

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

To: Appropriations

HOUSE BILL NO. 1413
(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 2022; 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, 2021, and ending June 30, 2022.....
12\$ 1,159,195,578.00.

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 2023 do not
26 exceed Fiscal Year 2022 funds appropriated for that purpose unless
27 programs or positions are added to the agency's Fiscal Year 2022
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 or realignment. If
36 the State Personnel Board determines a special situation or
37 circumstance exists and approves an action, then the agency and
38 the State Personnel Board shall provide a monthly report of each
39 action approved by the State Personnel Board to the chairmen of
40 the Accountability, Efficiency and Transparency Committees of the
41 Senate and House of Representatives and the chairmen of the
42 Appropriations Committees of the Senate and House of
43 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 2022 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 2022 "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 Funds have been appropriated herein for the purpose of
74 implementation and funding Project SEC2 of the Colonel Guy Groff
75 State Variable Compensation Plan beginning January 1, 2022, and
76 ending June 30, 2022. It shall be the agency's responsibility to
77 make certain that each person, excluding executive directors,
78 agency heads, and elected judges, shall receive no more than a 3%
79 annual increase in salary which shall not exceed the market rate
80 established by the State Personnel Board pursuant to the Colonel
81 Guy Groff State Variable Compensation Plan for each
82 classification.

83 **SECTION 3.** Of the funds appropriated to the Mississippi
84 Department of Transportation under the provisions of Section 1,
85 the following amounts shall be available for expenditure in the
86 program budgets as required by Section 27-103-127, Mississippi
87 Code of 1972:

88 Administration and Other Expenses.....	\$ 60,613,653.00
89 Construction.....	\$ 754,520,005.00
90 Maintenance.....	\$ 211,244,935.00
91 Debt Service.....	\$ 78,782,972.00
92 Law Enforcement.....	\$ 16,964,654.00
93 Aeronautics, Rails and other.....	\$ 37,069,359.00



94 **SECTION 4.** It is the intention of the Legislature that the
95 Mississippi Department of Transportation shall maintain complete
96 accounting and personnel records related to the expenditure of all
97 funds appropriated under this act and that such records shall be
98 in the same format and level of detail as maintained for Fiscal
99 Year 2021. It is further the intention of the Legislature that
100 the agency's budget request for Fiscal Year 2023 shall be
101 submitted to the Joint Legislative Budget Committee in a format
102 and level of detail comparable to the format and level of detail
103 provided during the Fiscal Year 2022 budget request process.

104 **SECTION 5.** Of the funds appropriated in Section 1, it is the
105 intention of the Legislature that Six Hundred Fifty Thousand
106 Dollars (\$650,000.00) shall be transferred to the Department of
107 Agriculture and Commerce for the Beaver Control or Eradication
108 Program during the Fiscal Year 2022.

109 **SECTION 6.** Of the funds appropriated in Section 1 of this
110 act, the Mississippi Department of Transportation shall expend
111 such funds as necessary to conduct project planning. Such project
112 planning shall apply to all preliminary engineering, right-of-way
113 acquisition and construction projects of the department and, at a
114 minimum, shall consist of policies for the oversight and
115 management of project cost which:

116 (a) Establish a reasonable cost estimate for each
117 project. For purposes of this provision, projects include



118 preliminary engineering, right-of-way acquisition and
119 construction;

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

122 (c) Require that any changes to a cost estimate for a
123 project will be reviewed and approved by district or central
124 office personnel. Such personnel shall be responsible for signing
125 any revision, and providing a narrative description of the reasons
126 for approving a revision;

127 (d) Capture the cost of consultants, engineers,
128 attorneys, contract appraisers and other technical and
129 professional contractors used in preliminary engineering,
130 right-of-way acquisition and construction projects.

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

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

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



143 Chairman of the Mississippi Senate Highways and Transportation
144 Committee.

145 **SECTION 8.** Of the funds appropriated to the Mississippi
146 Department of Transportation, Three Hundred Thousand Dollars
147 (\$300,000.00) shall be used for the Statewide Litter Prevention
148 Program.

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

152 **SECTION 10.** It is the intention of the Legislature that the
153 Mississippi Department of Transportation is authorized to expend
154 with funds which were obligated in Fiscal Year 2021 for
155 maintenance overlay projects and maintenance repair projects but
156 not completed by the end of Fiscal Year 2021, in an amount not to
157 exceed Ten Million Dollars (\$10,000,000.00).

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

165 **SECTION 12.** It is the intention of the Legislature that the
166 Mississippi Department of Transportation is authorized to expend
167 funds which were obligated in Fiscal Year 2021 but not expended in



168 2021 in the "Capital Outlay-Equipment" category in an amount not
169 to exceed Two Million Dollars (\$2,000,000.00) as authorized in SB
170 2825, 2020 Regular Session, for Fiscal Year 2021.

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

176 **SECTION 14.** With the funds appropriated in this act, the
177 Mississippi Department of Transportation shall notify members of
178 the Mississippi Senate and House of Representatives upon the award
179 of projects within their respective districts and at least five
180 (5) days prior to a public ceremony announcing the award of any
181 grant in their district or any public announcement of ceremony
182 regarding the groundbreaking or opening of a facility, roadway or
183 bridge for which the Legislature has made funds available. Any
184 signage regarding any public event or any new facility, roadway or
185 bridge shall include the following language: "Funds were made
186 available for this project by the Mississippi State Legislature."
187 Further, the signage shall state the four-year legislative term in
188 which the project was funded.

189 **SECTION 15.** It is the intention of the Legislature that
190 whenever two (2) or more bids are received by this agency for the
191 purchase of commodities or equipment, and whenever all things
192 stated in such received bids are equal with respect to price,



193 quality and service, the Mississippi Industries for the Blind
194 shall be given preference. A similar preference shall be given to
195 the Mississippi Industries for the Blind whenever purchases are
196 made without competitive bids.

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

202 **SECTION 17.** In compliance with the "Mississippi Performance
203 Budget and Strategic Planning Act of 1994," it is the intent of
204 the Legislature that the funds provided herein shall be utilized
205 in the most efficient and effective manner possible to achieve the
206 intended mission of this agency. Based on the funding authorized,
207 this agency shall make every effort to attain the targeted
208 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
Maintenance	
Total Number of Acres Mowed (First and Subsequent)	290,000
Increase of Acreage Mowed (%)	0.97
Slow the Expected Increases of Total Fatalities According to a 5 Year Rolling Average (697 or Less)	685.00



218	Decrease in State-Maintained Lane Miles	
219	Needing Repair or Rehabilitation (%)	1.50
220	Pavement Needs Met Annually (%)	0.05
221	Interstate Lane-miles With an Acceptable	
222	Payment Condition Rating (%)	38.00
223	4 Lane Highway Lane-miles With an	
224	Acceptable Pavement Condition Rating (%)	71.00
225	2 Lane Highway Lane-miles With an	
226	Acceptable Pavement Condition Rating (%)	54.00
227	Cost per Mile to Maintain State Highways (\$)	27,969.00
228	Number of Bridges in Poor Condition	190
229	Number of Bridges With Timber Components	145
230	Construction	
231	Miles of State Maintained Highways that	
232	Meet MDOT Thresholds for Congestion (%)	1.97
233	Miles of State Maintained Highways	
234	Requiring Additional Capacity (Num of	
235	Lane Miles)	219.08
236	Cost per Mile to Construct State Highways	13,940,000
237	Administration & Other	
238	Administration as a Percentage of Total	
239	Budget	5.23
240	GO-MDOT-Total Number of Page Views	838,650
241	Increase in Utilization of	
242	MDOTTRAFFIC.COM website (%)	5.00



243 Bonded Debt Service

244 MDOT's Share of Annual Debt Service will

245 not exceed 3.75% of Annual Budget 0.94

246 Law Enforcement

247 Number of Trucks Weighed 6,800,000

248 Number of Trucks Over Axle 5,500

249 Number of Weight & Size Permits Authorized 175,000

250 Number of Trucks Over Gross 7,100

251 Vehicles Inspected Exceeding Restricted

252 Weight Limits (%) 25.00

253 Aeronautics & Rails

254 Number of Airports Inspected 69

255 Number of Grade Crossings Inspected 2,800

256 A reporting of the degree to which the performance targets

257 set above have been or are being achieved shall be provided in the

258 agency's budget request submitted to the Joint Legislative Budget

259 Committee for Fiscal Year 2023.

260 **SECTION 18.** It is the intention of the Legislature that the

261 Mississippi Department of Transportation is hereby authorized to

262 pay invoices submitted by Hampton Inn, Greenwood, MS, for services

263 in prior fiscal years in an amount not to exceed One Hundred

264 Twenty-eight Dollars and Fifty-two Cents (\$128.52).

265 **SECTION 19.** It is the intention of the Legislature that the

266 Mississippi Department of Transportation is hereby authorized to

267 pay invoices submitted by Holiday Inn Express Hotel and Suites,



268 Ocean Springs, MS, for services in prior fiscal years in an amount
269 not to exceed Ninety-three Dollars (\$93.00).

270 **SECTION 20.** It is the intention of the Legislature that the
271 Mississippi Department of Transportation is hereby authorized to
272 pay invoices submitted by Holiday Inn Express Hotel and Suites,
273 Ocean Springs, MS, for services in prior fiscal years in an amount
274 not to exceed Two Hundred Seventy-nine Dollars (\$279.00).

275 **SECTION 21.** Contingent upon passage of Senate Bill 2825, it
276 is the intention of the Legislature, that the Mississippi
277 Department of Transportation shall transfer all employees,
278 equipment, inventory and resources of the Commercial
279 Transportation Enforcement Division employed and used as law
280 enforcement personnel to the Department of Public Safety on July
281 1, 2021. The transfer of personnel shall be commensurate with the
282 number and classification of positions allocated to that law
283 enforcement. The transfer shall also include direct support,
284 clerical, data processing and communications positions allocated
285 to that law enforcement.

286 **SECTION 22.** Of the funds appropriated in Section 1 and
287 authorized for expenditure in Section 3, Sixteen Million Two
288 Hundred Ten Thousand Five Hundred Forty-six Dollars
289 (\$16,210,546.00) shall be provided from Fund No. 3941 in the State
290 Treasury, contingent upon the passage of Senate Bill 2825, 2021
291 Regular Session.



292 **SECTION 23.** The Mississippi Department of Transportation is
293 authorized to accept and expend any grant, donation, or
294 contribution from any individual, public, or private organization,
295 or government entity for purposes of defraying the operational
296 costs of the department. Such grants, donations or contributions
297 shall be received and expended under the rules and regulations of
298 the Department of Finance and Administration in a manner
299 consistent with the escalation of federal funds not to exceed One
300 Hundred Twenty-Five Million Dollars (\$125,000,000.00).

301 **SECTION 24.** It is the intention of the Legislature that of
302 the Highway Infrastructure Program funds received by the state
303 pursuant to the Coronavirus Response and Relief Supplemental
304 Appropriations Act of 2021 and appropriated under authority of
305 this act shall be spent on the following projects in the following
306 amounts:

307 (1) To assist in paying costs for improvements to the
308 interchange of Highway 463 and Stribling Road in Madison County to
309 support access to the new sixth grade school to be constructed in
310 that area.....\$ 500,000.00.

311 (2) To assist in paying costs for right-of-way acquisition,
312 utility relocation, design and construction necessary to 4-lane
313 that portion of Mississippi Highway 12 from the City of Durant in
314 Holmes County, Mississippi, to the City of Kosciusko in Attala
315 County, Mississippi.....\$ 4,500,000.00.



316 (3) To assist in paying costs for the planning,
 317 environmental studies and preliminary engineering as necessary to
 318 secure United States Department of Transportation approvals for
 319 Interstate 10 interchange modifications at Mississippi Highway 613
 320 and Mississippi Highway 63 in Moss Point, Mississippi.....
 321\$ 300,000.00.

322 (4) To assist Jackson County, Mississippi, with the
 323 replacement of the Roy Cumbest Bridge over the Pascagoula River on
 324 Mississippi Highway 614.....\$ 4,700,000.00.

325 (5) To assist in paying costs associated with right-of-way
 326 acquisition, utility relocation, design and construction necessary
 327 to add a center turning lane and upgrade the roadway on State
 328 Highway 4 from Interstate 55 to the campus of North West
 329 Mississippi Community College.....\$ 5,000,000.00.

330 **SECTION 25.** It is the intention of the Legislature to
 331 provide general improvements, widening and/or overlay of the
 332 following:

- 333 (a) Highway 41 in Pontotoc County.....\$ 250,000.00
- 334 (b) Old West Point Road in Lowndes County.....\$ 250,000.00
- 335 (c) Highway 8 from Calhoun City to the
 336 intersection of Highway 9.....\$ 500,000.00
- 337 (d) Intersection of Searcy Road and Highway
 338 366 in Tishomingo County.....\$ 500,000.00
- 339 (e) Highway 51 in Desoto County.....\$ 500,000.00
- 340 (f) Highway 45 from Saltillo to Guntown for



341	safety enhancements, including but not limited to		
342	deceleration lanes, red light, striping and		
343	lighting.....	\$	250,000.00
344	(g) Intersection of Green Tea and Highway 51		
345	in Desoto County.....	\$	250,000.00
346	(h) County Road 600 in Corinth.....	\$	250,000.00
347	(i) Highway 7 from Grenada to Greenwood.....	\$	500,000.00
348	(j) Highway 7 at University Blvd in Oxford,		
349	Mississippi.....	\$	250,000.00
350	(k) Highway 403 in Webster County.....	\$	250,000.00
351	(l) Highway 51 in Tate County North of		
352	Highway 740.....	\$	500,000.00
353	(m) Highway 6 in Quitman County.....	\$	250,000.00
354	(n) Highway 49 in Greenwood, Mississippi.....	\$	250,000.00
355	(o) Highway 25 in Monroe County.....	\$	250,000.00
356	(p) Highway 16 West from Philadelphia to		
357	Carthage.....	\$	500,000.00
358	(q) Canton/Madison corridor Highway 51		
359	(repair, renovation, upgrades).....	\$	500,000.00
360	(r) Highway 80 from Trickham Bridge Road		
361	to I-20.....	\$	500,000.00
362	(s) Highway 463 Madison County at the		
363	Intersection of Stribling Road.....	\$	250,000.00
364	(t) Hebron Christian Road in Clay County.....	\$	250,000.00
365	(u) Highway 16 West in Kemper County between Dekalb and		



366	Philadelphia.....	\$	500,000.00
367	(v) Intersection of Highway 15 and Broad		
368	Street in the Town of Decatur for upgrades to		
369	signal lights and poles	\$	250,000.00
370	(w) Main Street, Town of Carthage.....	\$	500,000.00
371	(x) State Highway 18, South of I-20 in Hinds		
372	County.....	\$	500,000.00
373	(y) I-55 exit at Terry, Mississippi.....	\$	250,000.00
374	(z) Highway 511, starting in Quitman toward		
375	Highway 45, in Clarke County.....	\$	250,000.00
376	(aa) Old Highway 16 from Yazoo City to		
377	Canton.....	\$	250,000.00
378	(bb) Highway 3 between 49 W and Highway 82....	\$	250,000.00
379	(cc) Highway 438 in Washington County.....	\$	250,000.00
380	(dd) Intersection of Highway 57 and Ira Turner		
381	Road and High School Road in Greene County.....	\$	500,000.00
382	(ee) Intersection of Highway 43 North and		
383	Richardson Road in Picayune for caution lights and		
384	safety enhancement; for any remaining funds for		
385	culverts under Highway 43 North near Hobolochitto		
386	Creek.....	\$	500,000.00
387	(ff) Highway 603 in Hancock County.....	\$	500,000.00
388	(gg) Highway 589/Purvis Oloh Road Intersection		
389	in Lamar County.....	\$	500,000.00
390	(hh) Highway 11 at the I-59 Interchange.....	\$	500,000.00



391	(ii) Highway 49 in Harrison County.....	\$ 500,000.00
392	(jj) Highway 605 at Dedeaux Road in Harrison	
393	County.....	\$ 500,000.00
394	(kk) Highway 11 North starting at the	
395	Jones/Jasper County line going north.....	\$ 500,000.00
396	(ll) Highway 583 in Lincoln County.....	\$ 250,000.00
397	(mm) Highway 24/Main Street in Liberty,	
398	Mississippi.....	\$ 250,000.00
399	(nn) County Farm Road in Harrison County.....	\$ 500,000.00

400 **SECTION 26.** The following sum, or so much thereof as may be
401 necessary, is reappropriated out of any money in the Department of
402 Transportation Funds not otherwise appropriated for the
403 Mississippi Department of Transportation for the purpose of
404 reauthorizing the expenditure of Transportation Funds, as
405 authorized in HB 1727, 2020 Regular Session to provide funds to
406 assist Jackson County, Mississippi, with the construction of a
407 turn lane on Saracennia Road into the Helena Industrial Park for
408 the fiscal year beginning July 1, 2021, and ending June 30, 2022.
409\$ 200,000.00.

410 Notwithstanding the amount reappropriated under the
411 provisions of this section, in no event shall the amount expended
412 exceed the unexpended balance as of June 30, 2021.

413 **SECTION 27.** The money herein appropriated shall be paid by
414 the State Treasurer out of any money in the State Treasury to the
415 credit of the proper fund or funds as set forth in this act, upon



416 warrants issued by the State Fiscal Officer; and the State Fiscal
417 Officer shall issue his warrants upon requisitions signed by the
418 proper person, officer or officers, in the manner provided by law.

419 **SECTION 28.** This act shall take effect and be in force from
420 and after July 1, 2021.

