

By: Senator(s) Clarke, Hopson, Simmons
(13th), DeBar, Dearing, Hill

To: Appropriations

SENATE BILL NO. 2968
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE OFFICE OF STATE AID ROAD CONSTRUCTION OF THE
3 MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2019.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is appropriated out of any money in the State Treasury
7 to the credit of the Office of State Aid Road Construction Fund,
8 for the purpose of defraying the expenses of the Office of State
9 Aid Road Construction of the Mississippi Department of
10 Transportation for the fiscal year beginning July 1, 2018, and
11 ending June 30, 2019.....\$ 175,307,293.00.

12 **SECTION 2.** Of the funds appropriated under the provisions of
13 this act, the following positions are authorized:

14 AUTHORIZED POSITIONS:

15	Permanent:	Full Time.....	54
16		Part Time.....	0
17	Time-Limited:	Full Time.....	0
18		Part Time.....	0



19 With the funds herein appropriated, it shall be the agency's
20 responsibility to make certain that funds required to be
21 appropriated for "Personal Services" for Fiscal Year 2020 do not
22 exceed Fiscal Year 2019 funds appropriated for that purpose,
23 unless programs or positions are added to the agency's Fiscal Year
24 2019 budget by the Mississippi Legislature. Based on data
25 provided by the Legislative Budget Office, the State Personnel
26 Board shall determine and publish the projected annual cost to
27 fully fund all appropriated positions in compliance with the
28 provisions of this act. It shall be the responsibility of the
29 agency head to ensure that no single personnel action increases
30 this projected annual cost and/or the Fiscal Year 2019
31 appropriations for "Personal Services" when annualized, with the
32 exception of escalated funds and the award of benchmarks. If, at
33 the time the agency takes any action to change "Personal
34 Services," the State Personnel Board determines that the agency
35 has taken an action which would cause the agency to exceed this
36 projected annual cost or the Fiscal Year 2019 "Personal Services"
37 appropriated level, when annualized, then only those actions which
38 reduce the projected annual cost and/or the appropriation
39 requirement will be processed by the State Personnel Board until
40 such time as the requirements of this provision are met.

41 Any transfers or escalations shall be made in accordance with
42 the terms, conditions and procedures established by law or
43 allowable under the terms set forth within this act. The State



44 Personnel Board shall not escalate positions without written
45 approval from the Department of Finance and Administration. The
46 Department of Finance and Administration shall not provide written
47 approval to escalate any funds for salaries and/or positions
48 without proof of availability of new or additional funds above the
49 appropriated level.

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

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

58 **SECTION 3.** Of the funds appropriated in Section 1, it is the
59 intention of the Legislature that an amount not to exceed Five
60 Hundred Thousand Dollars (\$500,000.00) is authorized to be
61 expended from funds received from the Mississippi Development
62 Authority as reimbursements for actual expenses incurred by the
63 Office of State Aid Road Construction for administering and
64 providing engineering services to political subdivisions as
65 authorized under Section 65-4-15, Mississippi Code of 1972. Any
66 such funds shall be deposited into the Office of State Aid Roads
67 Administrative Fund for the fiscal year beginning July 1, 2018,
68 and ending June 30, 2019.



69 **SECTION 4.** Of the funds appropriated in Section 1, it is the
70 intention of the Legislature that an amount not to exceed Thirty
71 Million Dollars (\$30,000,000.00) is authorized to be expended for
72 the purpose of replacement of structurally deficient bridges on
73 the Local System Bridge Program (LSBP).

74 **SECTION 5.** It is the intention of the Legislature that the
75 Office of State Aid Road Construction shall maintain complete
76 accounting and personnel records related to the expenditure of all
77 funds appropriated under this act and that such records shall be
78 in the same format and level of detail as maintained for Fiscal
79 Year 2018. It is further the intention of the Legislature that
80 the agency's budget request for Fiscal Year 2020 shall be
81 submitted to the Joint Legislative Budget Committee in a format
82 and level of detail comparable to the format and level of detail
83 provided during the Fiscal Year 2019 budget request process.

84 **SECTION 6.** In compliance with the "Mississippi Performance
85 Budget and Strategic Planning Act of 1994," it is the intent of
86 the Legislature that the funds provided herein shall be utilized
87 in the most efficient and effective manner possible to achieve the
88 intended mission of this agency. Based on the funding authorized,
89 this agency shall make every effort to attain the targeted
90 performance measures provided below:

91		FY2019
92	<u>Performance Measures</u>	<u>Target</u>
93	Administrative	



94	Administrative Costs Compared to	
95	Construction Costs (%)	5.00
96	Allocate over 95% State Aid Construction	
97	Funds to Counties (%)	95.00
98	Num of Projects Let to Contract	175
99	Percentage of Personnel Devoted to	
100	Construction Program (%)	81.00
101	Federal Percent of Total Project Funds	
102	Obligated (%)	35.00
103	Construction	
104	Reduction of Structurally Deficient Brgd (%)	3.00
105	Increase of Total Miles Paved (%)	1.00
106	Total Available State Aid Funds Programmed	
107	or Obligated to Projects (%)	70.00
108	Num of State Aid Projects Let to Contract	75
109	Num of Federal Projects Let to Contract	50
110	Num of State Aid Projects Completed	30
111	Num of Federal Projects Completed	20
112	Avg Time from Initiation to Completion of	
113	a State Aid Project (Num of days)	600
114	Num of Bridges Replaced or Repaired	85
115	Total Num of Structurally Deficient Bridge	
116	on the State Aid System (Number Of)	750
117	Avg Cost of State Aid/Federal Bridge Project	1,550,000.00
118	Local System Bridge	



119	Percentage Change in Deficient LSBP Bridges	3.00
120	Avg Num of Active LSBP Projects per County	1
121	Percentage of Total LSBP Funds Available	
122	Programmed or Obligated to Projects (%)	0.00
123	Num of LSBP Projects Let to Contract	55
124	Num of LSBP Projects Completed	40
125	Num of LSBP Bridges Replaced or Repaired	65
126	Num of Eligible Deficient LSBP Bridges	1,080
127	Avg Time From Initiation to Completion	
128	of a LSBP Project (Num of Days)	450
129	Percentage of Counties Utilizing All	
130	Available LSBP Funds	40.00
131	Percentage of Bridges Eligible for LSBP Funds	8.00

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

136 **SECTION 7.** With the funds appropriated in this act, the
137 Office of State Aid Road Construction shall notify members of the
138 Mississippi Senate and House of Representatives upon the award of
139 projects within their respective districts and at least five (5)
140 days prior to a public ceremony announcing the award of any grant
141 in their district or any public announcement or ceremony regarding
142 the groundbreaking or opening of a facility, roadway or bridge for
143 which the Legislature has made funds available. Any signage



144 regarding any public event or any new facility, roadway or bridge
145 shall include the following language: "Funds were made available
146 for this project by the Mississippi State Legislature." The
147 signage shall further state the four-year legislative term in
148 which the project was funded.

149 **SECTION 8.** It is the intention of the Legislature to
150 authorize the State Aid Engineer to utilize funds available to the
151 Office of State Aid Road Construction, from any source herein
152 appropriated or made available by the counties or any other
153 source, to pay for costs necessary to comply with the National
154 Bridge Inspection Standards and the Federal Highway
155 Administration's requirements for bridge inspections and/or
156 special studies necessary to comply with federal laws. The State
157 Aid Engineer shall follow the same procedures as have heretofore
158 been established by Sections 65-9-9, 65-9-15 and 65-9-17,
159 Mississippi Code of 1972, for payment of such costs. The Office
160 of State Aid Road Construction may accept, budget and expend these
161 funds subject to and in accordance with rules and regulations of
162 the Department of Finance and Administration in a manner
163 consistent with the escalation of federal or state funds.

164 **SECTION 9.** It is the intention of the Legislature that in
165 the letting of contracts for which the Office of State Aid Road
166 Construction administers and provides engineering services to
167 political subdivisions under the Economic Development Highway Act,
168 bids may be made from the lowest and best bidder after advertising



169 for competitive sealed bids once in a newspaper published or
170 having a circulation in the county or municipality where the
171 contract will be performed, and the date published for the bid
172 opening may be not less than seven (7) working days after the
173 advertisement is published.

174 **SECTION 10.** It is the intention of the Legislature that
175 whenever two (2) or more bids are received by this agency for the
176 purchase of commodities or equipment, and whenever all things
177 stated in such received bids are equal with respect to price,
178 quality and service, the Mississippi Industries for the Blind
179 shall be given preference. A similar preference shall be given to
180 the Mississippi Industries for the Blind whenever purchases are
181 made without competitive bids.

182 **SECTION 11.** It is the intention of the Legislature that the
183 funds herein appropriated shall be expended in compliance with
184 Section 27-104-25, Mississippi Code of 1972, that no state agency
185 shall incur obligations or indebtedness in excess of their
186 appropriation and that the responsible officers, either personally
187 or upon their official bonds, shall be held responsible for
188 actions contrary to this provision.

189 **SECTION 12.** The money herein appropriated shall be paid by
190 the State Treasurer out of any money in the State Treasury to the
191 credit of the proper fund or funds as set forth in this act, upon
192 warrants issued by the State Fiscal Officer; and the State Fiscal



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

195 **SECTION 13.** This act shall take effect and be in force from
196 and after July 1, 2018.

