

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

To: Appropriations

HOUSE BILL NO. 1630
(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 2023; 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, 2022, and ending June 30, 2023.....
12\$ 1,426,077,673.00.

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 and the Office of Aeronautics and Rails.
16 Of the funds appropriated under the provisions of Section 1, the
17 following positions are authorized:

18 AUTHORIZED HEADCOUNT:
19 Permanent: 2,906



20 Time-Limited: 0

21 With the funds herein appropriated, it shall be the agency's
22 responsibility to make certain that funds required for Personal
23 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
24 appropriated for that purpose unless programs or positions are
25 added to the agency's Fiscal Year 2023 budget by the Mississippi
26 Legislature. The Legislature shall determine the agency's
27 personal services appropriation, which shall be published by the
28 State Personnel Board. Additionally, the State Personnel Board
29 shall determine and publish the projected annualized payroll costs
30 based on current employees. It shall be the responsibility of the
31 agency head to ensure that actual personnel expenditures for
32 Fiscal Year 2023 do not exceed the data provided by the
33 Legislative Budget Office. If the agency's Fiscal Year 2023
34 projected cost exceeds the annualized costs, no salary actions
35 shall be processed by the State Personnel Board with the exception
36 of new hires that are determined to be essential for the agency.

37 Any transfers or escalations shall be made in accordance with
38 the terms, conditions and procedures established by law or
39 allowable under the terms set forth within this act. The State
40 Personnel Board shall not escalate positions without written
41 approval from the Department of Finance and Administration. The
42 Department of Finance and Administration shall not provide written
43 approval to escalate any funds for salaries and/or positions



44 without proof of availability of new or additional funds above the
45 appropriated level.

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49 act and which are withdrawn and no longer available.

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

54 Funds have been appropriated herein for the purpose of
55 funding Project SEC2 minimum salaries for all employees covered
56 under the Colonel Guy Groff/Neville Kenning Variable Compensation
57 Plan. It shall be the agency's responsibility to ensure that the
58 funds are used to increase all employees' salaries up to the
59 minimum level as determined by the State Personnel Board.

60 **SECTION 3.** Of the funds appropriated to the Mississippi
61 Department of Transportation under the provisions of Section 1,
62 the following amounts shall be available for expenditure in the
63 program budgets as required by Section 27-103-127, Mississippi
64 Code of 1972:

65 Administration and Other Expenses.....\$	62,667,692.00
66 Construction.....\$	983,995,968.00
67 Maintenance.....\$	264,476,524.00
68 Debt Service.....\$	78,782,972.00



69 Aeronautics, Rails and other.....\$ 36,154,517.00

70 **SECTION 4.** It is the intention of the Legislature that the
71 Mississippi Department of Transportation shall maintain complete
72 accounting and personnel records related to the expenditure of all
73 funds appropriated under this act and that such records shall be
74 in the same format and level of detail as maintained for Fiscal
75 Year 2022. It is further the intention of the Legislature that
76 the agency's budget request for Fiscal Year 2024 shall be
77 submitted to the Joint Legislative Budget Committee in a format
78 and level of detail comparable to the format and level of detail
79 provided during the Fiscal Year 2023 budget request process.

80 **SECTION 5.** Of the funds appropriated in Section 1, it is the
81 intention of the Legislature that Six Hundred Fifty Thousand
82 Dollars (\$650,000.00) shall be transferred to the Department of
83 Agriculture and Commerce for the Beaver Control or Eradication
84 Program during the Fiscal Year 2023.

85 **SECTION 6.** Of the funds appropriated in Section 1 and
86 authorized for expenditure in Section 3, Five Million Dollars
87 (\$5,000,000.00) shall be transferred by the Mississippi Department
88 of Transportation to the Department of Public Safety Office of
89 Commercial Transportation Enforcement Division for the operations
90 of the Division as authorized to be relocated in Senate Bill 2825,
91 2021 Regular Session.

92 **SECTION 7.** Of the funds appropriated in Section 1 of this
93 act, the Mississippi Department of Transportation shall expend



94 such funds as necessary to conduct project planning. Such project
95 planning shall apply to all preliminary engineering, right-of-way
96 acquisition and construction projects of the department and, at a
97 minimum, shall consist of policies for the oversight and
98 management of project cost which:

99 (a) Establish a reasonable cost estimate for each
100 project. For purposes of this provision, projects include
101 preliminary engineering, right-of-way acquisition and
102 construction;

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

105 (c) Require that any changes to a cost estimate for a
106 project will be reviewed and approved by district or central
107 office personnel. Such personnel shall be responsible for signing
108 any revision, and providing a narrative description of the reasons
109 for approving a revision;

110 (d) Capture the cost of consultants, engineers,
111 attorneys, contract appraisers and other technical and
112 professional contractors used in preliminary engineering,
113 right-of-way acquisition and construction projects.

114 **SECTION 8.** None of the funds appropriated under the
115 provisions of Section 1 of this act may be expended by the
116 Department of Transportation for construction of new highways if
117 such highway segment is less than ten (10) miles in length unless:



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

121 (b) The commission, within ten (10) working days after
122 entry of its explanation and justification upon its minutes, gives
123 notice, by United States First Class Mail, and provides a copy of
124 such entry upon its minutes, to the Chairman of the Transportation
125 Committee of the Mississippi House of Representatives and the
126 Chairman of the Mississippi Senate Highways and Transportation
127 Committee.

128 **SECTION 9.** It is the intention of the Legislature that of the
129 sum appropriated in Section 1, the Department is authorized to
130 provide a protective footwear allowance of not more than \$150 per
131 person annually for Engineers, Maintenance, and Construction
132 Workers as part of their safety equipment.

133 **SECTION 10.** Of the funds appropriated to the Mississippi
134 Department of Transportation, Three Hundred Thousand Dollars
135 (\$300,000.00) shall be used for the Statewide Litter Prevention
136 Program.

137 **SECTION 11.** Of the funds appropriated in Section 1, not less
138 than Eighty Million Dollars (\$80,000,000.00) shall be expended for
139 contracted maintenance overlay and pavement rehabilitation.

140 **SECTION 12.** It is the intention of the Legislature that the
141 Mississippi Department of Transportation is authorized to expend
142 with funds which were obligated in Fiscal Year 2022 for



143 maintenance overlay projects and maintenance repair projects but
144 not completed by the end of Fiscal Year 2022, in an amount not to
145 exceed Ten Million Dollars (\$10,000,000.00).

146 **SECTION 13.** It is the intention of the Legislature that the
147 Mississippi Department of Transportation is authorized to transfer
148 between the various programs in an amount not to exceed ten
149 percent (10%) of the amount allocated in Section 3, except that no
150 transfers shall be authorized which increase the "Administrative
151 and Other Expenses" Program or which decrease the "Maintenance"
152 Program.

153 **SECTION 14.** It is the intention of the Legislature that the
154 Mississippi Department of Transportation is authorized to expend
155 an amount not to exceed Thirty Million Dollars (\$30,000,000.00)
156 received from other public or private entities as reimbursements
157 for payments made on federal projects.

158 **SECTION 15.** With the funds appropriated in this act, the
159 Mississippi Department of Transportation shall notify members of
160 the Mississippi Senate and House of Representatives upon the award
161 of projects within their respective districts and at least five
162 (5) days prior to a public ceremony announcing the award of any
163 grant in their district or any public announcement of ceremony
164 regarding the groundbreaking or opening of a facility, roadway or
165 bridge for which the Legislature has made funds available. Any
166 signage regarding any public event or any new facility, roadway or
167 bridge shall include the following language: "Funds were made



168 available for this project by the Mississippi State Legislature."
169 Further, the signage shall state the four-year legislative term in
170 which the project was funded.

171 **SECTION 16.** It is the intention of the Legislature that
172 whenever two (2) or more bids are received by this agency for the
173 purchase of commodities or equipment, and whenever all things
174 stated in such received bids are equal with respect to price,
175 quality and service, the Mississippi Industries for the Blind
176 shall be given preference. A similar preference shall be given to
177 the Mississippi Industries for the Blind whenever purchases are
178 made without competitive bids.

179 **SECTION 17.** The Mississippi Department of Transportation is
180 authorized to dispose of or transfer used cell phones that are
181 obsolete or inoperable to cell phone recycling programs dedicated
182 to providing free phone access to United States military
183 personnel.

184 **SECTION 18.** In compliance with the "Mississippi Performance
185 Budget and Strategic Planning Act of 1994," it is the intent of
186 the Legislature that the funds provided herein shall be utilized
187 in the most efficient and effective manner possible to achieve the
188 intended mission of this agency. Based on the funding authorized,
189 this agency shall make every effort to attain the targeted
190 performance measures provided below:

191		FY2023
192	<u>Performance Measures</u>	<u>Target</u>



193	Maintenance	
194	Number of Acres Mowed (First & Subsequent)	290,000
195	Percent Increase of Acreage Mowed	66.00
196	Slow the Expected Increases of Total	
197	Fatalities According to a 5 Year Rolling	
198	Average (697 or Less)	749
199	Percent Decrease in State-Maintained	
200	Lane Miles Needing Repair or	
201	Rehabilitation	1.50
202	Percent of Pavement Needs Met Annually	10.00
203	Percent on Interstate Lane-Miles with	
204	Acceptable Pavement Condition Rating	52.50
205	Percent of 4 Lane Highway Lane-Miles	
206	with an Acceptable Pavement Condition	
207	Rating	72.00
208	Percent of 2 Lane Highway Lane-Miles	
209	With an Acceptable Pavement Condition	
210	Rating	57.50
211	Cost per Mile to Maintain State Highways	27,885.00
212	Number of Bridges in Poor Condition	170
213	Number of Bridges with Timber Components	130
214	Construction	
215	Percent of Miles of State Maintained	
216	Highways that Meet MDOT Thresholds for	
217	Congestion	2.01



218	Number of Lane Miles of State Maintained	
219	Highways Requiring Additional Capacity	563
220	Cost per Mile to Construct State Highways	14,960,000.00
221	Administration & Other	
222	Administration as a Percent of Total Budget	5.05
223	GO-MDOT-Total Number of Page Views	1,025,931
224	Percent Increase in Utilization of	
225	MDOTTRAFFIC.com Website	8.08
226	Bonded Debt Service	
227	MDOT's Share of Annual Debt Service will	
228	not Exceed 3.75% of Annual Budget	0.90
229	Aeronautics & Rails	
230	Number of Airports Inspected	69
231	Number of Grade Crossings Inspected	2,800
232	A reporting of the degree to which the performance targets	
233	set above have been or are being achieved shall be provided in the	
234	agency's budget request submitted to the Joint Legislative Budget	
235	Committee for Fiscal Year 2024.	

236 **SECTION 19.** The Mississippi Department of Transportation is
237 authorized to accept and expend any grant, donation, or
238 contribution from any individual, public, or private organization,
239 or government entity for purposes of defraying the operational
240 costs of the department. Such grants, donations or contributions
241 shall be received and expended under the rules and regulations of
242 the Department of Finance and Administration in a manner



243 consistent with the escalation of federal funds not to exceed One
244 Hundred Twenty-Five Million Dollars (\$125,000,000.00).

245 **SECTION 20.** With the funds appropriated herein, the
246 Department of Transportation is authorized to make payment for
247 expenses incurred during Fiscal Years 2016 through 2021 as
248 follows:

249	Vendor	Fiscal Year	Amount
250	Automated Power, Inc.	2016	\$ 43.23
251	Belmont Equipment	2018	\$ 172.00
252	Entergy	2020	\$ 18.79
253	Entergy	2020	\$ 19.47
254	Entergy	2020	\$ 18.83
255	Entergy	2020	\$ 18.52
256	Home2Suites by Hilton	2019	\$ 282.00
257	Home2Suites by Hilton	2019	\$ 282.00
258	Home2Suites by Hilton	2020	\$ 188.00
259	Home2Suites by Hilton	2020	\$ 188.00
260	Jackson County Utility Authority	2019	\$ 5,250.00
261	Jackson County Utility Authority	2019	\$ 3,024.00
262	Jackson County Utility Authority	2019	\$ 146,139.91
263	Jackson County Utility Authority	2019	\$ 145,773.58
264	Jackson County Utility Authority	2020	\$ 10,080.00
265	Jackson County Utility Authority	2020	\$ 17,500.00
266	Mid-South Machinery, Inc.	2018	\$ 84.58
267	Mid-South Machinery, Inc.	2019	\$ 66.51



268	Mid-South Machinery, Inc.	2019	\$	466.84
269	Mid-South Machinery, Inc.	2019	\$	856.45
270	Mid-South Machinery, Inc.	2019	\$	361.52
271	Mid-South Machinery, Inc.	2020	\$	291.26
272	Mid-South Machinery, Inc.	2020	\$	303.70
273	Tunica County, MS	2021	\$	10,416.00
274	Vermeer Midsouth, Inc.	2018	\$	188.03
275	Wolters Kluwer	2018	\$	382.77

276 **SECTION 21.** Of the funds provided in Section 1, the
277 following sum, or so much thereof as may be necessary, is
278 appropriated out of any money in the State Treasury to the credit
279 of the 2022 Infrastructure Match Fund, for the fiscal year
280 beginning July 1, 2022, and ending June 30, 2023.....
281\$ 40,000,000.00.

282 It is the intent of the Legislature that the funds provided
283 herein shall be provided for matching funds needed pursuant to the
284 Infrastructure Investment and Jobs Act.

285 **SECTION 22.** Of the funds provided in Section 1, the
286 following sum, or so much thereof as may be necessary, is
287 appropriated out of any money in the State Treasury to the credit
288 of the 2022 Maintenance Project Fund, for the fiscal year
289 beginning July 1, 2022, and ending June 30, 2023.....
290\$ 45,000,000.00.

291 With the funds provided herein, it is the intent of the
292 Legislature for the Department of Transportation to utilize these



293 funds to provide for maintenance projects by adopting the Pavement
294 Program of the Three-Year Plan as adopted by the Mississippi
295 Transportation Commission on Minute Book 105, page 732 and further
296 required by Section 65-1-141, Mississippi Code of 1972 Annotated.

297 In the event the Transportation Commission deviates from the
298 recommended priorities presented in the Pavement Program, the
299 Commission shall spread the specific reasons for deviation on its
300 minutes in accordance with Section 65-3-97, Mississippi Code of
301 1972 Annotated.

302 **SECTION 23.** Of the funds provided in Section 1, the
303 following sum, or so much thereof as may be necessary, is
304 appropriated out of any money in the State Treasury to the credit
305 of the 2022 Capacity Project Fund, for the fiscal year beginning
306 July 1, 2022, and ending June 30, 2023.....\$ 35,000,000.00.

307 With the funds provided herein, it is the intent of the
308 Legislature for the Department of Transportation to utilize these
309 funds to provide for capacity projects by adopting the Capacity
310 Program of the Three-Year Plan as adopted by the Mississippi
311 Transportation Commission on Minute Book 105, page 732 and further
312 required by Section 65-1-141, Mississippi Code of 1972 Annotated.

313 In the event the Transportation Commission deviates from the
314 recommended priorities presented in the Capacity Program, the
315 Commission shall spread the specific reasons for deviation on its
316 minutes in accordance with Section 65-3-97, Mississippi Code of
317 1972 Annotated.



318 **SECTION 24.** The money herein appropriated shall be paid by
319 the State Treasurer out of any money in the State Treasury to the
320 credit of the proper fund or funds as set forth in this act, upon
321 warrants issued by the State Fiscal Officer; and the State Fiscal
322 Officer shall issue his warrants upon requisitions signed by the
323 proper person, officer or officers, in the manner provided by law.

324 **SECTION 25.** This act shall take effect and be in force from
325 and after July 1, 2022.

