

House Amendments to Senate Bill No. 2949

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE 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:

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, 2020, and
11 ending June 30, 2021.....\$ 195,410,848.00.

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 2022 do not

22 exceed Fiscal Year 2021 funds appropriated for that purpose,
23 unless programs or positions are added to the agency's Fiscal Year
24 2021 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 2021
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 2021 "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, 2020,
68 and ending June 30, 2021.

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 2020. It is further the intention of the Legislature that
 80 the agency's budget request for Fiscal Year 2022 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 2021 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:

	FY2021
<u>Performance Measures</u>	<u>Target</u>
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	

100	Programs (%)	81.00
101	Federal Percentage of Total Project Fund	
102	Obligations (%)	35.00
103	Construction	
104	Reduction of Structurally Deficient	
105	Bridges (%)	2.00
106	Increase in Total Miles Paved (%)	1.00
107	Total State Aid Funds Available	
108	Programmed or Obligated to Projects (%)	75.00
109	Number of State Aid Projects Let to Contract	75
110	Number of Federal Projects Let to Contract	50
111	Number of State Aid Projects Completed	30
112	Number of Federal Projects Completed	20
113	Average Time from Initiation to	
114	Completion of a Federal Project (Days)	600
115	Number of Bridges Replaced or Repaired	85
116	Number of Structurally Deficient Bridges	
117	on the State Aid System	750
118	Average Cost of a State Aid/Federal	
119	Bridge Project	1,550,000
120	Local System Bridge	
121	Change in Deficient LSBP Bridges (%)	3.00
122	Average Number of Active LSBP Projects	
123	Per County	1.00
124	LSBP Funds Available Programmed or	
125	Obligated to Projects (%)	85.00

126	Number of LSBP Projects Let to Contract	55
127	Number of LSBP Projects Completed	65
128	Number of LSBP Bridges Replaced or Repaired	65
129	Number of Eligible Deficient LSBP Bridges	4,080
130	Average Time From Initiation to	
131	Completion of a LSBP Project (Days)	450
132	Counties Utilizing All of Their	
133	Available LSBP Funds (%)	30.00
134	Bridges Eligible for LSBP Funds (%)	10.00

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

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

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

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

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

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

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

198 **SECTION 13.** This act shall take effect and be in force from
199 and after July 1, 2020, and shall stand repealed from and after
200 June 30, 2020.

Andrew Ketchings
Clerk of the House of Representatives