

By: Representatives Read, Busby, Arnold,  
Eubanks, Hopkins, Jackson, Mangold, Sanford,  
Young

To: Appropriations

HOUSE BILL NO. 1727  
(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 2021; 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, 2020, and ending June 30, 2021.....  
12 .....\$ 1,086,612,664.00.

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 2022 do not  
26 exceed Fiscal Year 2021 funds appropriated for that purpose unless  
27 programs or positions are added to the agency's Fiscal Year 2021  
28 budget by the Mississippi Legislature. Based on data provided by  
29 the Legislative Budget Office, the State Personnel Board shall  
30 determine and publish the projected annual cost to fully fund all  
31 appropriated positions in compliance with the provisions of this  
32 act. Absent a special situation or circumstance approved by the  
33 State Personnel Board, or unless otherwise authorized by this act,  
34 no state agency shall take any action to promote or otherwise  
35 award salary increases through reallocation, reclassification, or  
36 realignment. If the State Personnel Board determines a special  
37 situation or circumstance exists and approves an action, then the  
38 agency and the State Personnel Board shall provide a monthly  
39 report of each action approved by the State Personnel Board to the  
40 chairmen of the Accountability, Efficiency and Transparency  
41 Committees of the Senate and House of Representatives and the  
42 chairmen of the Appropriations Committees of the Senate and House  
43 of Representatives. It shall be the responsibility of the agency  
44 head to ensure that no single personnel action increases this



45 projected annual cost and/or the Fiscal Year 2021 appropriations  
46 for "Personal Services" when annualized, with the exception of  
47 escalated funds and the award of benchmarks. If, at the time the  
48 agency takes any action to change "Personal Services," the State  
49 Personnel Board determines that the agency has taken an action  
50 which would cause the agency to exceed this projected annual cost  
51 or the Fiscal Year 2021 "Personal Services" appropriated level,  
52 when annualized, then only those actions which reduce the  
53 projected annual cost and/or the appropriation requirement will be  
54 processed by the State Personnel Board until such time as the  
55 requirements of this provision are met.

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

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



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

73       **SECTION 3.** Of the funds appropriated to the Mississippi  
74 Department of Transportation under the provisions of Section 1,  
75 the following amounts shall be available for expenditure in the  
76 program budgets as required by Section 27-103-127, Mississippi  
77 Code of 1972:

78       Administration and Other Expenses.....\$	56,818,336.00
79       Construction.....\$	707,275,342.00
80       Maintenance.....\$	198,017,854.00
81       Debt Service.....\$	73,849,984.00
82       Law Enforcement.....\$	15,902,414.00
83       Aeronautics, Rails and other.....\$	34,748,734.00

84       **SECTION 4.** It is the intention of the Legislature that the  
85 Mississippi Department of Transportation shall maintain complete  
86 accounting and personnel records related to the expenditure of all  
87 funds appropriated under this act and that such records shall be  
88 in the same format and level of detail as maintained for Fiscal  
89 Year 2020. It is further the intention of the Legislature that  
90 the agency's budget request for Fiscal Year 2022 shall be  
91 submitted to the Joint Legislative Budget Committee in a format  
92 and level of detail comparable to the format and level of detail  
93 provided during the Fiscal Year 2021 budget request process.



94       **SECTION 5.** Of the funds appropriated in Section 1, it is the  
95 intention of the Legislature that Six Hundred Fifty Thousand  
96 Dollars (\$650,000.00) shall be transferred to the Department of  
97 Agriculture and Commerce for the Beaver Control or Eradication  
98 Program during the Fiscal Year 2021.

99       **SECTION 6.** Of the funds appropriated in Section 1 of this  
100 act, the Mississippi Department of Transportation shall expend  
101 such funds as necessary to conduct project planning. Such project  
102 planning shall apply to all preliminary engineering, right-of-way  
103 acquisition and construction projects of the department and, at a  
104 minimum, shall consist of policies for the oversight and  
105 management of project cost which:

106           (a) Establish a reasonable cost estimate for each  
107 project. For purposes of this provision, projects include  
108 preliminary engineering, right-of-way acquisition and  
109 construction;

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

112           (c) Require that any changes to a cost estimate for a  
113 project will be reviewed and approved by district or central  
114 office personnel. Such personnel shall be responsible for signing  
115 any revision, and providing a narrative description of the reasons  
116 for approving a revision;

117           (d) Capture the cost of consultants, engineers,  
118 attorneys, contract appraisers and other technical and



professional contractors used in preliminary engineering,  
right-of-way acquisition and construction projects.

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

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

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

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

**SECTION 9.** Of the funds appropriated in Section 1, not less than Eighty Million Dollars (\$80,000,000.00) shall be expended for contracted maintenance overlay and pavement rehabilitation.

**SECTION 10.** It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to expend



with funds which were obligated in Fiscal Year 2020 for maintenance overlay projects and maintenance repair projects but not completed by the end of Fiscal Year 2020, in an amount not to exceed Ten Million Dollars (\$10,000,000.00).

**SECTION 11.** It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to transfer between the various programs in an amount not to exceed ten percent (10%) of the amount allocated in Section 3, except that no transfers shall be authorized which increase the "Administrative and Other Expenses" Program or the "Law Enforcement" Program or which decrease the "Maintenance" Program.

**SECTION 12.** It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to expend funds which were obligated in Fiscal Year 2020 but not expended in 2020 in the "Capital Outlay-Equipment" category in an amount not to exceed Two Million Dollars (\$2,000,000.00) as authorized in HB 1648, 2019 Regular Session, for Fiscal Year 2020.

**SECTION 13.** It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to expend an amount not to exceed Thirty Million Dollars (\$30,000,000.00) received from other public or private entities as reimbursements for payments made on federal projects.

**SECTION 14.** With the funds appropriated in this act, the Mississippi Department of Transportation shall notify members of the Mississippi Senate and House of Representatives upon the award



of projects within their respective districts and at least five (5) days prior to a public ceremony announcing the award of any grant in their district or any public announcement of ceremony regarding the groundbreaking or opening of a facility, roadway or bridge for which the Legislature has made funds available. Any signage regarding any public event or any new facility, roadway or bridge shall include the following language: "Funds were made available for this project by the Mississippi State Legislature." Further, the signage shall state the four-year legislative term in which the project was funded.

**SECTION 15.** 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 16.** The Mississippi Department of Transportation is authorized to dispose of or transfer used cell phones that are obsolete or inoperable to cell phone recycling programs dedicated to providing free phone access to United States military personnel.

**SECTION 17.** In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of





194 the Legislature that the funds provided herein shall be utilized  
195 in the most efficient and effective manner possible to achieve the  
196 intended mission of this agency. Based on the funding authorized,  
197 this agency shall make every effort to attain the targeted  
198 performance measures provided below:

199		FY2021
200	<u>Performance Measures</u>	<u>Target</u>
201	Maintenance	
202	Total Number of Acres Mowed (First and	
203	Subsequent)	290,000
204	Increase of Acreage Mowed (%)	0.80
205	Slow the Expected Increases of Total	
206	Fatalities According to a 5 Year Rolling	
207	Average (697 or Less)	683.40
208	Decrease in State-Maintained Lane Miles	
209	Needing Repair or Rehabilitation (%)	1.50
210	Pavement Needs Met Annually (%)	0.05
211	Interstate Lane-miles With an Acceptable	
212	Payment Condition Rating (%)	38.00
213	4 Lane Highway Lane-miles With an	
214	Acceptable Pavement Condition Rating (%)	71.00
215	2 Lane Highway Lane-miles With an	
216	Acceptable Pavement Condition Rating (%)	54.00
217	Cost per Mile to Maintain State Highways (\$)	28,142.00
218	Number of Bridges in Poor Condition	180



219	Number of Bridges With Timber Components	150
220	Construction	
221	Miles of State Maintained Highways that	
222	Meet MDOT Thresholds for Congestion (%)	1.96
223	Miles of State Maintained Highways	
224	Requiring Additional Capacity (Num of	
225	Lane Miles)	211.33
226	Cost per Mile to Construct State	
227	Highways (\$)	13,540,000.00
228	Administration & Other	
229	Administration as a Percentage of Total	
230	Budget	4.95
231	GO-MDOT-Total Number of Page Views	3,224,979
232	Increase in Utilization of	
233	MDOTTRAFFIC.COM website (%)	10.00
234	Bonded Debt Service	
235	MDOT's Share of Annual Debt Service will	
236	not exceed 3.75% of Annual Budget	1.05
237	Law Enforcement	
238	Number of Trucks Weighed	6,000,000
239	Number of Trucks Over Axle	6,200
240	Number of Weight & Size Permits Authorized	172,000
241	Number of Trucks Over Gross	6,800
242	Vehicles Inspected Exceeding Restricted	
243	Weight Limits (%)	0.28



Aeronautics & Rails

Number of Airports Inspected 69

Number of Grade Crossings Inspected 2,710

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2022.

**SECTION 18.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Singing River Electric Cooperative, Lucedale, MS, for services in prior fiscal years in an amount not to exceed One Thousand Seven Dollars and Ten Cents (\$1,007.10).

**SECTION 19.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Mitchell W. Morris, Covington County, MS, for services in prior fiscal years in an amount not to exceed One Thousand Four Hundred Seventy-two Dollars and Fifty-one Cents (\$1,472.51).

**SECTION 20.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Stuart C. Irby Co., Jackson, MS, for services in prior fiscal years in an amount not to exceed Thirty-eight Dollars and One Cent (\$38.01).

**SECTION 21.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to



pay invoices submitted by Montgomery Hardware Company, Jackson, MS, for services in prior fiscal years in an amount not to exceed Sixty-two Dollars and Ninety-five Cents (\$62.95).

**SECTION 22.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by CenturyLink, Carol Stream, IL, for services in prior fiscal years in an amount not to exceed Five Hundred Nine Dollars and Ten Cents (\$509.10).

**SECTION 23.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Williams Scotsman, Baltimore, MD, for services in prior fiscal years in an amount not to exceed Eight Hundred Twelve Dollars (\$812.00).

**SECTION 24.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Holiday Inn Express Hotel & Suites, Ocean Springs, MS, for services in prior fiscal years in an amount not to exceed Ninety-three Dollars (\$93.00).

**SECTION 25.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by CSX Transportation, Atlanta, GA, for services in prior fiscal years in an amount not to exceed One Hundred Twenty-three Thousand Dollars (\$123,000.00).

**SECTION 26.** It is the intention of the Legislature that Seven Hundred Fifty Thousand Dollars (\$750,000.00) will be



utilized to perform engineering on the Mallet Road/Sangani Intersection project in D'Iberville, MS.

**SECTION 27.** It is the intention of the Legislature that Ten Thousand Dollars (\$10,000.00) will be utilized to install a caution light at the intersection of Highway 15 and County Road 410 in Tippah County, MS.

**SECTION 28.** It is the intention of the Legislature that Ten Thousand Dollars (\$10,000.00) will be utilized to install a caution light at the intersection of Highway 4 and South Line Street in Tippah County, MS.

**SECTION 29.** It is the intention of the Legislature that Two Hundred Thousand Dollars (\$200,000.00) will be utilized to install a turning lane in the northbound lane of Highway 613 into the Jackson County Industrial Park.

**SECTION 30.** It is the intention of the Legislature that Five Hundred Twenty Thousand Dollars (\$520,000.00) will be utilized to construct the Lowry Island access road in Pascagoula, MS.

**SECTION 31.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

**SECTION 32.** This act shall take effect and be in force from and after July 1, 2020.

