

House Amendments to Senate Bill No. 3022

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, 2024, and
11 ending June 30, 2025.....\$ 209,940,933.00.

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

14 AUTHORIZED HEADCOUNT:
15 Permanent: 49
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 2026 do not exceed Fiscal Year 2025 funds
20 appropriated for that purpose unless programs or positions are
21 added to the agency's Fiscal Year 2025 budget by the Mississippi

22 Legislature. The Legislature shall determine the agency's personal
23 services appropriation, which the State Personnel Board shall
24 publish. In accordance with applicable laws, if an agency
25 determines that its personal services amount is insufficient, the
26 agency must contact the State Personnel Board. Any adjustment to
27 the personal services amount must be approved by the State
28 Personnel Director and the State Fiscal Officer after consultation
29 with the Legislative Budget Office. Any adjustment shall be
30 reported to the Legislative Budget Office and the House and Senate
31 Appropriations Chairmen. The agency's personal services
32 appropriation may consist of restricted funds for approved
33 vacancies for Fiscal Year 2025 that may not be utilized for active
34 Fiscal Year 2024 headcount. It shall be the agency's
35 responsibility to ensure that the funds provided for vacancies are
36 used to increase headcount and not for promotions, title changes,
37 in-range salary adjustments, or any other mechanism for increasing
38 salaries for current employees. If the State Personnel Board
39 determines that an agency has used provided vacancy funds for any
40 of the mechanisms previously listed, the State Personnel Board
41 shall not process any additional salary actions for the agency in
42 the current fiscal year, except for new hires determined by the
43 State Personnel Board to be essential for the agency. It is the
44 Legislature's intention that no employee salary falls below the
45 minimum salary established by the Mississippi State Personnel
46 Board.

47 Additionally, the State Personnel Board shall determine and
48 publish the projected annualized payroll costs based on current
49 employees. It shall be the responsibility of the agency head to
50 ensure that actual personnel expenditures for Fiscal Year 2025 do
51 not exceed the data provided by the Legislative Budget Office. If
52 the agency's projected cost for Fiscal Year 2025 exceeds the
53 annualized costs, no salary actions shall be processed by the
54 State Personnel Board except for new hires determined to be
55 essential for the agency.

56 Any transfers or escalations shall be made in accordance with
57 the terms, conditions, and procedures established by law or
58 allowable under the terms set forth within this act. The State
59 Personnel Board shall not escalate positions without written
60 approval from the Department of Finance and Administration. The
61 Department of Finance and Administration shall not provide written
62 approval to escalate any funds for salaries and/or positions
63 without proof of availability of new or additional funds above the
64 appropriated level.

65 No general funds authorized to be expended herein shall be
66 used to replace federal funds and/or other special funds used for
67 salaries authorized under the provisions of this act and which are
68 withdrawn and no longer available.

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

73 **SECTION 3.** Of the funds appropriated in Section 1 of this
74 act, it is the intention of the Legislature that an amount not to
75 exceed Five Hundred Thousand Dollars (\$500,000.00) is authorized
76 to be expended from funds received from the Mississippi
77 Development Authority as reimbursements for actual expenses
78 incurred by the Office of State Aid Road Construction for
79 administering and providing engineering services to political
80 subdivisions as authorized under Section 65-4-15, Mississippi Code
81 of 1972. Any such funds shall be deposited into the Office of
82 State Aid Roads Administrative Fund for the fiscal year beginning
83 July 1, 2024, and ending June 30, 2025.

84 **SECTION 4.** Of the funds appropriated in Section 1, it is the
85 intention of the Legislature that an amount not to exceed
86 Thirty-four Million Dollars (\$34,000,000.00) is authorized to be
87 expended for the purpose of replacement of structurally deficient
88 bridges on the Local System Bridge Program (LSBP).

89 **SECTION 5.** It is the intention of the Legislature that the
90 Office of State Aid Road Construction shall maintain complete
91 accounting and personnel records related to the expenditure of all
92 funds appropriated under this act and that such records shall be
93 in the same format and level of detail as maintained for Fiscal
94 Year 2024. It is further the intention of the Legislature that
95 the agency's budget request for Fiscal Year 2026 shall be
96 submitted to the Joint Legislative Budget Committee in a format
97 and level of detail comparable to the format and level of detail
98 provided during the Fiscal Year 2025 budget request process.

99 **SECTION 6.** In compliance with the "Mississippi Performance
 100 Budget and Strategic Planning Act of 1994," it is the intent of
 101 the Legislature that the funds provided herein shall be utilized
 102 in the most efficient and effective manner possible to achieve the
 103 intended mission of this agency. Based on the funding authorized,
 104 this agency shall make every effort to attain the targeted
 105 performance measures provided below:

	FY2025
<u>Performance Measures</u>	<u>Target</u>
Administrative	
Percent of Administrative Costs as	
Compared to Construction Costs	4.00
Maintain Level of Administrative Costs	
as Compared to Construction Costs at 5%	
or Under	5.00
Number of Projects Let to Contract	75
Percent of Personnel Devoted to	
Construction Programs	81.00
Federal Percent of Total Project Fund	
Obligations	20.00
Construction	
Percent Increase in Total Miles Paved	1.00
Percent of Total State Aid Funds	
Available Programmed or Obligated to	
Projects	75.00
Number of State Aid Projects Let to Contract	75

125	Number of Federal Projects Let to Contract	5
126	Number of State Aid Projects Completed	30
127	Number of Federal Projects Completed	20
128	Average Time from Initiation to	
129	Completion of a Fed Project (Days)	450
130	Number of Bridges Replaced or Repaired	85
131	Number of Structurally Deficient Bridges	
132	on the State Aid System	1,050
133	Average Cost of a State Aid/Federal	
134	Bridge Project	1,550,000.00
135	Local System Bridge	
136	Percent Change in Deficient LSBP Bridges	3.00
137	Average Number of Active LSBP Projects	
138	Per County	1.00
139	Percent of LSBP Funds Available	
140	Programmed or Obligated to Projects	85.00
141	Number of LSBP Projects Let to Contract	40
142	Number of LSBP Projects Completed	70
143	Number of LSBP Bridges Replaced or Repaired	40
144	Number of Eligible Deficient LSBP Bridges	1,050
145	Average Time From Initiation to	
146	Completion of a LSBP Project (Days)	450
147	Percent of Counties Utilizing All of	
148	Their Available LSBP Funds	30.00
149	Percent of Bridges Eligible for LSBP Funds	10.00

150 A reporting of the degree to which the performance targets
151 set above have been or are being achieved shall be provided in the
152 agency's budget request submitted to the Joint Legislative Budget
153 Committee for Fiscal Year 2026.

154 **SECTION 7.** With the funds appropriated in this act, the
155 Office of State Aid Road Construction shall notify members of the
156 Mississippi Senate and House of Representatives upon the award of
157 projects within their respective districts and at least five (5)
158 days prior to a public ceremony announcing the award of any grant
159 in their district or any public announcement or ceremony regarding
160 the groundbreaking or opening of a facility, roadway or bridge for
161 which the Legislature has made funds available. Any signage
162 regarding any public event or any new facility, roadway or bridge
163 shall include the following language: "Funds were made available
164 for this project by the Mississippi State Legislature." The
165 signage shall further state the four-year legislative term in
166 which the project was funded.

167 **SECTION 8.** It is the intention of the Legislature to
168 authorize the State Aid Engineer to utilize funds available to the
169 Office of State Aid Road Construction, from any source herein
170 appropriated or made available by the counties or any other
171 source, to pay for costs necessary to comply with the National
172 Bridge Inspection Standards and the Federal Highway
173 Administration's requirements for bridge inspections and/or
174 special studies necessary to comply with federal laws. The State
175 Aid Engineer shall follow the same procedures as have heretofore

176 been established by Sections 65-9-9, 65-9-15 and 65-9-17,
177 Mississippi Code of 1972, for payment of such costs. The Office
178 of State Aid Road Construction may accept, budget and expend these
179 funds subject to and in accordance with rules and regulations of
180 the Department of Finance and Administration in a manner
181 consistent with the escalation of federal or state funds.

182 **SECTION 9.** It is the intention of the Legislature that in
183 the letting of contracts for which the Office of State Aid Road
184 Construction administers and provides engineering services to
185 political subdivisions under the Economic Development Highway Act,
186 bids may be made from the lowest and best bidder after advertising
187 for competitive sealed bids once in a newspaper published or
188 having a circulation in the county or municipality where the
189 contract will be performed, and the date published for the bid
190 opening may be not less than seven (7) working days after the
191 advertisement is published.

192 **SECTION 10.** It is the intention of the Legislature that
193 whenever two (2) or more bids are received by this agency for the
194 purchase of commodities or equipment, and whenever all things
195 stated in such received bids are equal with respect to price,
196 quality and service, the Mississippi Industries for the Blind
197 shall be given preference. A similar preference shall be given to
198 the Mississippi Industries for the Blind whenever purchases are
199 made without competitive bids.

200 **SECTION 11.** It is the intention of the Legislature that the
201 funds herein appropriated shall be expended in compliance with

202 Section 27-104-25, Mississippi Code of 1972, that no state agency
203 shall incur obligations or indebtedness in excess of their
204 appropriation and that the responsible officers, either personally
205 or upon their official bonds, shall be held responsible for
206 actions contrary to this provision.

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

213 **SECTION 13.** This act shall take effect and be in force from
214 and after July 1, 2024, and shall stand repealed from and after
215 June 29, 2024.

HR13\SB3022A.J

Andrew Ketchings
Clerk of the House of Representatives