

House Amendments to Senate Bill No. 3026

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, 2023, and
11 ending June 30, 2024.....\$ 189,821,822.00.

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

14 AUTHORIZED HEADCOUNT:
15 Permanent: 52
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 2025 do not exceed Fiscal Year 2024 funds
20 appropriated for that purpose unless programs or positions are
21 added to the agency's Fiscal Year 2024 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 2024 do not exceed the data provided by the
29 Legislative Budget Office. If the agency's Fiscal Year 2024
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, 2023, and ending June 30, 2024.

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

	FY2024
<u>Performance Measures</u>	<u>Target</u>
91 Administrative	
92 Percent of Administrative Costs as	
93 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 Increase in Total Miles Paved	1.00
103	Percent of Total State Aid Funds	
104	Available Programmed or Obligated to	
105	Projects	75.00
106	Number of State Aid Projects Let to Contract	75
107	Number of Federal Projects Let to Contract	5
108	Number of State Aid Projects Completed	30
109	Number of Federal Projects Completed	20
110	Average Number of Days from Initiation	
111	to Completion of a Fed Project	450
112	Number of Bridges Replaced or Repaired	85
113	Number of Structurally Deficient Bridges	
114	on the State Aid System	5,000
115	Average Cost of a State Aid/Federal	
116	Bridge Project	1,550,000.00
117	Local System Bridge	
118	Percent Change in Deficient LSBP Bridges	3.00
119	Average Number of Active LSBP Projects	
120	Per County	1.00
121	Percent of LSBP Funds Available	
122	Programmed or Obligated to Projects	85.00
123	Number of LSBP Projects Let to Contract	55
124	Number of LSBP Projects Completed	70
125	Number of LSBP Bridges Replaced or Repaired	70

126	Number of Eligible Deficient LSBP Bridges	5,000
127	Average Number of Days From Initiation	
128	to Completion of a LSBP Project	450
129	Percent of Counties Utilizing All of	
130	Their Available LSBP Funds	30.00
131	Percent of Bridges Eligible for LSBP Funds	10.00

132 A reporting of the degree to which the performance targets
133 set above have been or are being achieved shall be provided in the
134 agency's budget request submitted to the Joint Legislative Budget
135 Committee for Fiscal Year 2025.

136 **SECTION 7.** With the funds appropriated in this act, the
137 Office of State Aid Road Construction shall notify members of the
138 Mississippi Senate and House of Representatives upon the award of
139 projects within their respective districts and at least five (5)
140 days prior to a public ceremony announcing the award of any grant
141 in their district or any public announcement or ceremony regarding
142 the groundbreaking or opening of a facility, roadway or bridge for
143 which the Legislature has made funds available. Any signage
144 regarding any public event or any new facility, roadway or bridge
145 shall include the following language: "Funds were made available
146 for this project by the Mississippi State Legislature." The
147 signage shall further state the four-year legislative term in
148 which the project was funded.

149 **SECTION 8.** It is the intention of the Legislature to
150 authorize the State Aid Engineer to utilize funds available to the
151 Office of State Aid Road Construction, from any source herein

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

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

174 **SECTION 10.** It is the intention of the Legislature that
175 whenever two (2) or more bids are received by this agency for the
176 purchase of commodities or equipment, and whenever all things
177 stated in such received bids are equal with respect to price,

178 quality and service, the Mississippi Industries for the Blind
179 shall be given preference. A similar preference shall be given to
180 the Mississippi Industries for the Blind whenever purchases are
181 made without competitive bids.

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

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

195 **SECTION 13.** This act shall take effect and be in force from
196 and after July 1, 2023, and shall stand repealed from and after
197 June 29, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 2024.

HR13\SB3026A.J

Andrew Ketchings
Clerk of the House of Representatives