

House Amendments to Senate Bill No. 2927

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, 2021, and
11 ending June 30, 2022.....\$ 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.....	52
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 **SECTION 3.** Of the funds appropriated in Section 1, it is the
70 intention of the Legislature that an amount not to exceed Five
71 Hundred Thousand Dollars (\$500,000.00) is authorized to be
72 expended from funds received from the Mississippi Development
73 Authority as reimbursements for actual expenses incurred by the

74 Office of State Aid Road Construction for administering and
75 providing engineering services to political subdivisions as
76 authorized under Section 65-4-15, Mississippi Code of 1972. Any
77 such funds shall be deposited into the Office of State Aid Roads
78 Administrative Fund for the fiscal year beginning July 1, 2021,
79 and ending June 30, 2022.

80 **SECTION 4.** Of the funds appropriated in Section 1, it is the
81 intention of the Legislature that an amount not to exceed Thirty
82 Million Dollars (\$30,000,000.00) is authorized to be expended for
83 the purpose of replacement of structurally deficient bridges on
84 the Local System Bridge Program (LSBP).

85 **SECTION 5.** It is the intention of the Legislature that the
86 Office of State Aid Road Construction shall maintain complete
87 accounting and personnel records related to the expenditure of all
88 funds appropriated under this act and that such records shall be
89 in the same format and level of detail as maintained for Fiscal
90 Year 2021. It is further the intention of the Legislature that
91 the agency's budget request for Fiscal Year 2023 shall be
92 submitted to the Joint Legislative Budget Committee in a format
93 and level of detail comparable to the format and level of detail
94 provided during the Fiscal Year 2022 budget request process.

95 **SECTION 6.** In compliance with the "Mississippi Performance
96 Budget and Strategic Planning Act of 1994," it is the intent of
97 the Legislature that the funds provided herein shall be utilized
98 in the most efficient and effective manner possible to achieve the
99 intended mission of this agency. Based on the funding authorized,

100 this agency shall make every effort to attain the targeted
 101 performance measures provided below:

102		FY2022
103	<u>Performance Measures</u>	<u>Target</u>
104	Administrative	
105	Administrative Costs as Compared to	
106	Construction Costs (%)	4.00
107	State Aid Construction Funds Allocated	
108	to Counties (%)	95.00
109	Number of Projects Let to Contract	175
110	Personnel Devoted to Construction	
111	Programs (%)	81.00
112	Federal Percentage of Total Project Fund	
113	Obligations (%)	35.00
114	Construction	
115	Reduction of Structurally Deficient	
116	Bridges (%)	0.00
117	Increase in Total Miles Paved (%)	1.00
118	Total State Aid Funds Available	
119	Programmed or Obligated to Projects (%)	75.00
120	Number of State Aid Projects Let to Contract	75
121	Number of Federal Projects Let to Contract	50
122	Number of State Aid Projects Completed	30
123	Number of Federal Projects Completed	20
124	Average Time from Initiation to	
125	Completion of a Federal Project (Days)	450

126	Number of Bridges Replaced or Repaired	85
127	Number of Structurally Deficient Bridges	
128	on the State Aid System	750
129	Average Cost of a State Aid/Federal	
130	Bridge Project	1,550,000
131	Local System Bridge	
132	Change in Deficient LSBP Bridges (%)	3.00
133	Average Number of Active LSBP Projects	
134	Per County	1
135	LSBP Funds Available Programmed or	
136	Obligated to Projects (%)	85.00
137	Number of LSBP Projects Let to Contract	55
138	Number of LSBP Projects Completed	70
139	Number of LSBP Bridges Replaced or Repaired	70
140	Number of Eligible Deficient LSBP Bridges	4,080
141	Average Time From Initiation to	
142	Completion of a LSBP Project (Days)	450
143	Counties Utilizing All of Their	
144	Available LSBP Funds (%)	30.00
145	Bridges Eligible for LSBP Funds (%)	10.00
146	A reporting of the degree to which the performance targets	
147	set above have been or are being achieved shall be provided in the	
148	agency's budget request submitted to the Joint Legislative Budget	
149	Committee for Fiscal Year 2023.	

150 **SECTION 7.** With the funds appropriated in this act, the
151 Office of State Aid Road Construction shall notify members of the

152 Mississippi Senate and House of Representatives upon the award of
153 projects within their respective districts and at least five (5)
154 days prior to a public ceremony announcing the award of any grant
155 in their district or any public announcement or ceremony regarding
156 the groundbreaking or opening of a facility, roadway or bridge for
157 which the Legislature has made funds available. Any signage
158 regarding any public event or any new facility, roadway or bridge
159 shall include the following language: "Funds were made available
160 for this project by the Mississippi State Legislature." The
161 signage shall further state the four-year legislative term in
162 which the project was funded.

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

178 **SECTION 9.** It is the intention of the Legislature that in
179 the letting of contracts for which the Office of State Aid Road
180 Construction administers and provides engineering services to
181 political subdivisions under the Economic Development Highway Act,
182 bids may be made from the lowest and best bidder after advertising
183 for competitive sealed bids once in a newspaper published or
184 having a circulation in the county or municipality where the
185 contract will be performed, and the date published for the bid
186 opening may be not less than seven (7) working days after the
187 advertisement is published.

188 **SECTION 10.** It is the intention of the Legislature that
189 whenever two (2) or more bids are received by this agency for the
190 purchase of commodities or equipment, and whenever all things
191 stated in such received bids are equal with respect to price,
192 quality and service, the Mississippi Industries for the Blind
193 shall be given preference. A similar preference shall be given to
194 the Mississippi Industries for the Blind whenever purchases are
195 made without competitive bids.

196 **SECTION 11.** It is the intention of the Legislature that the
197 funds herein appropriated shall be expended in compliance with
198 Section 27-104-25, Mississippi Code of 1972, that no state agency
199 shall incur obligations or indebtedness in excess of their
200 appropriation and that the responsible officers, either personally
201 or upon their official bonds, shall be held responsible for
202 actions contrary to this provision.

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

209 **SECTION 13.** This act shall take effect and be in force from
210 and after July 1, 2021, and shall stand repealed from and after
211 June 29, 2021.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

HR13\SB2927A.J

Andrew Ketchings
Clerk of the House of Representatives