

By: Representatives Read, Busby, Arnold, Baker, Baria, Barton, Bennett, Bounds, Boyd, Brown, Clarke, Currie, DeLano, Gipson, Huddleston (30th), Massengill, Myers, Staples, Thomas, Turner

To: Appropriations

HOUSE BILL NO. 1597  
(As Sent to Governor)

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 2019; 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, 2018, and ending June 30, 2019.....  
12 .....\$ 1,103,247,415.00.

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 2020 do not  
26 exceed Fiscal Year 2019 funds appropriated for that purpose,  
27 unless programs or positions are added to the agency's Fiscal Year  
28 2019 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 2019  
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 2019 "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.....	\$ 54,196,784.00
68 Construction.....	\$ 712,208,735.00
69 Maintenance.....	\$ 210,081,444.00



70 Debt Service.....\$ 76,488,121.00  
71 Law Enforcement.....\$ 15,999,379.00  
72 Aeronautics, Rails and other.....\$ 34,272,952.00

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 2018. It is further the intention of the Legislature that  
79 the agency's budget request for Fiscal Year 2020 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 2019 budget request process.

83 With the funds herein appropriated, it shall be the agency's  
84 responsibility to make certain that funds required to be  
85 appropriated for "Personal Services" for Fiscal Year 2020 do not  
86 exceed Fiscal Year 2019 funds appropriated for that purpose,  
87 unless programs or positions are added to the agency's Fiscal Year  
88 2019 budget by the Mississippi Legislature. Based on data  
89 provided by the Legislative Budget Office, the State Personnel  
90 Board shall determine and publish the projected annual cost to  
91 fully fund all appropriated positions in compliance with the  
92 provisions of this act. It shall be the responsibility of the  
93 agency head to ensure that no single personnel action increases  
94 this projected annual cost and/or the Fiscal Year 2019



95 appropriations for "Personal Services" when annualized, with the  
96 exception of escalated funds and the award of benchmarks. If, at  
97 the time the agency takes any action to change "Personal  
98 Services," the State Personnel Board determines that the agency  
99 has taken an action which would cause the agency to exceed this  
100 projected annual cost or the Fiscal Year 2019 "Personal Services"  
101 appropriated level, when annualized, then only those actions which  
102 reduce the projected annual cost and/or the appropriation  
103 requirement will be processed by the State Personnel Board until  
104 such time as the requirements of this provision are met.

105 Any transfers or escalations shall be made in accordance with  
106 the terms, conditions and procedures established by law or  
107 allowable under the terms set forth within this act. The State  
108 Personnel Board shall not escalate positions without written  
109 approval from the Department of Finance and Administration. The  
110 Department of Finance and Administration shall not provide written  
111 approval to escalate any funds for salaries and/or positions  
112 without proof of availability of new or additional funds above the  
113 appropriated level.

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

118 None of the funds herein appropriated shall be used in  
119 violation of Internal Revenue Service's Publication 15-A relating



120 to the reporting of income paid to contract employees, as  
121 interpreted by the Office of the State Auditor.

122         **SECTION 5.** Of the funds appropriated in Section 1, it is the  
123 intention of the Legislature that Six Hundred Fifty Thousand  
124 Dollars (\$650,000.00) shall be transferred to the Department of  
125 Agriculture and Commerce for the Beaver Control or Eradication  
126 Program during the Fiscal Year 2019.

127         **SECTION 6.** Of the funds appropriated in Section 1 of this  
128 act, the Mississippi Department of Transportation shall expend  
129 such funds as necessary to conduct project planning. Such project  
130 planning shall apply to all preliminary engineering, right-of-way  
131 acquisition and construction projects of the department and, at a  
132 minimum, shall consist of policies for the oversight and  
133 management of project cost which:

134                 (a) Establish a reasonable cost estimate for each  
135 project. For purposes of this provision, projects include  
136 preliminary engineering, right-of-way acquisition and  
137 construction;

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

140                 (c) Require that any changes to a cost estimate for a  
141 project will be reviewed and approved by district or central  
142 office personnel. Such personnel shall be responsible for signing  
143 any revision, and providing a narrative description of the reasons  
144 for approving a revision;



145 (d) Capture the cost of consultants, engineers,  
146 attorneys, contract appraisers and other technical and  
147 professional contractors used in preliminary engineering,  
148 right-of-way acquisition and construction projects.

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

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

156 (b) The commission, within ten (10) working days after  
157 entry of its explanation and justification upon its minutes, gives  
158 notice, by United States First Class Mail, and provides a copy of  
159 such entry upon its minutes, to the Chairman of the Transportation  
160 Committee of the Mississippi House of Representatives and the  
161 Chairman of the Mississippi Senate Highways and Transportation  
162 Committee.

163 **SECTION 8.** Of the funds appropriated to the Mississippi  
164 Department of Transportation, Three Hundred Thousand Dollars  
165 (\$300,000.00) shall be used for the Statewide Litter Prevention  
166 Program.

167 **SECTION 9.** It is the intention of the Legislature that the  
168 Mississippi Department of Transportation is authorized to expend



169 an amount not to exceed Six Million Dollars (\$6,000,000.00)  
170 received from third-party damages.

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

174 **SECTION 11.** It is the intention of the Legislature that the  
175 Mississippi Department of Transportation is authorized to expend  
176 with funds which were obligated in Fiscal Year 2018 for  
177 maintenance overlay projects and maintenance repair projects but  
178 not completed by the end of Fiscal Year 2018, in an amount not to  
179 exceed Ten Million Dollars (\$10,000,000.00).

180 **SECTION 12.** It is the intention of the Legislature that the  
181 Mississippi Department of Transportation is authorized to transfer  
182 between the various programs in an amount not to exceed ten  
183 percent (10%) of the amount allocated in Section 3, except that no  
184 transfers shall be authorized which increase the "Administrative  
185 and Other Expenses" Program or the "Law Enforcement" Program or  
186 which decrease the "Maintenance" Program.

187 **SECTION 13.** It is the intention of the Legislature that the  
188 Mississippi Department of Transportation is authorized to expend  
189 funds which were obligated in Fiscal Year 2018 but not expended in  
190 2018 in the "Capital Outlay-Equipment" category in an amount not  
191 to exceed Two Million Dollars (\$2,000,000.00) as authorized in HB  
192 2, 2017 First Extraordinary Session, for Fiscal Year 2018.





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

198           **SECTION 15.** With the funds appropriated in this act, the  
199 Mississippi Department of Transportation shall notify members of  
200 the Mississippi Senate and House of Representatives upon the award  
201 of projects within their respective districts and at least five  
202 (5) days prior to a public ceremony announcing the award of any  
203 grant in their district or any public announcement of ceremony  
204 regarding the groundbreaking or opening of a facility, roadway or  
205 bridge for which the Legislature has made funds available. Any  
206 signage regarding any public event or any new facility, roadway or  
207 bridge shall include the following language: "Funds were made  
208 available for this project by the Mississippi State Legislature."  
209 Further, the signage shall state the four-year legislative term in  
210 which the project was funded.

211           **SECTION 16.** It is the intention of the Legislature that  
212 whenever two (2) or more bids are received by this agency for the  
213 purchase of commodities or equipment, and whenever all things  
214 stated in such received bids are equal with respect to price,  
215 quality and service, the Mississippi Industries for the Blind  
216 shall be given preference. A similar preference shall be given to



217 the Mississippi Industries for the Blind whenever purchases are  
218 made without competitive bids.

219 **SECTION 17.** The Mississippi Department of Transportation is  
220 authorized to dispose of or transfer used cell phones that are  
221 obsolete or inoperable to cell phone recycling programs dedicated  
222 to providing free phone access to United States military  
223 personnel.

224 **SECTION 18.** In compliance with the "Mississippi Performance  
225 Budget and Strategic Planning Act of 1994," it is the intent of  
226 the Legislature that the funds provided herein shall be utilized  
227 in the most efficient and effective manner possible to achieve the  
228 intended mission of this agency. Based on the funding authorized,  
229 this agency shall make every effort to attain the targeted  
230 performance measures provided below:

	FY2019
<u>Performance Measures</u>	<u>Target</u>
Maintenance	
Total Acres Mowed (First & Subsequent) (Num)	290,000
Percentage Increase of Acreage Mowed (Not Mowing Same Acreage Multiple Times)	0.48
Reduce Number of Fatalities on Roadways	
Baseline: 525 or Less Fatalities	716
Percent Decrease in State-Maintained Lane Miles Needing Repair or Rehabilitation (%)	1.50
Percent of Pavement Needs Met Annually (%)	0.05



242	Percent of Interstate Lane-miles with an	
243	Acceptable Pavement Condition Rating (%)	38.00
244	Percent of 4 Lane Highway Lane-miles with	
245	an Acceptable Pavement Condition Rating(%)	71.00
246	Percent of 2 Lane Highway Lane-miles with	
247	an Acceptable Pavement Condition Rating(%)	54.00
248	Cost per Mile to Maintain State Highways (\$)	23,597.00
249	Number of Structurally Deficient Bridges	205
250	Bridge Replacement Cost Per Sq Ft (\$)	80.00
251	Construction	
252	Percentage of Miles of State Maintained	
253	Highways that Meet MDOT Thresholds	
254	for Congestion (%)	2.07
255	Miles of State Maintained Highways Requiring	
256	Additional Capacity (Num of Lane Miles)	223.22
257	Cost per Mile to Construct State Highways	10,210,000.00
258	Administration & Other	
259	Administration as a Percent of Total Budget	4.93
260	GO-MDOT - Total Number of Page Views	1,135,737
261	Percent Increase in Utilization of	
262	MDOTTTRAFFIC.COM Website (%)	10.00
263	Bonded Debt Service	
264	Amount of Funds Invested For Adding Capacity	20,000,000.00
265	Law Enforcement	
266	Trucks Weighed (Number Of)	6,200,000



267	Trucks Over Axle (Number of)	5,500
268	Weight & Size Permits Authorized (Permits)	155,000
269	Trucks Over Gross (Number Of)	6,200
270	Percent of Vehicles Inspected Exceeding	
271	Restricted Weight Limits (%)	0.40

272 Aeronautics & Rails

273	Airports Inspected (Sites)	68
274	Grade Crossings Inspected (Number Of)	2,710
275	Percentage of Airports Passing Inspection (%)	100.00

276 A reporting of the degree to which the performance targets  
 277 set above have been or are being achieved shall be provided in the  
 278 agency's budget request submitted to the Joint Legislative Budget  
 279 Committee for Fiscal Year 2020.

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

284       **SECTION 20.** It is the intention of the Legislature that the  
 285 Mississippi State Department of Transportation is authorized to  
 286 pay invoices submitted by CUI Security, Kansas City, Missouri, for  
 287 services in prior fiscal years in an amount not to exceed One  
 288 Hundred Ten Dollars (\$110.00).

289       **SECTION 21.** It is the intention of the Legislature that the  
 290 Mississippi Department of Transportation is authorized to pay  
 291 invoices submitted by Natchez Transit System, Natchez,



292 Mississippi, for services in prior fiscal years in an amount not  
293 to exceed Sixty-two Thousand Thirty-four Dollars and Eighty-nine  
294 Cents (\$62,034.89).

295         **SECTION 22.** It is the intention of the Legislature that the  
296 Mississippi Department of Transportation is authorized to pay  
297 invoices submitted by Entergy, Baton Rouge, Louisiana, for  
298 services performed in prior fiscal years in an amount not to  
299 exceed Thirty-three Dollars and Seventy Cents (\$33.70).

300         **SECTION 23.** It is the intention of the Legislature that the  
301 Mississippi Department of Transportation is authorized to pay  
302 invoices submitted by Climb-Up Inc., Tupelo, Mississippi, for  
303 services performed in prior fiscal years in an amount not to  
304 exceed Seven Thousand Eight Hundred Fifty-five Dollars and  
305 Ninety-six Cents (\$7,855.96).

306         **SECTION 24.** It is the intention of the Legislature that the  
307 Mississippi Department of Transportation is authorized to pay  
308 invoices submitted by Five County Child Development, Prentiss,  
309 Mississippi, for services performed in prior fiscal years in an  
310 amount not to exceed Twenty-one Thousand Six Hundred Nine Dollars  
311 and Ninety-nine Cents (\$21,609.99).

312         **SECTION 25.** It is the intention of the Legislature that the  
313 Mississippi Department of Transportation is authorized to pay  
314 invoices submitted by Southern Pine, Taylorsville, Mississippi,  
315 for services performed in prior fiscal years not to exceed  
316 Fifty-five Dollars and Seventy-two Cents (\$55.72).



317           **SECTION 26.** It is the intention of the Legislature that the  
318 Mississippi Department of Transportation is authorized to pay  
319 invoices submitted by Xerox, Phoenix, Arizona, for services  
320 performed in prior fiscal years not to exceed Ten Thousand Dollars  
321 (\$10,000.00).

322           **SECTION 27.** It is the intention of the Legislature that the  
323 Department of Transportation is authorized to expend an amount not  
324 to exceed Two Hundred Million Dollars (\$200,000,000.00) received  
325 in connection with HELP projects as authorized in Section  
326 65-1-8(2)(z) and from general obligation bonds issued for highway  
327 projects.

328           **SECTION 28.** With the funds herein appropriated to develop  
329 and implement a special compensation plan based on experience and  
330 training pay increments of five percent (5%) for DOT Enforcement  
331 Officer V, DOT Enforcement Officer Specialist, DOT Enforcement  
332 Officer Supervisor and DOT Enforcement Officer Commander.

333           **SECTION 29.** The money herein appropriated shall be paid by  
334 the State Treasurer out of any money in the State Treasury to the  
335 credit of the proper fund or funds as set forth in this act, upon  
336 warrants issued by the State Fiscal Officer; and the State Fiscal  
337 Officer shall issue his warrants upon requisitions signed by the  
338 proper person, officer or officers, in the manner provided by law.

339           **SECTION 30.** This act shall take effect and be in force from  
340 and after July 1, 2018.

