

Senate Amendments to House Bill No. 1727

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, 2020, and ending June 30, 2021.....
12\$ 1,015,982,841.00.

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.....	3,314
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,
27 unless programs or positions are added to the agency's Fiscal Year
28 2021 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 2021
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 2021 "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.....	\$ 53,125,144.00
68	Construction.....	\$ 661,302,445.00
69	Maintenance.....	\$ 185,146,694.00
70	Debt Service.....	\$ 69,049,735.00
71	Law Enforcement.....	\$ 14,868,757.00
72	Aeronautics, Rails and other.....	\$ 32,490,066.00

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

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

88 **SECTION 6.** Of the funds appropriated in Section 1 of this
89 act, the Mississippi Department of Transportation shall expend
90 such funds as necessary to conduct project planning. Such project
91 planning shall apply to all preliminary engineering, right-of-way
92 acquisition and construction projects of the department and, at a
93 minimum, shall consist of policies for the oversight and
94 management of project cost which:

95 (a) Establish a reasonable cost estimate for each
96 project. For purposes of this provision, projects include
97 preliminary engineering, right-of-way acquisition and
98 construction;

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

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

106 (d) Capture the cost of consultants, engineers,
107 attorneys, contract appraisers and other technical and
108 professional contractors used in preliminary engineering,
109 right-of-way acquisition and construction projects.

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

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

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

124 **SECTION 8.** Of the funds appropriated to the Mississippi
125 Department of Transportation, Three Hundred Thousand Dollars

126 (\$300,000.00) shall be used for the Statewide Litter Prevention
127 Program.

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

131 **SECTION 10.** It is the intention of the Legislature that the
132 Mississippi Department of Transportation is authorized to expend
133 with funds which were obligated in Fiscal Year 2020 for
134 maintenance overlay projects and maintenance repair projects but
135 not completed by the end of Fiscal Year 2020, in an amount not to
136 exceed Ten Million Dollars (\$10,000,000.00).

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

144 **SECTION 12.** It is the intention of the Legislature that the
145 Mississippi Department of Transportation is authorized to expend
146 funds which were obligated in Fiscal Year 2020 but not expended in
147 2020 in the "Capital Outlay-Equipment" category in an amount not
148 to exceed Two Million Dollars (\$2,000,000.00) as authorized in HB
149 1648, 2019 Regular Session, for Fiscal Year 2020.

150 **SECTION 13.** It is the intention of the Legislature that the
151 Mississippi Department of Transportation is authorized to expend

152 an amount not to exceed Thirty Million Dollars (\$30,000,000.00)
153 received from other public or private entities as reimbursements
154 for payments made on federal projects.

155 **SECTION 14.** With the funds appropriated in this act, the
156 Mississippi Department of Transportation shall notify members of
157 the Mississippi Senate and House of Representatives upon the award
158 of projects within their respective districts and at least five
159 (5) days prior to a public ceremony announcing the award of any
160 grant in their district or any public announcement of ceremony
161 regarding the groundbreaking or opening of a facility, roadway or
162 bridge for which the Legislature has made funds available. Any
163 signage regarding any public event or any new facility, roadway or
164 bridge shall include the following language: "Funds were made
165 available for this project by the Mississippi State Legislature."
166 Further, the signage shall state the four-year legislative term in
167 which the project was funded.

168 **SECTION 15.** It is the intention of the Legislature that
169 whenever two (2) or more bids are received by this agency for the
170 purchase of commodities or equipment, and whenever all things
171 stated in such received bids are equal with respect to price,
172 quality and service, the Mississippi Industries for the Blind
173 shall be given preference. A similar preference shall be given to
174 the Mississippi Industries for the Blind whenever purchases are
175 made without competitive bids.

176 **SECTION 16.** The Mississippi Department of Transportation is
177 authorized to dispose of or transfer used cell phones that are

178 obsolete or inoperable to cell phone recycling programs dedicated
179 to providing free phone access to United States military
180 personnel.

181 **SECTION 17.** In compliance with the "Mississippi Performance
182 Budget and Strategic Planning Act of 1994," it is the intent of
183 the Legislature that the funds provided herein shall be utilized
184 in the most efficient and effective manner possible to achieve the
185 intended mission of this agency. Based on the funding authorized,
186 this agency shall make every effort to attain the targeted
187 performance measures provided below:

	FY2021
<u>Performance Measures</u>	<u>Target</u>
Maintenance	
Total Number of Acres Mowed (First and	
Subsequent)	290,000
Increase of Acreage Mowed (%)	0.80
Slow the Expected Increases of Total	
Fatalities According to a 5 Year Rolling	
Average (697 or Less)	682.20
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

204	2 Lane Highway Lane-miles With an	
205	Acceptable Pavement Condition Rating (%)	54.00
206	Cost per Mile to Maintain State Highways (\$)	29,012.00
207	Number of Bridges in Poor Condition	180
208	Number of Bridges With Timber Components	150
209	Construction	
210	Miles of State Maintained Highways that	
211	Meet MDOT Thresholds for Congestion (%)	1.90
212	Miles of State Maintained Highways	
213	Requiring Additional Capacity (Num of	
214	Lane Miles)	205.05
215	Cost per Mile to Construct State	
216	Highways (\$)	13,140,000.00
217	Administration & Other	
218	Administration as a Percentage of Total	
219	Budget	4.93
220	GO-MDOT-Total Number of Page Views	2,931,799
221	Increase in Utilization of	
222	MDOTTRAFFIC.COM website (%)	10.00
223	Bonded Debt Service	
224	MDOT's Share of Annual Debt Service will	
225	not exceed 3.75% of Annual Budget	1.05
226	Law Enforcement	
227	Number of Trucks Weighed	6,000,000
228	Number of Trucks Over Axle	6,200
229	Number of Weight & Size Permits Authorized	172,000

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

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 CenturyLink, Carol Stream, IL for
264 services in prior fiscal years in an amount not to exceed Five
265 Hundred Nine Dollars and Ten Cents (\$509.10).

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 Williams Scotsman, Baltimore, MD for
269 services in prior fiscal years in an amount not to exceed Eight
270 Hundred Twelve Dollars (\$812.00).

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 Holiday Inn Express Hotel & Suites,
274 Ocean Springs, MS for services in prior fiscal years in an amount
275 not to exceed Ninety-three Dollars (\$93.00).

276 **SECTION 25.** The money herein appropriated shall be paid by
277 the State Treasurer out of any money in the State Treasury to the
278 credit of the proper fund or funds as set forth in this act, upon
279 warrants issued by the State Fiscal Officer; and the State Fiscal
280 Officer shall issue his warrants upon requisitions signed by the
281 proper person, officer or officers, in the manner provided by law.

282 **SECTION 26.** This act shall take effect and be in force from
283 and after July 1, 2020, and shall stand repealed June 30, 2020.

SS05\HB1727A.J

Eugene S. Clarke
Secretary of the Senate