

By: Senator(s) Hopson, Polk, Branning,
Butler (36th), Butler (38th), Parks

To: Appropriations

SENATE BILL NO. 3028

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 2023.

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, 2022, and
11 ending June 30, 2023 \$ 189,630,040.00.

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 | 51 |
| 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 for "Personal
21 Services" for Fiscal Year 2024 do not exceed Fiscal Year 2023
22 funds appropriated for that purpose unless programs or positions
23 are added to the agency's Fiscal Year 2023 budget by the
24 Mississippi Legislature. The Legislature shall determine the
25 agency's personal services appropriation, which shall be published
26 by the State Personnel Board. Additionally, the State Personnel
27 Board shall determine and publish the projected annualized payroll
28 costs based on current employees. It shall be the responsibility
29 of the agency head to ensure that actual personnel expenditures
30 for Fiscal Year 2023 do not exceed the data provided by the
31 Legislative Budget Office. If the agency's Fiscal Year 2023
32 projected cost exceeds the annualized costs, no salary actions
33 shall be processed by the State Personnel Board with the exception
34 of new hires that are determined to be essential for the agency.

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



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47 act and which are withdrawn and no longer available.

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

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

58 **SECTION 3.** Of the funds appropriated in Section 1, it is the
59 intention of the Legislature that an amount not to exceed Five
60 Hundred Thousand Dollars (\$500,000.00) is authorized to be
61 expended from funds received from the Mississippi Development
62 Authority as reimbursements for actual expenses incurred by the
63 Office of State Aid Road Construction for administering and
64 providing engineering services to political subdivisions as
65 authorized under Section 65-4-15, Mississippi Code of 1972. Any
66 such funds shall be deposited into the Office of State Aid Roads
67 Administrative Fund for the fiscal year beginning July 1, 2022,
68 and ending June 30, 2023.



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

74 **SECTION 5.** It is the intention of the Legislature that the
75 Office of State Aid Road Construction shall maintain complete
76 accounting and personnel records related to the expenditure of all
77 funds appropriated under this act and that such records shall be
78 in the same format and level of detail as maintained for Fiscal
79 Year 2022. It is further the intention of the Legislature that
80 the agency's budget request for Fiscal Year 2024 shall be
81 submitted to the Joint Legislative Budget Committee in a format
82 and level of detail comparable to the format and level of detail
83 provided during the Fiscal Year 2023 budget request process.

84 **SECTION 6.** In compliance with the "Mississippi Performance
85 Budget and Strategic Planning Act of 1994," it is the intent of
86 the Legislature that the funds provided herein shall be utilized
87 in the most efficient and effective manner possible to achieve the
88 intended mission of this agency. Based on the funding authorized,
89 this agency shall make every effort to attain the targeted
90 performance measures provided below:

| | | |
|----|-----------------------------|---------------|
| 91 | | FY2023 |
| 92 | <u>Performance Measures</u> | <u>Target</u> |
| 93 | Administrative | |



| | | |
|-----|--|-------|
| 94 | Percent of Administrative Costs as | |
| 95 | Compared to Construction Costs | 4.00 |
| 96 | Percent of State Aid Construction Funds | |
| 97 | Allocated to Counties | 95.00 |
| 98 | Number of Projects Let to Contract | 175 |
| 99 | Percent of Personnel Devoted to | |
| 100 | Construction Programs | 81.00 |
| 101 | Federal Percent of Total Project Fund | |
| 102 | Obligations | 35.00 |
| 103 | Construction | |
| 104 | Percent Reduction of Structurally | |
| 105 | Deficient Bridges | 0.00 |
| 106 | Percent Increase in Total Miles Paved | 1.00 |
| 107 | Percent of Total State Aid Funds | |
| 108 | Available Programmed or Obligated to | |
| 109 | Projects | 75.00 |
| 110 | Number of State Aid Projects Let to Contract | 75 |
| 111 | Number of Federal Projects Let to Contract | 5 |
| 112 | Number of State Aid Projects Completed | 30 |
| 113 | Number of Federal Projects Completed | 20 |
| 114 | Average Time from Initiation to | |
| 115 | Completion of a Fed Project (Days) | 450 |
| 116 | Number of Bridges Replaced or Repaired | 85 |
| 117 | Number of Structurally Deficient Bridges | |
| 118 | on the State Aid System | 5,000 |



| | | |
|-----|--|--------------|
| 119 | Average Cost of a State Aid/Federal | |
| 120 | Bridge Project | 1,550,000.00 |
| 121 | Local System Bridge | |
| 122 | Percent Change in Deficient LSBP Bridges | 3.00 |
| 123 | Average Number of Active LSBP Projects | |
| 124 | per County | 1 |
| 125 | Percent of LSBP Funds Available | |
| 126 | Programmed or Obligated to Projects | 85.00 |
| 127 | Number of LSBP Projects Let to Contract | 55 |
| 128 | Number of LSBP Projects Completed | 70 |
| 129 | Number of LSBP Bridges Replaced or Repaired | 70 |
| 130 | Number of Eligible Deficient LSBP Bridges | 5,000 |
| 131 | Average Time From Initiation to | |
| 132 | Completion of a LSBP Project (Days) | 450 |
| 133 | Percent of Counties Utilizing All of | |
| 134 | Their Available LSBP Funds | 30.00 |
| 135 | Percent of Bridges Eligible for LSBP Funds | 10.00 |
| 136 | A reporting of the degree to which the performance targets | |
| 137 | set above have been or are being achieved shall be provided in the | |
| 138 | agency's budget request submitted to the Joint Legislative Budget | |
| 139 | Committee for Fiscal Year 2024. | |

140 **SECTION 7.** With the funds appropriated in this act, the
141 Office of State Aid Road Construction shall notify members of the
142 Mississippi Senate and House of Representatives upon the award of
143 projects within their respective districts and at least five (5)



144 days prior to a public ceremony announcing the award of any grant
145 in their district or any public announcement or ceremony regarding
146 the groundbreaking or opening of a facility, roadway or bridge for
147 which the Legislature has made funds available. Any signage
148 regarding any public event or any new facility, roadway or bridge
149 shall include the following language: "Funds were made available
150 for this project by the Mississippi State Legislature." The
151 signage shall further state the four-year legislative term in
152 which the project was funded.

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



168 **SECTION 9.** It is the intention of the Legislature that in
169 the letting of contracts for which the Office of State Aid Road
170 Construction administers and provides engineering services to
171 political subdivisions under the Economic Development Highway Act,
172 bids may be made from the lowest and best bidder after advertising
173 for competitive sealed bids once in a newspaper published or
174 having a circulation in the county or municipality where the
175 contract will be performed, and the date published for the bid
176 opening may be not less than seven (7) working days after the
177 advertisement is published.

178 **SECTION 10.** It is the intention of the Legislature that
179 whenever two (2) or more bids are received by this agency for the
180 purchase of commodities or equipment, and whenever all things
181 stated in such received bids are equal with respect to price,
182 quality and service, the Mississippi Industries for the Blind
183 shall be given preference. A similar preference shall be given to
184 the Mississippi Industries for the Blind whenever purchases are
185 made without competitive bids.

186 **SECTION 11.** It is the intention of the Legislature that the
187 funds herein appropriated shall be expended in compliance with
188 Section 27-104-25, Mississippi Code of 1972, that no state agency
189 shall incur obligations or indebtedness in excess of their
190 appropriation and that the responsible officers, either personally
191 or upon their official bonds, shall be held responsible for
192 actions contrary to this provision.



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

199 **SECTION 13.** This act shall take effect and be in force from
200 and after July 1, 2022, and shall stand repealed from and after
201 June 30, 2022.

