

Senate Amendments to House Bill No. 1630

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE 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:

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\$ 1,126,828,230.00.

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 POSITIONS:**

19	Permanent:	Full Time.....	2,903
20		Part Time.....	5
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 for Personal
25 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
26 appropriated for that purpose unless programs or positions are
27 added to the agency's Fiscal Year 2023 budget by the Mississippi
28 Legislature. The Legislature shall determine the agency's
29 personal services appropriation, which shall be published by the
30 State Personnel Board. Additionally, the State Personnel Board
31 shall determine and publish the projected annualized payroll costs
32 based on current employees. It shall be the responsibility of the
33 agency head to ensure that actual personnel expenditures for
34 Fiscal Year 2023 do not exceed the data provided by the
35 Legislative Budget Office. If the agency's Fiscal Year 2023
36 projected cost exceeds the annualized costs, no salary actions
37 shall be processed by the State Personnel Board with the exception
38 of new hires that are determined to be essential for the agency.

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

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51 act and which are withdrawn and no longer available.

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

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

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

67 Administration and Other Expenses.....	\$ 62,667,692.00
68 Construction.....	\$ 729,746,525.00
69 Maintenance.....	\$ 219,476,524.00
70 Debt Service.....	\$ 78,782,972.00
71 Aeronautics, Rails and other.....	\$ 36,154,517.00

72 **SECTION 4.** It is the intention of the Legislature that the
73 Mississippi Department of Transportation 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 5.** Of the funds appropriated in Section 1, it is the
83 intention of the Legislature that Six Hundred Fifty Thousand
84 Dollars (\$650,000.00) shall be transferred to the Department of
85 Agriculture and Commerce for the Beaver Control or Eradication
86 Program during the Fiscal Year 2023.

87 **SECTION 6.** Of the funds appropriated in Section 1 of this
88 act, the Mississippi Department of Transportation shall expend
89 such funds as necessary to conduct project planning. Such project
90 planning shall apply to all preliminary engineering, right-of-way
91 acquisition and construction projects of the department and, at a
92 minimum, shall consist of policies for the oversight and
93 management of project cost which:

94 (a) Establish a reasonable cost estimate for each
95 project. For purposes of this provision, projects include
96 preliminary engineering, right-of-way acquisition and
97 construction;

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

100 (c) Require that any changes to a cost estimate for a
101 project will be reviewed and approved by district or central
102 office personnel. Such personnel shall be responsible for signing
103 any revision, and providing a narrative description of the reasons
104 for approving a revision;

105 (d) Capture the cost of consultants, engineers,
106 attorneys, contract appraisers and other technical and
107 professional contractors used in preliminary engineering,
108 right-of-way acquisition and construction projects.

109 **SECTION 7.** None of the funds appropriated under the
110 provisions of Section 1 of this act may be expended by the
111 Department of Transportation for construction of new highways if
112 such highway segment is less than ten (10) miles in length unless:

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

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

123 **SECTION 8.** Of the funds appropriated to the Mississippi
124 Department of Transportation, Three Hundred Thousand Dollars

125 (\$300,000.00) shall be used for the Statewide Litter Prevention
126 Program.

127 **SECTION 9.** Of the funds appropriated in Section 1, not less
128 than Eighty Million Dollars (\$80,000,000.00) shall be expended for
129 contracted maintenance overlay and pavement rehabilitation.

130 **SECTION 10.** It is the intention of the Legislature that the
131 Mississippi Department of Transportation is authorized to expend
132 with funds which were obligated in Fiscal Year 2022 for
133 maintenance overlay projects and maintenance repair projects but
134 not completed by the end of Fiscal Year 2022, in an amount not to
135 exceed Ten Million Dollars (\$10,000,000.00).

136 **SECTION 11.** It is the intention of the Legislature that the
137 Mississippi Department of Transportation is authorized to transfer
138 between the various programs in an amount not to exceed ten
139 percent (10%) of the amount allocated in Section 3, except that no
140 transfers shall be authorized which increase the "Administrative
141 and Other Expenses" Program or which decrease the "Maintenance"
142 Program.

143 **SECTION 12.** It is the intention of the Legislature that the
144 Mississippi Department of Transportation is authorized to expend
145 an amount not to exceed Thirty Million Dollars (\$30,000,000.00)
146 received from other public or private entities as reimbursements
147 for payments made on federal projects.

148 **SECTION 13.** With the funds appropriated in this act, the
149 Mississippi Department of Transportation shall notify members of
150 the Mississippi Senate and House of Representatives upon the award

151 of projects within their respective districts and at least five
152 (5) days prior to a public ceremony announcing the award of any
153 grant in their district or any public announcement of ceremony
154 regarding the groundbreaking or opening of a facility, roadway or
155 bridge for which the Legislature has made funds available. Any
156 signage regarding any public event or any new facility, roadway or
157 bridge shall include the following language: "Funds were made
158 available for this project by the Mississippi State Legislature."
159 Further, the signage shall state the four-year legislative term in
160 which the project was funded.

161 **SECTION 14.** It is the intention of the Legislature that
162 whenever two (2) or more bids are received by this agency for the
163 purchase of commodities or equipment, and whenever all things
164 stated in such received bids are equal with respect to price,
165 quality and service, the Mississippi Industries for the Blind
166 shall be given preference. A similar preference shall be given to
167 the Mississippi Industries for the Blind whenever purchases are
168 made without competitive bids.

169 **SECTION 15.** The Mississippi Department of Transportation is
170 authorized to dispose of or transfer used cell phones that are
171 obsolete or inoperable to cell phone recycling programs dedicated
172 to providing free phone access to United States military
173 personnel.

174 **SECTION 16.** In compliance with the "Mississippi Performance
175 Budget and Strategic Planning Act of 1994," it is the intent of
176 the Legislature that the funds provided herein shall be utilized

177 in the most efficient and effective manner possible to achieve the
 178 intended mission of this agency. Based on the funding authorized,
 179 this agency shall make every effort to attain the targeted
 180 performance measures provided below:

181		FY2023
182	<u>Performance Measures</u>	<u>Target</u>
183	Maintenance	
184	Number of Acres Mowed (First & Subsequent)	290,000
185	Percent Increase of Acreage Mowed	66.00
186	Slow the Expected Increases of Total	
187	Fatalities According to a 5 Year Rolling	
188	Average (697 or Less)	749
189	Percent Decrease in State-Maintained	
190	Lane Miles Needing Repair or	
191	Rehabilitation	1.50
192	Percent of Pavement Needs Met Annually	10.00
193	Percent on Interstate Lane-Miles with	
194	Acceptable Pavement Condition Rating	52.50
195	Percent of 4 Lane Highway Lane-Miles	
196	with an Acceptable Pavement Condition	
197	Rating	72.00
198	Percent of 2 Lane Highway Lane-Miles	
199	With an Acceptable Pavement Condition	
200	Rating	57.50
201	Cost per Mile to Maintain State Highways	27,885.00
202	Number of Bridges in Poor Condition	170

203	Number of Bridges with Timber Components	130
204	Construction	
205	Percent of Miles of State Maintained	
206	Highways that Meet MDOT Thresholds for	
207	Congestion	2.01
208	Number of Lane Miles of State Maintained	
209	Highways Requiring Additional Capacity	563
210	Cost per Mile to Construct State Highways	14,960,000.00
211	Administration & Other	
212	Administration as a Percent of Total Budget	5.05
213	GO-MDOT-Total Number of Page Views	1,025,931
214	Percent Increase in Utilization of	
215	MDOTTRAFFIC.com Website	8.08
216	Bonded Debt Service	
217	MDOT's Share of Annual Debt Service will	
218	not Exceed 3.75% of Annual Budget	0.90
219	Aeronautics & Rails	
220	Number of Airports Inspected	69
221	Number of Grade Crossings Inspected	2,800
222	A reporting of the degree to which the performance targets	
223	set above have been or are being achieved shall be provided in the	
224	agency's budget request submitted to the Joint Legislative Budget	
225	Committee for Fiscal Year 2024.	
226	SECTION 17. The Mississippi Department of Transportation is	
227	authorized to accept and expend any grant, donation, or	
228	contribution from any individual, public, or private organization,	

229 or government entity for purposes of defraying the operational
230 costs of the department. Such grants, donations or contributions
231 shall be received and expended under the rules and regulations of
232 the Department of Finance and Administration in a manner
233 consistent with the escalation of federal funds not to exceed One
234 Hundred Twenty-Five Million Dollars (\$125,000,000.00).

235 **SECTION 18.** Of the funds appropriated in Section 1 and
236 authorized for expenditure in Section 3, Five Million Dollars
237 (\$5,000,000.00) shall be transferred by the Mississippi Department
238 of Transportation to the Department of Public Safety Office of
239 Commercial Transportation Enforcement Division for the operations
240 of the Division as authorized to be relocated in Senate Bill 2825,
241 2021 Regular Session.

242 **SECTION 19.** With the funds appropriated herein, the
243 Department of Transportation is authorized to make payment for
244 expenses incurred during Fiscal Years 2016 through 2021 as
245 follows:

246	Vendor	Fiscal Year		Amount
247	Automated Power, Inc.	2016	\$	43.23
248	Belmont Equipment	2018	\$	172.00
249	Entergy	2020	\$	18.79
250	Entergy	2020	\$	19.47
251	Entergy	2020	\$	18.83
252	Entergy	2020	\$	18.52
253	Home2Suites by Hilton	2019	\$	282.00
254	Home2Suites by Hilton	2019	\$	282.00

255	Home2Suites by Hilton	2020	\$	188.00
256	Home2Suites by Hilton	2020	\$	188.00
257	Jackson County Utility Authority	2019	\$	5,250.00
258	Jackson County Utility Authority	2019	\$	3,024.00
259	Jackson County Utility Authority	2019	\$	146,139.91
260	Jackson County Utility Authority	2019	\$	145,773.58
261	Jackson County Utility Authority	2020	\$	10,080.00
262	Jackson County Utility Authority	2020	\$	17,500.00
263	Tunica County, MS	2021	\$	10,416.00
264	Vermeer Midsouth, Inc.	2018	\$	188.03
265	Wolters Kluwer	2018	\$	382.77

266 **SECTION 20.** The money herein appropriated shall be paid by
267 the State Treasurer out of any money in the State Treasury to the
268 credit of the proper fund or funds as set forth in this act, upon
269 warrants issued by the State Fiscal Officer; and the State Fiscal
270 Officer shall issue his warrants upon requisitions signed by the
271 proper person, officer or officers, in the manner provided by law.

272 **SECTION 21.** This act shall take effect and be in force from
273 and after July 1, 2022, and shall stand repealed June 29, 2022.

**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 2023; AND FOR RELATED PURPOSES.

SS15\HB1630A.J

Eugene S. Clarke
Secretary of the Senate