

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

To: Appropriations

SENATE BILL NO. 3028
(As Sent to Governor)

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.....\$ 189,978,608.00.

12 **SECTION 2.** Of the funds appropriated under the provisions of
13 this act, the following positions are authorized:

14 AUTHORIZED HEADCOUNT:

15 Permanent: 54
16 Time-Limited: 0

17 With the funds herein appropriated, it shall be the agency's
18 responsibility to make certain that funds required for Personal



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

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

42 No general funds authorized to be expended herein shall be
43 used to replace federal funds and/or other special funds which are



44 being used for salaries authorized under the provisions of this
45 act and which are withdrawn and no longer available.

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

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

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

67 **SECTION 4.** Of the funds appropriated in Section 1, it is the
68 intention of the Legislature that an amount not to exceed Thirty



69 Million Dollars (\$30,000,000.00) is authorized to be expended for
70 the purpose of replacement of structurally deficient bridges on
71 the Local System Bridge Program (LSBP).

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

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

	FY2023
<u>Performance Measures</u>	<u>Target</u>
Administrative	
Percent of Administrative Costs as	
Compared to Construction Costs	4.00



94	Percent of State Aid Construction Funds	
95	Allocated to Counties	95.00
96	Number of Projects Let to Contract	175
97	Percent of Personnel Devoted to	
98	Construction Programs	81.00
99	Federal Percent of Total Project Fund	
100	Obligations	35.00
101	Construction	
102	Percent Reduction of Structurally	
103	Deficient Bridges	0.00
104	Percent Increase in Total Miles Paved	1.00
105	Percent of Total State Aid Funds	
106	Available Programmed or Obligated to	
107	Projects	75.00
108	Number of State Aid Projects Let to Contract	75
109	Number of Federal Projects Let to Contract	5
110	Number of State Aid Projects Completed	30
111	Number of Federal Projects Completed	20
112	Average Time from Initiation to	
113	Completion of a Fed Project (Days)	450
114	Number of Bridges Replaced or Repaired	85
115	Number of Structurally Deficient Bridges	
116	on the State Aid System	5,000
117	Average Cost of a State Aid/Federal	
118	Bridge Project	1,550,000.00



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

138 **SECTION 7.** With the funds appropriated in this act, the
139 Office of State Aid Road Construction shall notify members of the
140 Mississippi Senate and House of Representatives upon the award of
141 projects within their respective districts and at least five (5)
142 days prior to a public ceremony announcing the award of any grant
143 in their district or any public announcement or ceremony regarding



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

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

166 **SECTION 9.** It is the intention of the Legislature that in
167 the letting of contracts for which the Office of State Aid Road
168 Construction administers and provides engineering services to



169 political subdivisions under the Economic Development Highway Act,
170 bids may be made from the lowest and best bidder after advertising
171 for competitive sealed bids once in a newspaper published or
172 having a circulation in the county or municipality where the
173 contract will be performed, and the date published for the bid
174 opening may be not less than seven (7) working days after the
175 advertisement is published.

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

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

191 **SECTION 12.** The money herein appropriated shall be paid by
192 the State Treasurer out of any money in the State Treasury to the
193 credit of the proper fund or funds as set forth in this act, upon



194 warrants issued by the State Fiscal Officer; and the State Fiscal
195 Officer shall issue his warrants upon requisitions signed by the
196 proper person, officer or officers, in the manner provided by law.

197 **SECTION 13.** This act shall take effect and be in force from
198 and after July 1, 2022.

