

**Senate Amendments to House Bill No. 1413**

**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, 2021, and ending June 30, 2022.....  
12 .....\$ 1,065,180,298.00.

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.....	3,068
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 **SECTION 3.** Of the funds appropriated to the Mississippi  
74 Department of Transportation under the provisions of Section 1,

75 the following amounts shall be available for expenditure in the  
76 program budgets as required by Section 27-103-127, Mississippi  
77 Code of 1972:

78	Administration and Other Expenses.....	\$ 55,697,650.00
79	Construction.....	\$ 693,325,031.00
80	Maintenance.....	\$ 194,112,147.00
81	Debt Service.....	\$ 72,393,366.00
82	Law Enforcement.....	\$ 15,588,755.00
83	Aeronautics, Rails and other.....	\$ 34,063,349.00

84 **SECTION 4.** It is the intention of the Legislature that the  
85 Mississippi Department of Transportation shall maintain complete  
86 accounting and personnel records related to the expenditure of all  
87 funds appropriated under this act and that such records shall be  
88 in the same format and level of detail as maintained for Fiscal  
89 Year 2021. It is further the intention of the Legislature that  
90 the agency's budget request for Fiscal Year 2023 shall be  
91 submitted to the Joint Legislative Budget Committee in a format  
92 and level of detail comparable to the format and level of detail  
93 provided during the Fiscal Year 2022 budget request process.

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

99 **SECTION 6.** Of the funds appropriated in Section 1 of this  
100 act, the Mississippi Department of Transportation shall expend

101 such funds as necessary to conduct project planning. Such project  
102 planning shall apply to all preliminary engineering, right-of-way  
103 acquisition and construction projects of the department and, at a  
104 minimum, shall consist of policies for the oversight and  
105 management of project cost which:

106 (a) Establish a reasonable cost estimate for each  
107 project. For purposes of this provision, projects include  
108 preliminary engineering, right-of-way acquisition and  
109 construction;

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

112 (c) Require that any changes to a cost estimate for a  
113 project will be reviewed and approved by district or central  
114 office personnel. Such personnel shall be responsible for signing  
115 any revision, and providing a narrative description of the reasons  
116 for approving a revision;

117 (d) Capture the cost of consultants, engineers,  
118 attorneys, contract appraisers and other technical and  
119 professional contractors used in preliminary engineering,  
120 right-of-way acquisition and construction projects.

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

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

128           (b) The commission, within ten (10) working days after  
129 entry of its explanation and justification upon its minutes, gives  
130 notice, by United States First Class Mail, and provides a copy of  
131 such entry upon its minutes, to the Chairman of the Transportation  
132 Committee of the Mississippi House of Representatives and the  
133 Chairman of the Mississippi Senate Highways and Transportation  
134 Committee.

135           **SECTION 8.** Of the funds appropriated to the Mississippi  
136 Department of Transportation, Three Hundred Thousand Dollars  
137 (\$300,000.00) shall be used for the Statewide Litter Prevention  
138 Program.

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

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

148           **SECTION 11.** It is the intention of the Legislature that the  
149 Mississippi Department of Transportation is authorized to transfer  
150 between the various programs in an amount not to exceed ten

151 percent (10%) of the amount allocated in Section 3, except that no  
152 transfers shall be authorized which increase the "Administrative  
153 and Other Expenses" Program or the "Law Enforcement" Program or  
154 which decrease the "Maintenance" Program.

155       **SECTION 12.** It is the intention of the Legislature that the  
156 Mississippi Department of Transportation is authorized to expend  
157 funds which were obligated in Fiscal Year 2021 but not expended in  
158 2021 in the "Capital Outlay-Equipment" category in an amount not  
159 to exceed Two Million Dollars (\$2,000,000.00) as authorized in HB  
160 1727, 2020 Regular Session, for Fiscal Year 2021.

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

166       **SECTION 14.** With the funds appropriated in this act, the  
167 Mississippi Department of Transportation shall notify members of  
168 the Mississippi Senate and House of Representatives upon the award  
169 of projects within their respective districts and at least five  
170 (5) days prior to a public ceremony announcing the award of any  
171 grant in their district or any public announcement of ceremony  
172 regarding the groundbreaking or opening of a facility, roadway or  
173 bridge for which the Legislature has made funds available. Any  
174 signage regarding any public event or any new facility, roadway or  
175 bridge shall include the following language: "Funds were made  
176 available for this project by the Mississippi State Legislature."

177 Further, the signage shall state the four-year legislative term in  
178 which the project was funded.

179 **SECTION 15.** It is the intention of the Legislature that  
180 whenever two (2) or more bids are received by this agency for the  
181 purchase of commodities or equipment, and whenever all things  
182 stated in such received bids are equal with respect to price,  
183 quality and service, the Mississippi Industries for the Blind  
184 shall be given preference. A similar preference shall be given to  
185 the Mississippi Industries for the Blind whenever purchases are  
186 made without competitive bids.

187 **SECTION 16.** The Mississippi Department of Transportation is  
188 authorized to dispose of or transfer used cell phones that are  
189 obsolete or inoperable to cell phone recycling programs dedicated  
190 to providing free phone access to United States military  
191 personnel.

192 **SECTION 17.** In compliance with the "Mississippi Performance  
193 Budget and Strategic Planning Act of 1994," it is the intent of  
194 the Legislature that the funds provided herein shall be utilized  
195 in the most efficient and effective manner possible to achieve the  
196 intended mission of this agency. Based on the funding authorized,  
197 this agency shall make every effort to attain the targeted  
198 performance measures provided below:

199 FY2022  
200 Performance Measures Target

201 Maintenance

202 Total Number of Acres Mowed (First and



203	Subsequent)	290,000
204	Increase of Acreage Mowed (%)	0.97
205	Slow the Expected Increases of Total	
206	Fatalities According to a 5 Year Rolling	
207	Average (697 or Less)	685.00
208	Decrease in State-Maintained Lane Miles	
209	Needing Repair or Rehabilitation (%)	1.50
210	Pavement Needs Met Annually (%)	0.05
211	Interstate Lane-miles With an Acceptable	
212	Payment Condition Rating (%)	38.00
213	4 Lane Highway Lane-miles With an	
214	Acceptable Pavement Condition Rating (%)	71.00
215	2 Lane Highway Lane-miles With an	
216	Acceptable Pavement Condition Rating (%)	54.00
217	Cost per Mile to Maintain State Highways (\$)	27,969.00
218	Number of Bridges in Poor Condition	190
219	Number of Bridges With Timber Components	145
220	Construction	
221	Miles of State Maintained Highways that	
222	Meet MDOT Thresholds for Congestion (%)	1.97
223	Miles of State Maintained Highways	
224	Requiring Additional Capacity (Num of	
225	Lane Miles)	219.08
226	Cost per Mile to Construct State Highways	13,940,000
227	Administration & Other	
228	Administration as a Percentage of Total	

229	Budget	5.23
230	GO-MDOT-Total Number of Page Views	838,650
231	Increase in Utilization of	
232	MDOTTRAFFIC.COM website (%)	5.00
233	Bonded Debt Service	
234	MDOT's Share of Annual Debt Service will	
235	not exceed 3.75% of Annual Budget	0.94
236	Law Enforcement	
237	Number of Trucks Weighed	6,800,000
238	Number of Trucks Over Axle	5,500
239	Number of Weight & Size Permits Authorized	175,000
240	Number of Trucks Over Gross	7,100
241	Vehicles Inspected Exceeding Restricted	
242	Weight Limits (%)	25.00
243	Aeronautics & Rails	
244	Number of Airports Inspected	69
245	Number of Grade Crossings Inspected	2,800
246	A reporting of the degree to which the performance targets	
247	set above have been or are being achieved shall be provided in the	
248	agency's budget request submitted to the Joint Legislative Budget	
249	Committee for Fiscal Year 2023.	
250	<b>SECTION 18.</b> It is the intention of the Legislature that the	
251	Mississippi Department of Transportation is hereby authorized to	
252	pay invoices submitted by Hampton Inn, Greenwood, MS, for services	
253	in prior fiscal years in an amount not to exceed One Hundred	
254	Twenty-eight Dollars and Fifty-two Cents (\$128.52).	

255           **SECTION 19.** It is the intention of the Legislature that the  
256 Mississippi Department of Transportation is hereby authorized to  
257 pay invoices submitted by Holiday Inn Express Hotel and Suites,  
258 Ocean Springs, MS, for services in prior fiscal years in an amount  
259 not to exceed Ninety-three Dollars (\$93.00).

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

265           **SECTION 21.** The money herein appropriated shall be paid by  
266 the State Treasurer out of any money in the State Treasury to the  
267 credit of the proper fund or funds as set forth in this act, upon  
268 warrants issued by the State Fiscal Officer; and the State Fiscal  
269 Officer shall issue his warrants upon requisitions signed by the  
270 proper person, officer or officers, in the manner provided by law.

271           **SECTION 22.** This act shall take effect and be in force from  
272 and after July 1, 2021, and shall stand repealed 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 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.

SS15\HB1413A.J

Eugene S. Clarke  
Secretary of the Senate