

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. 2

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\$ 1,200,000,000.00.

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..... 3,384



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

23 With the funds herein appropriated, it shall be the agency's
24 responsibility to make certain that funds required to be
25 appropriated for "Personal Services" for Fiscal Year 2019 do not
26 exceed Fiscal Year 2018 funds appropriated for that purpose,
27 unless programs or positions are added to the agency's Fiscal Year
28 2018 budget by the Mississippi Legislature. Based on data
29 provided by the Legislative Budget Office, the State Personnel
30 Board shall determine and publish the projected annual cost to
31 fully fund all appropriated positions in compliance with the
32 provisions of this act. It shall be the responsibility of the
33 agency head to ensure that no single personnel action increases
34 this projected annual cost and/or the Fiscal Year 2018
35 appropriations for "Personal Services" when annualized, with the
36 exception of escalated funds and the award of benchmarks. If, at
37 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 2018 "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 Any transfers or escalations shall be made in accordance with
46 the terms, conditions and procedures established by law or
47 allowable under the terms set forth within this act. The State
48 Personnel Board shall not escalate positions without written
49 approval from the Department of Finance and Administration. The
50 Department of Finance and Administration shall not provide written
51 approval to escalate any funds for salaries and/or positions
52 without proof of availability of new or additional funds above the
53 appropriated level.

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57 act and which are withdrawn and no longer available.

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

62 **SECTION 3.** Of the funds appropriated to the Mississippi
63 Department of Transportation under the provisions of Section 1,
64 the following amounts shall be available for expenditure in the
65 program budgets as required by Section 27-103-127, Mississippi
66 Code of 1972:

67 Administration and Other Expenses.....	\$ 59,182,330.00
68 Construction.....	\$ 793,738,052.00
69 Maintenance.....	\$ 216,000,000.00



70 Debt Service.....\$ 81,255,618.00
71 Law Enforcement.....\$ 15,552,500.00
72 Aeronautics, Rails and other.....\$ 34,271,500.00

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

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

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



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

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

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

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

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

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

117 (b) The commission, within ten (10) working days after
118 entry of its explanation and justification upon its minutes, gives
119 notice, by United States First Class Mail, and provides a copy of



120 such entry upon its minutes, to the Chairman of the Transportation
121 Committee of the Mississippi House of Representatives and the
122 Chairman of the Mississippi Senate Highways and Transportation
123 Committee.

124 **SECTION 8.** Of the funds appropriated to the Mississippi
125 Department of Transportation, Three Hundred Thousand Dollars
126 (\$300,000.00) shall be used for the Statewide Litter Prevention
127 Program.

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

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

135 **SECTION 11.** It is the intention of the Legislature that the
136 Mississippi Department of Transportation is authorized to expend
137 with funds which were obligated in Fiscal Year 2017 for
138 maintenance overlay projects and maintenance repair projects but
139 not completed by the end of Fiscal Year 2017, in an amount not to
140 exceed Ten Million Dollars (\$10,000,000.00).

141 **SECTION 12.** It is the intention of the Legislature that the
142 Mississippi Department of Transportation is authorized to transfer
143 between the various programs in an amount not to exceed ten
144 percent (10%) of the amount allocated in Section 3, except that no



145 transfers shall be authorized which increase the "Administrative
146 and Other Expenses" Program or the "Law Enforcement" Program or
147 which decrease the "Maintenance" Program.

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

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

159 **SECTION 15.** With the funds appropriated in this act, the
160 Mississippi Department of Transportation shall notify members of
161 the Mississippi Senate and House of Representatives upon the award
162 of projects within their respective districts and at least five
163 (5) days prior to a public ceremony announcing the award of any
164 grant in their district or any public announcement of ceremony
165 regarding the groundbreaking or opening of a facility, roadway or
166 bridge for which the Legislature has made funds available. Any
167 signage regarding any public event or any new facility, roadway or
168 bridge shall include the following language: "Funds were made
169 available for this project by the Mississippi State Legislature."



170 Further, the signage shall state the four-year legislative term in
171 which the project was funded.

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

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

185 **SECTION 18.** In compliance with the "Mississippi Performance
186 Budget and Strategic Planning Act of 1994," it is the intent of
187 the Legislature that the funds provided herein shall be utilized
188 in the most efficient and effective manner possible to achieve the
189 intended mission of this agency. Based on the funding authorized,
190 this agency shall make every effort to attain the targeted
191 performance measures provided below:

192		FY2018
193	<u>Performance Measures</u>	<u>Target</u>
194	Maintenance	



195	Total Acres Mowed (First & Subsequent) (Num)	300,000
196	Percentage Increase of Acreage Mowed	
197	(Not Mowing Same Acreage Multiple Times)	0.47
198	Reduce Number of Fatalities on Roadways	
199	Baseline: 525 or Less Fatalities	610
200	Percent Decrease in State-Maintained Lane	
201	Miles Needing Repair or Rehabilitation	1.50
202	Percent of Pavement Needs Met Annually	5.00
203	Percent of Interstate Lane-miles with an	
204	Acceptable Pavement Condition Rating	38.00
205	Percent of 4 Lane Highway Lane-miles with	
206	an Acceptable Pavement Condition Rating	71.00
207	Percent of 2 Lane Highway Lane-miles with	
208	an Acceptable Pavement Condition Rating	54.00
209	Cost per Mile to Maintain State Highways (\$)	18,914.00
210	Number of Structurally Deficient Bridges	215.00
211	Bridge Replacement Cost Per Sq Ft (\$)	80.00
212	Construction	
213	Percentage of Miles of State Maintained	
214	Highways that Meet MDOT Thresholds	
215	for Congestion (%)	1.40
216	Miles of State Maintained Highways Requiring	
217	Additional Capacity (Num of Lane Miles)	153.00
218	Cost per Mile to Construct State Highways	10,210,000.00
219	Administration & Other	



220	Administration as a Percent of Total Budget	5.00
221	GO-MDOT - Total Number of Page Views	245,000
222	Percent Increase in Utilization of	
223	MDOTTTRAFFIC.COM Website	10.00
224	Bonded Debt Service	
225	Amount of Funds Invested For Adding Capacity	0.00
226	Law Enforcement	
227	Trucks Weighed (Number)	6,700,000
228	Trucks Over Axle (Number)	5,500
229	Weight & Size Permits Authorized (Permits)	155,000
230	Trucks Over Gross (Number)	7,000
231	Percent of Vehicles Inspected Exceeding	
232	Restricted Weight Limits	0.00
233	Aeronautics & Rails	
234	Airports Inspected (Sites)	68
235	Grade Crossings Inspected (Crossings)	2,710
236	Percentage of Airports Passing Inspection (%)	100.00
237	A reporting of the degree to which the performance targets	
238	set above have been or are being achieved shall be provided in the	
239	agency's budget request submitted to the Joint Legislative Budget	
240	Committee for Fiscal Year 2019.	
241	SECTION 19. Of the funds provided herein, it is the	
242	intention of the Legislature that in administering Local and	
243	Public Agency Projects, the Mississippi Department of	
244	Transportation shall follow all applicable federal and state laws.	



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

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

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

262 **SECTION 23.** It is the intention of the Legislature that the
263 Mississippi Department of Transportation is authorized to pay
264 invoices submitted by Canton Municipal Utilities, Canton,
265 Mississippi, for services performed in prior fiscal years in an
266 amount not to exceed Three Hundred Six Dollars and Forty-six Cents
267 (\$306.46).

268 **SECTION 24.** It is the intention of the Legislature that the
269 Mississippi Department of Transportation is authorized to pay



