

By: Representatives Read, Busby, Arnold, Baria, Barton, Bennett, Bounds, Boyd, Brown, Clarke, DeLano, Hines, Horan, Massengill, Myers, Staples, Turner, Sykes, Faulkner, Dixon

To: Appropriations

HOUSE BILL NO. 1648
(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 2020; 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, 2019, and ending June 30, 2020.....
12\$ 1,105,236,550.00.

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 2021 do not
26 exceed Fiscal Year 2020 funds appropriated for that purpose,
27 unless programs or positions are added to the agency's Fiscal Year
28 2020 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 2020
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 2020 "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 all full-time employees to
46 receive up to a Three Percent (3%) pay increase to the realignment
47 component of the Variable Compensation Plan, excluding head of
48 agencies, board members and commission members.

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

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61 act and which are withdrawn and no longer available.

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

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



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

71	Administration and Other Expenses.....\$	57,792,168.00
72	Construction.....\$	719,397,615.00
73	Maintenance.....\$	201,411,761.00
74	Debt Service.....\$	75,115,728.00
75	Law Enforcement.....\$	16,174,972.00
76	Aeronautics, Rails and other.....\$	35,344,306.00

77 **SECTION 4.** It is the intention of the Legislature that the
78 Mississippi Department of Transportation shall maintain complete
79 accounting and personnel records related to the expenditure of all
80 funds appropriated under this act and that such records shall be
81 in the same format and level of detail as maintained for Fiscal
82 Year 2019. It is further the intention of the Legislature that
83 the agency's budget request for Fiscal Year 2021 shall be
84 submitted to the Joint Legislative Budget Committee in a format
85 and level of detail comparable to the format and level of detail
86 provided during the Fiscal Year 2020 budget request process.

87 **SECTION 5.** Of the funds appropriated in Section 1, it is the
88 intention of the Legislature that Six Hundred Fifty Thousand
89 Dollars (\$650,000.00) shall be transferred to the Department of
90 Agriculture and Commerce for the Beaver Control or Eradication
91 Program during the Fiscal Year 2020.

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



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

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

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

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

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

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



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

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

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

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

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

139 **SECTION 11.** It is the intention of the Legislature that the
140 Mississippi Department of Transportation is authorized to expend
141 with funds which were obligated in Fiscal Year 2019 for
142 maintenance overlay projects and maintenance repair projects but



143 not completed by the end of Fiscal Year 2019, in an amount not to
144 exceed Ten Million Dollars (\$10,000,000.00).

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

152 **SECTION 13.** It is the intention of the Legislature that the
153 Mississippi Department of Transportation is authorized to expend
154 funds which were obligated in Fiscal Year 2019 but not expended in
155 2019 in the "Capital Outlay-Equipment" category in an amount not
156 to exceed Two Million Dollars (\$2,000,000.00) as authorized in HB
157 1597, 2018 Regular Session, for Fiscal Year 2019.

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

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



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

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

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

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



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

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Maintenance	
Total Number of Acres Mowed (First and	
Subsequent)	290,000
Increase of Acreage Mowed (%)	0.85
Slow the Expected Increase of Total	
Fatalities According to 5 year rolling	
average: 697 or Less	697
Decrease in State-Maintained Lane Miles	
Needing Repair or Rehabilitation (%)	1.50
Pavement Needs Met Annually (%)	0.05
Interstate Lane-miles with an Acceptable	
Payment Condition Rating (%)	38.00
4 Lane Highway Lane-miles with an	
Acceptable Pavement Condition Rating (%)	71.00
2 Lane Highway Lane-miles with an	
Acceptable Pavement Condition Rating (%)	54.00
Cost per Mile to Maintain State Highways (\$)	20,885.00
Number of Bridges in Poor Condition	200
Number of Bridges with Timber Components	190
Construction	



218	Miles of State Maintained Highways that	
219	Meet MDOT Thresholds for Congestion (%)	2.14
220	Miles of State Maintained Highways	
221	Requiring Additional Capacity (Num of	
222	Lane Miles)	230.18
223	Cost per Mile to Construct State Highways	11,640,000.00
224	Administration & Other	
225	Administration as a Percentage of Total	
226	Budget	5.22
227	GO-MDOT-Total Number of Page Views	2,000,000
228	Increase in Utilization of	
229	MDOTTRAFFIC.COM website (%)	100.00
230	Bonded Debt Service	
231	Share of Annual Debt Service (%)	3.75
232	Law Enforcement	
233	Number of Trucks Weighed	7,200,000
234	Number of Trucks Over Axle	6,200
235	Number of Weight & Size Permits Authorized	175,000
236	Number of Trucks Over Gross	7,200
237	Vehicles Inspected Exceeding Restricted	
238	Weight Limits (%)	20.00
239	Aeronautics & Rails	
240	Number of Airports Inspected	69
241	Number of Grade Crossings Inspected	2,710



242 A reporting of the degree to which the performance targets
243 set above have been or are being achieved shall be provided in the
244 agency's budget request submitted to the Joint Legislative Budget
245 Committee for Fiscal Year 2021.

246 **SECTION 19.** It is the intention of the Legislature that the
247 Mississippi Department of Transportation is hereby authorized to
248 pay invoices submitted by Safety-Kleen Systems, Richardson, TX for
249 services in prior fiscal years in an amount not to exceed Six
250 Hundred Eighty-seven Dollars (\$687.00).

251 **SECTION 20.** It is the intention of the Legislature that the
252 Mississippi Department of Transportation is hereby authorized to
253 pay invoices submitted by Warren First Aid and Safety, Brandon, MS
254 for services in prior fiscal years in an amount not to exceed Four
255 Hundred Fifty Dollars (\$450.00).

256 **SECTION 21.** It is the intention of the Legislature that the
257 Mississippi Department of Transportation is hereby authorized to
258 pay invoices submitted by Xerox, Phoenix, AZ for services in prior
259 fiscal years in an amount not to exceed Two Thousand Five hundred
260 Dollars (\$2,500.00).

261 **SECTION 22.** It is the intention of the Legislature that the
262 Mississippi Department of Transportation is hereby authorized to
263 pay invoices submitted by Fastenal, Winona, MS for services in
264 prior fiscal years in an amount not to exceed Twenty-nine Dollars
265 and Thirteen Cents (\$29.13).



266 **SECTION 23.** It is the intention of the Legislature that the
267 Mississippi Department of Transportation is hereby authorized to
268 pay invoices submitted by JSI Communications, Pearl, MS for
269 services in prior fiscal years in an amount not to exceed Two
270 Hundred Twenty Dollars (\$220.00).

271 **SECTION 24.** It is the intention of the Legislature that the
272 Mississippi Department of Transportation is hereby authorized to
273 pay invoices submitted by Boiler and Pressure Vessel Safety
274 Branch, Jackson, MS for services in prior fiscal years in an
275 amount not to exceed Ninety Dollars (\$90.00).

276 **SECTION 25.** It is the intention of the Legislature that the
277 Mississippi Department of Transportation is hereby authorized to
278 pay invoices submitted by Velsoft, New Glasgow NS for services in
279 prior fiscal years in an amount not to exceed Two Thousand Four
280 Hundred Forty-nine Dollars (\$2,449.00).

281 **SECTION 26.** It is the intention of the Legislature that the
282 Mississippi Department of Transportation is hereby authorized to
283 pay invoices submitted by Wolters Kluwer Legal & Regulatory,
284 Chicago, IL for services in prior fiscal years in an amount not to
285 exceed Five Hundred Eighteen Dollars and Seventy-three Cents
286 (\$518.73).

287 **SECTION 27.** It is the intention of the Legislature that the
288 Mississippi Department of Transportation is hereby authorized to
289 pay invoices submitted by Pelco, Chicago, IL for services in prior



290 fiscal years in an amount not to exceed Three Thousand Seventeen
291 Dollars and Thirty-three Cents (\$3,017.33).

292 **SECTION 28.** With the funds herein appropriated the
293 department may continue and maintain a special compensation plan
294 based on experience and training pay increments of five percent
295 (5%) for DOT Enforcement Officer V, DOT Enforcement Officer
296 Specialist, DOT Enforcement Officer Supervisory and DOT
297 Enforcement Officer Commander; and continue and process automatic
298 reclassifications and special compensation plans as approved for
299 the agency by the State Personnel Board.

300 **SECTION 29.** Of the funds appropriated in Section 1, it is
301 the intention of the Legislature that Three Hundred Thousand
302 Dollars(\$300,000.00) shall be used to install a turn lane on
303 Highway 397 east bound in Winston County at the entrance to Nanih
304 Waiya School.

305 **SECTION 30.** Of the funds appropriated in Section 1, it is
306 the intention of the Legislature that One Million Five Hundred
307 Thousand Dollars (\$1,500,000.00) shall be used to install an
308 access road to Lowery Island and Pascagoula River Park from
309 Highway 90 west bound and Jerry St. Pe Blvd along the north side
310 of Highway 90 just west of the Highway 90 East Pascagoula bridge.

311 **SECTION 31.** Of the funds appropriated in Section 1, it is
312 the intention of the Legislature that the Mississippi Department
313 of Transportation shall expend One Million Dollars (\$1,000,000.00)
314 to improve roads and streets in Indianola, Mississippi.



315 **SECTION 32.** Of the funds appropriated in Section 1, it is
316 the intention of the Legislature that the Mississippi Department
317 of Transportation shall expend Eight Hundred Thousand Dollars
318 (\$800,000.00) to repair water and sewer infrastructure in
319 Charleston, Mississippi.

320 **SECTION 33.** The money herein appropriated shall be paid by
321 the State Treasurer out of any money in the State Treasury to the
322 credit of the proper fund or funds as set forth in this act, upon
323 warrants issued by the State Fiscal Officer; and the State Fiscal
324 Officer shall issue his warrants upon requisitions signed by the
325 proper person, officer or officers, in the manner provided by law.

326 **SECTION 34.** This act shall take effect and be in force from
327 and after July 1, 2019.

