

By: Senator(s) Clarke, Hopson, Simmons  
(13th), DeBar, Dearing, Hill, Jackson (11th),  
Jordan

To: Appropriations

SENATE BILL NO. 3029  
(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 2020.

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, 2019, and  
11 ending June 30, 2020.....\$ 225,410,848.00.

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 2021 do not  
22 exceed Fiscal Year 2020 funds appropriated for that purpose,  
23 unless programs or positions are added to the agency's Fiscal Year  
24 2020 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 2020  
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 2020 "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 Funds are provided herein for all full-time employees to  
42 receive up to a Three Percent (3%) pay increase to the realignment



43 component of the Variable Compensation Plan, excluding head of  
44 agencies, board members and commission members.

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 in Section 1, it is the  
63 intention of the Legislature that an amount not to exceed Five  
64 Hundred Thousand Dollars (\$500,000.00) is authorized to be  
65 expended from funds received from the Mississippi Development  
66 Authority as reimbursements for actual expenses incurred by the  
67 Office of State Aid Road Construction for administering and



68 providing engineering services to political subdivisions as  
69 authorized under Section 65-4-15, Mississippi Code of 1972. Any  
70 such funds shall be deposited into the Office of State Aid Roads  
71 Administrative Fund for the fiscal year beginning July 1, 2019,  
72 and ending June 30, 2020.

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

78       **SECTION 5.** It is the intention of the Legislature that the  
79 Office of State Aid Road Construction shall maintain complete  
80 accounting and personnel records related to the expenditure of all  
81 funds appropriated under this act and that such records shall be  
82 in the same format and level of detail as maintained for Fiscal  
83 Year 2019. It is further the intention of the Legislature that  
84 the agency's budget request for Fiscal Year 2021 shall be  
85 submitted to the Joint Legislative Budget Committee in a format  
86 and level of detail comparable to the format and level of detail  
87 provided during the Fiscal Year 2020 budget request process.

88       **SECTION 6.** In compliance with the "Mississippi Performance  
89 Budget and Strategic Planning Act of 1994," it is the intent of  
90 the Legislature that the funds provided herein shall be utilized  
91 in the most efficient and effective manner possible to achieve the  
92 intended mission of this agency. Based on the funding authorized,



this agency shall make every effort to attain the targeted  
performance measures provided below:

FY2020

Performance Measures

Target

Administrative

Administrative Costs as Compared to

Construction Costs (%) 5.00

State Aid Construction Funds Allocated

to Counties (%) 95.00

Number of Projects Let to Contract 175

Personnel Devoted to Construction

Programs (%) 81.00

Federal Percentage of Total Project Fund

Obligations (%) 35.00

Construction

Reduction of Structurally Deficient

Bridges (%) 2.00

Increase in Total Miles Paved (%) 1.00

Total State Aid Funds Available

Programmed or Obligated to Projects (%) 75.00

Number of State Aid Projects Let to Contract 75

Number of Federal Projects Let to Contract 50

Number of State Aid Projects Completed 30

Number of Federal Projects Completed 20

Average Time from Initiation to



118	Completion of a Federal Project (Days)	600
119	Number of Bridges Replaced or Repaired	85
120	Number of Structurally Deficient Bridges	
121	on the State Aid System	750
122	Average Cost of a State Aid/Federal	
123	Bridge Project	1,550,000.00
124	Local System Bridge	
125	Change in Deficient LSBP Bridges (%)	3.00
126	Average Number of Active LSBP Projects	
127	Per County	1
128	LSBP Funds Available Programmed or	
129	Obligated to Projects (%)	85.00
130	Number of LSBP Projects Let to Contract	55
131	Number of LSBP Projects Completed	65
132	Number of LSBP Bridges Replaced or Repaired	65
133	Number of Eligible Deficient LSBP Bridges	4,080
134	Average Time from Initiation to	
135	Completion of a LSBP Project (Days)	450
136	Counties Utilizing All of Their	
137	Available LSBP Funds (%)	30.00
138	Bridges Eligible for LSBP Funds (%)	10.00
139	A reporting of the degree to which the performance targets	
140	set above have been or are being achieved shall be provided in the	
141	agency's budget request submitted to the Joint Legislative Budget	
142	Committee for Fiscal Year 2021.	



143           **SECTION 7.** With the funds appropriated in this act, the  
144 Office of State Aid Road Construction shall notify members of the  
145 Mississippi Senate and House of Representatives upon the award of  
146 projects within their respective districts and at least five (5)  
147 days prior to a public ceremony announcing the award of any grant  
148 in their district or any public announcement or ceremony regarding  
149 the groundbreaking or opening of a facility, roadway or bridge for  
150 which the Legislature has made funds available. Any signage  
151 regarding any public event or any new facility, roadway or bridge  
152 shall include the following language: "Funds were made available  
153 for this project by the Mississippi State Legislature." The  
154 signage shall further state the four-year legislative term in  
155 which the project was funded.

156           **SECTION 8.** It is the intention of the Legislature to  
157 authorize the State Aid Engineer to utilize funds available to the  
158 Office of State Aid Road Construction, from any source herein  
159 appropriated or made available by the counties or any other  
160 source, to pay for costs necessary to comply with the National  
161 Bridge Inspection Standards and the Federal Highway  
162 Administration's requirements for bridge inspections and/or  
163 special studies necessary to comply with federal laws. The State  
164 Aid Engineer shall follow the same procedures as have heretofore  
165 been established by Sections 65-9-9, 65-9-15 and 65-9-17,  
166 Mississippi Code of 1972, for payment of such costs. The Office  
167 of State Aid Road Construction may accept, budget and expend these



funds subject to and in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal or state funds.

**SECTION 9.** It is the intention of the Legislature that in the letting of contracts for which the Office of State Aid Road Construction administers and provides engineering services to political subdivisions under the Economic Development Highway Act, bids may be made from the lowest and best bidder after advertising for competitive sealed bids once in a newspaper published or having a circulation in the county or municipality where the contract will be performed, and the date published for the bid opening may be not less than seven (7) working days after the advertisement is published.

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

**SECTION 11.** It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their





193 appropriation and that the responsible officers, either personally  
194 or upon their official bonds, shall be held responsible for  
195 actions contrary to this provision.

196       **SECTION 12.** The money herein appropriated shall be paid by  
197 the State Treasurer out of any money in the State Treasury to the  
198 credit of the proper fund or funds as set forth in this act, upon  
199 warrants issued by the State Fiscal Officer; and the State Fiscal  
200 Officer shall issue his warrants upon requisitions signed by the  
201 proper person, officer or officers, in the manner provided by law.

202       **SECTION 13.** This act shall take effect and be in force from  
203 and after July 1, 2019.

