

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

To: Appropriations

HOUSE BILL NO. 1642

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 2024; 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, 2023, and ending June 30, 2024.....
12\$ 1,398,878,445.00.

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: 2,645



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 2025 do not exceed Fiscal Year 2024 funds
24 appropriated for that purpose unless programs or positions are
25 added to the agency's Fiscal Year 2024 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 2024 do not exceed the data provided by the
33 Legislative Budget Office. If the agency's Fiscal Year 2024
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.....\$ | 61,472,447.00 |
| 66 | Construction.....\$ | 965,228,455.00 |
| 67 | Maintenance.....\$ | 259,432,228.00 |
| 68 | Debt Service.....\$ | 77,280,364.00 |



69 Aeronautics, Rails and other.....\$ 35,464,951.00

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 2023. It is further the intention of the Legislature that
76 the agency's budget request for Fiscal Year 2025 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 2024 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 2024.

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 2023 for



143 maintenance overlay projects and maintenance repair projects but
144 not completed by the end of Fiscal Year 2023, 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 | | FY2024 |
| 192 | <u>Performance Measures</u> | <u>Target</u> |



| | | |
|-----|--|-----------|
| 193 | Maintenance | |
| 194 | Number of Acres Mowed (First and 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) | 707 |
| 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 of Interstate Lane-Miles with an | |
| 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 | 27,938.00 |
| 212 | Number of Bridges in Poor Condition | 170 |
| 213 | Number of Bridges with Timber Components | 115 |
| 214 | Construction | |
| 215 | Percent of Miles of State Maintained | |
| 216 | Highways that Meet MDOT Thresholds for | |
| 217 | Congestion | 2.16 |



| | | |
|-----|--|---------------|
| 218 | Number of Lane Miles of State Maintained | |
| 219 | Highways Requiring Additional Capacity | 604.99 |
| 220 | Cost per Mile to Construct State Highways | 18,460,000.00 |
| 221 | Administration & Other | |
| 222 | Administration as a Percent of Total Budget | 4.40 |
| 223 | GO-MDOT-Total Number of Page Views | 1,077,228 |
| 224 | Percent Increase in Utilization of | |
| 225 | MDOTTRAFFIC.com Website | 0.05 |
| 226 | Bonded Debt Service | |
| 227 | MDOT's Share of Annual Debt Service will | |
| 228 | Not Exceed 3.75% of Annual Budget | 0.76 |
| 229 | Aeronautics & Rails | |
| 230 | Number of Airports Inspected | 69 |
| 231 | Number of Grade Crossings Inspected | 2,100 |
| 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 2025. | |

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 2018 through 2021 as
248 follows:

| 249 | Vendor | Amount | Invoice Date | Fiscal Year |
|-----|-------------------------|------------|--------------|-------------|
| 250 | City of Greenville | \$1,410.56 | 02/26/2021 | FY2021 |
| 251 | City of Greenville | \$1,038.64 | 05/27/2021 | FY2021 |
| 252 | MS Department of Health | \$ 120.00 | 12/29/2017 | FY2018 |
| 253 | MS Department of Health | \$ 180.00 | 12/21/2018 | FY2019 |
| 254 | MS Department of Health | \$ 390.00 | 10/16/2020 | FY2021 |
| 255 | MS Department of Health | \$ 210.00 | 10/30/2020 | FY2021 |
| 256 | Mississippi Power | \$ 498.44 | 07/27/2020 | FY2021 |
| 257 | Pearl Valley Electric | | | |
| 258 | Power Association | \$ 73.27 | 09/27/2019 | FY2020 |
| 259 | Pearl Valley Electric | | | |
| 260 | Power Association | \$ 129.77 | 09/27/2019 | FY2020 |
| 261 | RJ Young Company | \$ 605.51 | 06/15/2021 | FY2021 |
| 262 | Singing River Electric | \$ 27.86 | 07/13/2020 | FY2020 |
| 263 | Singing River Electric | \$ 121.84 | 07/13/2021 | FY2021 |
| 264 | Singing River Electric | \$ 29.25 | 07/15/2021 | FY2021 |

265 **SECTION 21.** The money herein appropriated shall be paid by
266 the State Treasurer out of any money in the State Treasury to the
267 credit of the proper fund or funds as set forth in this act, upon



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

271 **SECTION 22.** This act shall take effect and be in force from
272 and after July 1, 2023, and shall stand repealed June 30, 2023.

