

**House Amendments to Senate Bill No. 3028**

**TO THE SECRETARY OF THE SENATE:**

**THIS IS TO INFORM YOU THAT THE HOUSE 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:**

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 funds

22 appropriated for that purpose unless programs or positions are  
23 added to the agency's Fiscal Year 2023 budget by the Mississippi  
24 Legislature. The Legislature shall determine the agency's  
25 personal services appropriation, which shall be published by the  
26 State Personnel Board. Additionally, the State Personnel Board  
27 shall determine and publish the projected annualized payroll costs  
28 based on current employees. It shall be the responsibility of the  
29 agency head to ensure that actual personnel expenditures for  
30 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:

	FY2023
<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 29, 2022.



HR13\SB3028A.J

Andrew Ketchings  
Clerk of the House of Representatives