

Senate Amendments to House Bill No. 1648

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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\$ 1,102,051,432.00.

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 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.....	\$ 57,625,620.00
68	Construction.....	\$ 717,107,953.00
69	Maintenance.....	\$ 200,831,324.00
70	Debt Service.....	\$ 75,115,728.00
71	Law Enforcement.....	\$ 16,128,358.00
72	Aeronautics, Rails and other.....	\$ 35,242,449.00

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 2019. It is further the intention of the Legislature that
79 the agency's budget request for Fiscal Year 2021 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 2020 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 2021 do not
86 exceed Fiscal Year 2020 funds appropriated for that purpose,
87 unless programs or positions are added to the agency's Fiscal Year
88 2020 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 2020
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 2020 "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 2020.

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 2019 for
177 maintenance overlay projects and maintenance repair projects but

178 not completed by the end of Fiscal Year 2019, 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 2019 but not expended in
190 2019 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 1597, 2018 Regular Session, for Fiscal Year 2020.

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:

231	FY2020
232 <u>Performance Measures</u>	<u>Target</u>
233 Maintenance	
234 Total Number of Acres Mowed (First and	
235 Subsequent)	290,000.00
236 Increase of Acreage Mowed (%)	0.85
237 Reduce Number of Fatalities on Roadways	
238 Baseline: 525 or Less Fatalities	697.30
239 Decrease in State-Maintained Lane Miles	
240 Needing Repair or Rehabilitation (%)	1.50
241 Pavement Needs Met Annually (%)	0.05
242 Interstate Lane-miles with an Acceptable	
243 Payment Condition Rating (%)	38.00
244 4 Lane Highway Lane-miles with an	
245 Acceptable Pavement Condition Rating (%)	71.00
246 2 Lane Highway Lane-miles with an	
247 Acceptable Pavement Condition Rating (%)	54.00
248 Cost per Mile to Maintain State Highways (\$)	20,885.00
249 Number of Structurally Deficient Bridges	200.00
250 Bridge Replacement Cost Per Sq Ft (\$)	80.00
251 Construction	
252 Miles of State Maintained Highways that	
253 Meet MDOT Thresholds for Congestion (%)	2.14
254 Miles of State Maintained Highways	

255	Requiring Additional Capacity (Num of	
256	Lane Miles)	230.18
257	Cost per Mile to Construct State Highways	11,640,000.00
258	Administration & Other	
259	Administration as a Percentage of Total	
260	Budget	5.22
261	GO-MDOT-Total Number of Page Views	2,000,000.00
262	Increase in Utilization of	
263	MDOTTRAFFIC.COM website (%)	100.00
264	Bonded Debt Service	
265	Amount of Funds Invested for Adding Capacity	0.00
266	Law Enforcement	
267	Number of Trucks Weighed	7,200,000.00
268	Number of Trucks Over Axle	6,200.00
269	Number of Weight & Size Permits Authorized	175,000.00
270	Number of Trucks Over Gross	7,200.00
271	Vehicles Inspected Exceeding Restricted	
272	Weight Limits (%)	20.00
273	Aeronautics & Rails	
274	Number of Airports Inspected	69.00
275	Number of Grade Crossings Inspected	2,710.00
276	Airports Passing Inspection (%)	100.00
277	A reporting of the degree to which the performance targets	
278	set above have been or are being achieved shall be provided in the	
279	agency's budget request submitted to the Joint Legislative Budget	
280	Committee for Fiscal Year 2021.	

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

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

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

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

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

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

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

316 **SECTION 26.** It is the intention of the Legislature that the
317 Mississippi Department of Transportation is hereby authorized to
318 pay invoices submitted by Wolters Kluwer Legal & Regulatory,
319 Chicago, IL for services in prior fiscal years in an amount not to
320 exceed Five Hundred Eighteen Dollars and Seventy-three Cents
321 (\$518.73).

322 **SECTION 27.** It is the intention of the Legislature that the
323 Mississippi Department of Transportation is hereby authorized to
324 pay invoices submitted by Pelco, Chicago, IL for services in prior
325 fiscal years in an amount not to exceed Three Thousand Seventeen
326 Dollars and Thirty-three Cents (\$3,017.33).

327 **SECTION 28.** With the funds herein appropriated the
328 department may continue and maintain a special compensation plan
329 based on experience and training pay increments of five percent
330 (5%) for DOT Enforcement Officer V, DOT Enforcement Officer
331 Specialist, DOT Enforcement Officer Supervisory and DOT

332 Enforcement Officer Commander; and continue and process automatic
333 reclassifications and special compensation plans as approved for
334 the agency by the State Personnel Board.

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

341 **SECTION 30.** This act shall take effect and be in force from
342 and after July 1, 2019.

SS05\HB1648A.J

Liz Welch
Secretary of the Senate