement a special compensation plan based on experience and
284 training pay increments of five percent (5%) for DOT Enforcement
285 Officer V, DOT Enforcement Officer Specialist, DOT Enforcement
286 Officer Supervisor and DOT Enforcement Officer Commander.

287 **SECTION 27.** The money herein appropriated shall be paid by
288 the State Treasurer out of any money in the State Treasury to the
289 credit of the proper fund or funds as set forth in this act, upon
290 warrants issued by the State Fiscal Officer; and the State Fiscal



291 Officer shall issue his warrants upon requisitions signed by the
292 proper person, officer or officers, in the manner provided by law.

293 **SECTION 28.** This act shall take effect and be in force from
294 and after July 1, 2017, and shall stand repealed June 30, 2017,
295 except for Sections 20, 21, 22, 23, and 24 which shall take effect
296 and be in force from and after passage.

