

By: Senator(s) Hopson, Polk, Branning,  
Butler, Parks, Witherspoon

To: Appropriations

SENATE BILL NO. 2927  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
2 MAINTENANCE OF THE OFFICE OF STATE AID ROAD CONSTRUCTION OF THE  
3 MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2022.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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, 2021, and  
11 ending June 30, 2022 ..... \$ 195,514,836.00.

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 2023 do not  
22 exceed Fiscal Year 2022 funds appropriated for that purpose unless  
23 programs or positions are added to the agency's Fiscal Year 2022  
24 budget by the Mississippi Legislature. Based on data provided by  
25 the Legislative Budget Office, the State Personnel Board shall  
26 determine and publish the projected annual cost to fully fund all  
27 appropriated positions in compliance with the provisions of this  
28 act. Absent a special situation or circumstance approved by the  
29 State Personnel Board, or unless otherwise authorized by this act,  
30 no state agency shall take any action to promote or otherwise  
31 award salary increases through reallocation or realignment. If  
32 the State Personnel Board determines a special situation or  
33 circumstance exists and approves an action, then the agency and  
34 the State Personnel Board shall provide a monthly report of each  
35 action approved by the State Personnel Board to the Chairmen of  
36 the Accountability, Efficiency and Transparency Committees of the  
37 Senate and House of Representatives and the Chairmen of the  
38 Appropriations Committees of the Senate and House of  
39 Representatives. It shall be the responsibility of the agency  
40 head to ensure that no single personnel action increases this  
41 projected annual cost and/or the Fiscal Year 2022 appropriations  
42 for "Personal Services" when annualized, with the exception of  
43 escalated funds and the award of benchmarks. If, at the time the



44 agency takes any action to change "Personal Services," the State  
45 Personnel Board determines that the agency has taken an action  
46 which would cause the agency to exceed this projected annual cost  
47 or the Fiscal Year 2022 "Personal Services" appropriated level,  
48 when annualized, then only those actions which reduce the  
49 projected annual cost and/or the appropriation requirement will be  
50 processed by the State Personnel Board until such time as the  
51 requirements of this provision are met.

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

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

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



69 Funds have been appropriated herein for the purpose of  
70 implementation and funding Project SEC2 of the Colonel Guy Groff  
71 State Variable Compensation Plan beginning January 1, 2022, and  
72 ending June 30, 2022. It shall be the agency's responsibility to  
73 make certain that each person, excluding executive directors,  
74 agency heads, and elected judges, shall receive no more than a  
75 three percent (3%) annual increase in salary which shall not  
76 exceed the market rate established by the State Personnel Board  
77 pursuant to the Colonel Guy Groff State Variable Compensation Plan  
78 for each classification.

79 **SECTION 3.** Of the funds appropriated in Section 1, it is the  
80 intention of the Legislature that an amount not to exceed Five  
81 Hundred Thousand Dollars (\$500,000.00) is authorized to be  
82 expended from funds received from the Mississippi Development  
83 Authority as reimbursements for actual expenses incurred by the  
84 Office of State Aid Road Construction for administering and  
85 providing engineering services to political subdivisions as  
86 authorized under Section 65-4-15, Mississippi Code of 1972. Any  
87 such funds shall be deposited into the Office of State Aid Roads  
88 Administrative Fund for the fiscal year beginning July 1, 2021,  
89 and ending June 30, 2022.

90 **SECTION 4.** Of the funds appropriated in Section 1, it is the  
91 intention of the Legislature that an amount not to exceed Thirty  
92 Million Dollars (\$30,000,000.00) is authorized to be expended for



93 the purpose of replacement of structurally deficient bridges on  
94 the Local System Bridge Program (LSBP).

95 **SECTION 5.** It is the intention of the Legislature that the  
96 Office of State Aid Road Construction shall maintain complete  
97 accounting and personnel records related to the expenditure of all  
98 funds appropriated under this act and that such records shall be  
99 in the same format and level of detail as maintained for Fiscal  
100 Year 2021. It is further the intention of the Legislature that  
101 the agency's budget request for Fiscal Year 2023 shall be  
102 submitted to the Joint Legislative Budget Committee in a format  
103 and level of detail comparable to the format and level of detail  
104 provided during the Fiscal Year 2022 budget request process.

105 **SECTION 6.** In compliance with the "Mississippi Performance  
106 Budget and Strategic Planning Act of 1994," it is the intent of  
107 the Legislature that the funds provided herein shall be utilized  
108 in the most efficient and effective manner possible to achieve the  
109 intended mission of this agency. Based on the funding authorized,  
110 this agency shall make every effort to attain the targeted  
111 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
114 Administrative	
115       Administrative Costs as Compared to	
116               Construction Costs (%)	4.00
117       State Aid Construction Funds Allocated	



118	to Counties (%)	95.00
119	Number of Projects Let to Contract	175
120	Personnel Devoted to Construction	
121	Programs (%)	81.00
122	Federal Percentage of Total Project Fund	
123	Obligations (%)	35.00
124	Construction	
125	Reduction of Structurally Deficient	
126	Bridges (%)	0.00
127	Increase in Total Miles Paved (%)	1.00
128	Total State Aid Funds Available	
129	Programmed or Obligated to Projects (%)	75.00
130	Number of State Aid Projects Let to Contract	75
131	Number of Federal Projects Let to Contract	50
132	Number of State Aid Projects Completed	30
133	Number of Federal Projects Completed	20
134	Average Time from Initiation to	
135	Completion of a Federal Project (Days)	450
136	Number of Bridges Replaced or Repaired	85
137	Number of Structurally Deficient Bridges	
138	on the State Aid System	750
139	Average Cost of a State Aid/Federal	
140	Bridge Project	1,550,000
141	Local System Bridge	
142	Change in Deficient LSBP Bridges (%)	3.00



143	Average Number of Active LSBP Projects	
144	Per County	1
145	LSBP Funds Available Programmed or	
146	Obligated to Projects (%)	85.00
147	Number of LSBP Projects Let to Contract	55
148	Number of LSBP Projects Completed	70
149	Number of LSBP Bridges Replaced or Repaired	70
150	Number of Eligible Deficient LSBP Bridges	4,080
151	Average Time From Initiation to	
152	Completion of a LSBP Project (Days)	450
153	Counties Utilizing All of Their	
154	Available LSBP Funds (%)	30.00
155	Bridges Eligible for LSBP Funds (%)	10.00
156	A reporting of the degree to which the performance targets	
157	set above have been or are being achieved shall be provided in the	
158	agency's budget request submitted to the Joint Legislative Budget	
159	Committee for Fiscal Year 2023.	

160       **SECTION 7.** With the funds appropriated in this act, the  
161 Office of State Aid Road Construction shall notify members of the  
162 Mississippi Senate and House of Representatives upon the award of  
163 projects within their respective districts and at least five (5)  
164 days prior to a public ceremony announcing the award of any grant  
165 in their district or any public announcement or ceremony regarding  
166 the groundbreaking or opening of a facility, roadway or bridge for  
167 which the Legislature has made funds available. Any signage



168 regarding any public event or any new facility, roadway or bridge  
169 shall include the following language: "Funds were made available  
170 for this project by the Mississippi State Legislature." The  
171 signage shall further state the four-year legislative term in  
172 which the project was funded.

173         **SECTION 8.** It is the intention of the Legislature to  
174 authorize the State Aid Engineer to utilize funds available to the  
175 Office of State Aid Road Construction, from any source herein  
176 appropriated or made available by the counties or any other  
177 source, to pay for costs necessary to comply with the National  
178 Bridge Inspection Standards and the Federal Highway  
179 Administration's requirements for bridge inspections and/or  
180 special studies necessary to comply with federal laws. The State  
181 Aid Engineer shall follow the same procedures as have heretofore  
182 been established by Sections 65-9-9, 65-9-15 and 65-9-17,  
183 Mississippi Code of 1972, for payment of such costs. The Office  
184 of State Aid Road Construction may accept, budget and expend these  
185 funds subject to and in accordance with rules and regulations of  
186 the Department of Finance and Administration in a manner  
187 consistent with the escalation of federal or state funds.

188         **SECTION 9.** It is the intention of the Legislature that in  
189 the letting of contracts for which the Office of State Aid Road  
190 Construction administers and provides engineering services to  
191 political subdivisions under the Economic Development Highway Act,  
192 bids may be made from the lowest and best bidder after advertising





193 for competitive sealed bids once in a newspaper published or  
194 having a circulation in the county or municipality where the  
195 contract will be performed, and the date published for the bid  
196 opening may be not less than seven (7) working days after the  
197 advertisement is published.

198       **SECTION 10.** It is the intention of the Legislature that  
199 whenever two (2) or more bids are received by this agency for the  
200 purchase of commodities or equipment, and whenever all things  
201 stated in such received bids are equal with respect to price,  
202 quality and service, the Mississippi Industries for the Blind  
203 shall be given preference. A similar preference shall be given to  
204 the Mississippi Industries for the Blind whenever purchases are  
205 made without competitive bids.

206       **SECTION 11.** It is the intention of the Legislature that the  
207 funds herein appropriated shall be expended in compliance with  
208 Section 27-104-25, Mississippi Code of 1972, that no state agency  
209 shall incur obligations or indebtedness in excess of their  
210 appropriation and that the responsible officers, either personally  
211 or upon their official bonds, shall be held responsible for  
212 actions contrary to this provision.

213       **SECTION 12.** The money herein appropriated shall be paid by  
214 the State Treasurer out of any money in the State Treasury to the  
215 credit of the proper fund or funds as set forth in this act, upon  
216 warrants issued by the State Fiscal Officer; and the State Fiscal



217 Officer shall issue his warrants upon requisitions signed by the  
218 proper person, officer or officers, in the manner provided by law.

219         **SECTION 13.** This act shall take effect and be in force from  
220 and after July 1, 2021.

