

**Senate Amendments to House Bill No. 1642**

**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, 2023, and ending  
12 June 30, 2024.....\$    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 Section 77-7-343,  
91 Mississippi Code of 1972.

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 project.  
100 For purposes of this provision, projects include preliminary  
101 engineering, right-of-way acquisition and construction;

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

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

109 (d) Capture the cost of consultants, engineers, attorneys,  
110 contract appraisers and other technical and professional  
111 contractors used in preliminary engineering, right-of-way  
112 acquisition and construction projects.

113 **SECTION 8.** None of the funds appropriated under the  
114 provisions of Section 1 of this act may be expended by the  
115 Department of Transportation for construction of new highways if  
116 such highway segment is less than ten (10) miles in length unless:

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

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

125 Chairman of the Mississippi Senate Highways and Transportation  
126 Committee.

127         **SECTION 9.** It is the intention of the Legislature that of  
128 the sum appropriated in Section 1, the Department is authorized to  
129 provide a protective footwear allowance of not more than \$150 per  
130 person annually for Engineers, Maintenance, and Construction  
131 Workers as part of their safety equipment.

132         **SECTION 10.** Of the funds appropriated to the Mississippi  
133 Department of Transportation, Three Hundred Thousand Dollars  
134 (\$300,000.00) shall be used for the Statewide Litter Prevention  
135 Program.

136         **SECTION 11.** Of the funds appropriated in Section 1, not less  
137 than Eighty Million Dollars (\$80,000,000.00) shall be expended for  
138 contracted maintenance overlay and pavement rehabilitation.

139         **SECTION 12.** It is the intention of the Legislature that the  
140 Mississippi Department of Transportation is authorized to expend  
141 with funds which were obligated in Fiscal Year 2023 for  
142 maintenance overlay projects and maintenance repair projects but  
143 not completed by the end of Fiscal Year 2023, in an amount not to  
144 exceed Ten Million Dollars (\$10,000,000.00).

145         **SECTION 13.** It is the intention of the Legislature that the  
146 Mississippi Department of Transportation is authorized to transfer  
147 between the various programs in an amount not to exceed ten  
148 percent (10%) of the amount allocated in Section 3, except that no  
149 transfers shall be authorized which increase the "Administrative

150 and Other Expenses" Program or which decrease the "Maintenance"  
151 Program.

152         **SECTION 14.** It is the intention of the Legislature that the  
153 Mississippi Department of Transportation is authorized to expend  
154 an amount not to exceed Thirty Million Dollars (\$30,000,000.00)  
155 received from other public or private entities as reimbursements  
156 for payments made on federal projects.

157         **SECTION 15.** With the funds appropriated in this act, the  
158 Mississippi Department of Transportation shall notify members of  
159 the Mississippi Senate and House of Representatives upon the award  
160 of projects within their respective districts and at least five  
161 (5) days prior to a public ceremony announcing the award of any  
162 grant in their district or any public announcement of ceremony  
163 regarding the groundbreaking or opening of a facility, roadway or  
164 bridge for which the Legislature has made funds available. Any  
165 signage regarding any public event or any new facility, roadway or  
166 bridge shall include the following language: "Funds were made  
167 available for this project by the Mississippi State Legislature."  
168 Further, the signage shall state the four-year legislative term in  
169 which the project was funded.

170         **SECTION 16.** It is the intention of the Legislature that  
171 whenever two (2) or more bids are received by this agency for the  
172 purchase of commodities or equipment, and whenever all things  
173 stated in such received bids are equal with respect to price,  
174 quality and service, the Mississippi Industries for the Blind  
175 shall be given preference. A similar preference shall be given to

176 the Mississippi Industries for the Blind whenever purchases are  
177 made without competitive bids.

178 **SECTION 17.** The Mississippi Department of Transportation is  
179 authorized to dispose of or transfer used cell phones that are  
180 obsolete or inoperable to cell phone recycling programs dedicated  
181 to providing free phone access to United States military  
182 personnel.

183 **SECTION 18.** In compliance with the "Mississippi Performance  
184 Budget and Strategic Planning Act of 1994," it is the intent of  
185 the Legislature that the funds provided herein shall be utilized  
186 in the most efficient and effective manner possible to achieve the  
187 intended mission of this agency. Based on the funding authorized,  
188 this agency shall make every effort to attain the targeted  
189 performance measures provided below:

	FY2024
<u>Performance Measures</u>	<u>Target</u>
Maintenance	
Number of Acres Mowed (First and Subsequent)	290,000
Percent Increase of Acreage Mowed	66.00
Slow the Expected Increases of Total	
Fatalities According to a 5 Year Rolling	
Average (697 or Less)	707
Percent Decrease in State-Maintained	
Lane Miles Needing Repair or	
Rehabilitation	1.50
Percent of Pavement Needs Met Annually	10.00



202	Percent of Interstate Lane-Miles with an	
203	Acceptable Pavement Condition Rating	52.50
204	Percent of 4 Lane Highway Lane-Miles	
205	with an Acceptable Pavement Condition	
206	Rating	72.00
207	Percent of 2 Lane Highway Lane-Miles	
208	with an Acceptable Pavement Condition	
209	Rating	57.50
210	Cost per Mile to Maintain State Highways	27,938.00
211	Number of Bridges in Poor Condition	170
212	Number of Bridges with Timber Components	115
213	Construction	
214	Percent of Miles of State Maintained	
215	Highways that Meet MDOT Thresholds for	
216	Congestion	2.16
217	Number of Lane Miles of State Maintained	
218	Highways Requiring Additional Capacity	604.99
219	Cost per Mile to Construct State Highways	18,460,000.00
220	Administration & Other	
221	Administration as a Percent of Total Budget	4.40
222	GO-MDOT-Total Number of Page Views	1,077,228
223	Percent Increase in Utilization of	
224	MDOTTRAFFIC.com Website	0.05
225	Bonded Debt Service	
226	MDOT's Share of Annual Debt Service will	
227	Not Exceed 3.75% of Annual Budget	0.76

228 Aeronautics & Rails

229 Number of Airports Inspected 69

230 Number of Grade Crossings Inspected 2,100

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

235 **SECTION 19.** The Mississippi Department of Transportation is  
236 authorized to accept and expend any grant, donation, or  
237 contribution from any individual, public, or private organization,  
238 or government entity for purposes of defraying the operational  
239 costs of the department. Such grants, donations or contributions  
240 shall be received and expended under the rules and regulations of  
241 the Department of Finance and Administration in a manner  
242 consistent with the escalation of federal funds not to exceed One  
243 Hundred Twenty-Five Million Dollars (\$125,000,000.00).

244 **SECTION 20.** With the funds appropriated herein, the  
245 Department of Transportation is authorized to make payment for  
246 expenses incurred during Fiscal Years 2018 through 2021 as  
247 follows:

248 Vendor	Amount	Invoice Date	Fiscal Year
249 City of Greenville	\$1,410.56	02/26/2021	FY2021
250 City of Greenville	\$1,038.64	05/27/2021	FY2021
251 MS Department of Health	\$ 120.00	12/29/2017	FY2018
252 MS Department of Health	\$ 180.00	12/21/2018	FY2019
253 MS Department of Health	\$ 390.00	10/16/2020	FY2021

254	MS Department of Health	\$ 210.00	10/30/2020	FY2021
255	Mississippi Power	\$ 498.44	07/27/2020	FY2021
256	Pearl Valley Electric			
257	Power Association	\$ 73.27	09/27/2019	FY2020
258	Pearl Valley Electric			
259	Power Association	\$ 129.77	09/27/2019	FY2020
260	RJ Young Company	\$ 605.51	06/15/2021	FY2021
261	Singing River Electric	\$ 27.86	07/13/2020	FY2020
262	Singing River Electric	\$ 121.84	07/13/2021	FY2021
263	Singing River Electric	\$ 29.25	07/15/2021	FY2021

264           **SECTION 21.** The money herein appropriated shall be paid by  
265 the State Treasurer out of any money in the State Treasury to the  
266 credit of the proper fund or funds as set forth in this act, upon  
267 warrants issued by the State Fiscal Officer; and the State Fiscal  
268 Officer shall issue his warrants upon requisitions signed by the  
269 proper person, officer or officers, in the manner provided by law.

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

SS15\HB1642A.J

Eugene S. Clarke  
Secretary of the Senate