

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1413

BY: Committee

**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:

	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
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	



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 **SECTION 18.** 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.

