

**Senate Amendments to House Bill No. 1826**

**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, for the purpose  
9 of defraying the administrative expenses of the Mississippi  
10 Department of Transportation for the fiscal year beginning  
11 July 1, 2024, and ending June 30, 2025.....  
12 .....\$ 1,418,308,055.00.

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:           2,698  
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 2026 do not exceed Fiscal Year 2025 funds  
24 appropriated for that purpose unless programs or positions are  
25 added to the agency's Fiscal Year 2025 budget by the Mississippi  
26 Legislature. The Legislature shall determine the agency's personal  
27 services appropriation, which the State Personnel Board shall  
28 publish. In accordance with applicable laws, if an agency  
29 determines that its personal services amount is insufficient, the  
30 agency must contact the State Personnel Board. Any adjustment to  
31 the personal services amount must be approved by the State  
32 Personnel Director and the State Fiscal Officer after consultation  
33 with the Legislative Budget Office. Any adjustment shall be  
34 reported to the Legislative Budget Office and the House and Senate  
35 Appropriations Chairmen. The agency's personal services  
36 appropriation may consist of restricted funds for approved  
37 vacancies for Fiscal Year 2025 that may not be utilized for active  
38 Fiscal Year 2024 headcount. It shall be the agency's  
39 responsibility to ensure that the funds provided for vacancies are  
40 used to increase headcount and not for promotions, title changes,  
41 in-range salary adjustments, or any other mechanism for increasing  
42 salaries for current employees. If the State Personnel Board  
43 determines that an agency has used provided vacancy funds for any  
44 of the mechanisms previously listed, the State Personnel Board  
45 shall not process any additional salary actions for the agency in  
46 the current fiscal year, except for new hires determined by the  
47 State Personnel Board to be essential for the agency. It is the  
48 Legislature's intention that no employee salary falls below the

49 minimum salary established by the Mississippi State Personnel  
50 Board.

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

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

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

73         None of the funds herein appropriated shall be used in  
74 violation of the Internal Revenue Service's Publication 15-A

75 relating to the reporting of income paid to contract employees, as  
76 interpreted by the Office of the State Auditor.

77       **SECTION 3.** Of the funds appropriated to the Mississippi  
78 Department of Transportation under the provisions of Section 1,  
79 the following amounts shall be available for expenditure in the  
80 program budgets as required by Section 27-103-127, Mississippi  
81 Code of 1972:

82	Administration and Other Expenses.....\$	62,326,264.00
83	Construction.....\$	978,634,918.00
84	Maintenance.....\$	263,035,591.00
85	Debt Service.....\$	78,353,744.00
86	Aeronautics, Rails and other.....\$	35,957,538.00

87       **SECTION 4.** It is the intention of the Legislature that the  
88 Mississippi Department of Transportation shall maintain complete  
89 accounting and personnel records related to the expenditure of all  
90 funds appropriated under this act and that such records shall be  
91 in the same format and level of detail as maintained for Fiscal  
92 Year 2024. It is further the intention of the Legislature that  
93 the agency's budget request for Fiscal Year 2026 shall be  
94 submitted to the Joint Legislative Budget Committee in a format  
95 and level of detail comparable to the format and level of detail  
96 provided during the Fiscal Year 2025 budget request process.

97       **SECTION 5.** Of the funds appropriated in Section 1, it is the  
98 intention of the Legislature that Six Hundred Fifty Thousand  
99 Dollars (\$650,000.00) shall be transferred to the Department of

100 Agriculture and Commerce for the Beaver Control or Eradication  
101 Program during the Fiscal Year 2025.

102         **SECTION 6.** Of the funds appropriated in Section 1 and  
103 authorized for expenditure in Section 3, Five Million Dollars  
104 (\$5,000,000.00) shall be transferred by the Mississippi Department  
105 of Transportation to the Department of Public Safety Office of  
106 Commercial Transportation Enforcement Division for the operations  
107 of the Division consistent with Sections 77-7-330, Mississippi  
108 Code of 1972.

109         **SECTION 7.** Of the funds appropriated in Section 1 of this  
110 act, the Mississippi Department of Transportation shall expend  
111 such funds as necessary to conduct project planning. Such project  
112 planning shall apply to all preliminary engineering, right-of-way  
113 acquisition and construction projects of the department and, at a  
114 minimum, shall consist of policies for the oversight and  
115 management of project cost which:

116                 (a) Establish a reasonable cost estimate for each  
117 project. For purposes of this provision, projects include  
118 preliminary engineering, right-of-way acquisition and  
119 construction;

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

122                 (c) Require that any changes to a cost estimate for a  
123 project will be reviewed and approved by district or central  
124 office personnel. Such personnel shall be responsible for signing

125 any revision, and providing a narrative description of the reasons  
126 for approving a revision;

127 (d) Capture the cost of consultants, engineers,  
128 attorneys, contract appraisers and other technical and  
129 professional contractors used in preliminary engineering,  
130 right-of-way acquisition and construction projects.

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

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

138 (b) The commission, within ten (10) working days after  
139 entry of its explanation and justification upon its minutes, gives  
140 notice, by United States First Class Mail, and provides a copy of  
141 such entry upon its minutes, to the Chairman of the Transportation  
142 Committee of the Mississippi House of Representatives and the  
143 Chairman of the Mississippi Senate Highways and Transportation  
144 Committee.

145 **SECTION 9.** It is the intention of the Legislature that of the  
146 sum appropriated in Section 1, the Department is authorized to  
147 provide a protective footwear allowance of not more than Two  
148 Hundred Dollars (\$200.00) per person annually for Engineers,  
149 Maintenance, and Construction Workers as part of their safety  
150 equipment.

151           **SECTION 10.** Of the funds appropriated to the Mississippi  
152 Department of Transportation, Three Hundred Thousand Dollars  
153 (\$300,000.00) shall be used for the Statewide Litter Prevention  
154 Program.

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

158           **SECTION 12.** It is the intention of the Legislature that the  
159 Mississippi Department of Transportation is authorized to transfer  
160 between the various programs in an amount not to exceed ten  
161 percent (10%) of the amount allocated in Section 3, except that no  
162 transfers shall be authorized which increase the "Administrative  
163 and Other Expenses" Program or which decrease the "Maintenance"  
164 Program.

165           **SECTION 13.** It is the intention of the Legislature that the  
166 Mississippi Department of Transportation is authorized to expend  
167 an amount not to exceed Thirty Million Dollars (\$30,000,000.00)  
168 received from other public or private entities as reimbursements  
169 for payments made on federal projects.

170           **SECTION 14.** With the funds appropriated in this act, the  
171 Mississippi Department of Transportation shall notify members of  
172 the Mississippi Senate and House of Representatives upon the award  
173 of projects within their respective districts and at least five  
174 (5) days prior to a public ceremony announcing the award of any  
175 grant in their district or any public announcement of ceremony  
176 regarding the groundbreaking or opening of a facility, roadway or

177 bridge for which the Legislature has made funds available. Any  
178 signage regarding any public event or any new facility, roadway or  
179 bridge shall include the following language: "Funds were made  
180 available for this project by the Mississippi State Legislature."  
181 Further, the signage shall state the four-year legislative term in  
182 which the project was funded.

183         **SECTION 15.** It is the intention of the Legislature that  
184 whenever two (2) or more bids are received by this agency for the  
185 purchase of commodities or equipment, and whenever all things  
186 stated in such received bids are equal with respect to price,  
187 quality and service, the Mississippi Industries for the Blind  
188 shall be given preference. A similar preference shall be given to  
189 the Mississippi Industries for the Blind whenever purchases are  
190 made without competitive bids.

191         **SECTION 16.** The Mississippi Department of Transportation is  
192 authorized to dispose of or transfer used cell phones that are  
193 obsolete or inoperable to cell phone recycling programs dedicated  
194 to providing free phone access to United States military  
195 personnel.

196         **SECTION 17.** In compliance with the "Mississippi Performance  
197 Budget and Strategic Planning Act of 1994," it is the intent of  
198 the Legislature that the funds provided herein shall be utilized  
199 in the most efficient and effective manner possible to achieve the  
200 intended mission of this agency. Based on the funding authorized,  
201 this agency shall make every effort to attain the targeted  
202 performance measures provided below:



203		FY2025
204	<u>Performance Measures</u>	<u>Target</u>
205	Maintenance	
206	Number of Acres Mowed (First & Subsequent)	290,000
207	Percent Increase of Acreage Mowed	0.66
208	Slow the Expected Increases of Total	
209	Fatalities According to a 5 Year Rolling	
210	Average (697 or Less)	763.00
211	Percent Decrease in State-Maintained	
212	Lane Miles Needing Repair or	
213	Rehabilitation	3.50
214	Percent of Pavement Needs Met Annually	0.12
215	Percent of 4 Lane Highway Lane-Miles	
216	with an Acceptable Pavement Condition	
217	Rating	78.00
218	Percent of Interstate Lane-Miles with an	
219	Acceptable Pavement Condition Rating	73.00
220	Percent of 2 Lane Highway Lane-Miles	
221	with an Acceptable Pavement Condition	
222	Rating	70.00
223	Cost per Mile to Maintain State Highways	26,499
224	Number of Bridges in Poor Condition	170
225	Number of Bridges with Timber Components	105
226	Construction	
227	Percent of Miles of State Maintained	
228	Highways that Meet MDOT Thresholds for	

229	Congestion	2.11
230	Number of Lane Miles of State Maintained	
231	Highways Requiring Additional Capacity	591.46
232	Cost per Mile to Construct State Highways	21,000,000.00
233	Administration & Other	
234	Administration as a Percent of Total Budget	4.25
235	GO-MDOT-Total Number of Page Views	1,131,089
236	Percent Increase in Utilization of	
237	MDOTTRAFFIC.com Website	4.25
238	Bonded Debt Service	
239	MDOT's Share of Annual Debt Service will	
240	Not Exceed 3.75% of Annual Budget	0.74
241	Aeronautics & Rails	
242	Number of Airports Inspected	69
243	Number of Grade Crossings Inspected	2,100
244	A reporting of the degree to which the performance targets	
245	set above have been or are being achieved shall be provided in the	
246	agency's budget request submitted to the Joint Legislative Budget	
247	Committee for Fiscal Year 2026.	
248	<b>SECTION 18.</b> The Mississippi Department of Transportation is	
249	authorized to accept and expend any grant, donation, or	
250	contribution from any individual, public, or private organization,	
251	or government entity for purposes of defraying the operational	
252	costs of the department. Such grants, donations or contributions	
253	shall be received and expended under the rules and regulations of	
254	the Department of Finance and Administration in a manner	

255 consistent with the escalation of federal funds not to exceed One  
256 Hundred Twenty-five Million Dollars (\$125,000,000.00).

257       **SECTION 19.** With the funds appropriated herein, the  
258 Mississippi Department of Transportation is authorized to make  
259 payments for expenses incurred during prior fiscal years for an  
260 amount not to exceed Forty-six Thousand Nine Hundred Thirteen  
261 Dollars and Ninety-one Cents (\$46,913.91).

262       **SECTION 20.** In addition to all other funds appropriated  
263 herein, the following sums, or so much thereof as may be  
264 necessary is appropriated out of the following funds in the State  
265 Treasury to the credit of the Department of Transportation for the  
266 fiscal year beginning July 1, 2024, and ending June 30, 2025:

267       (a) 2022 Capacity Project Fund for the purposes provided in  
268 Section 65-1-141.2, Mississippi Code of 1972.....  
269 .....\$ 250,000,000.00.

270       (b) 2022 Infrastructure Match Fund for the purposes provided  
271 in Section 65-1-183, Mississippi Code of 1972....  
272 .....\$ 40,000,000.00.

273       (c) 2022 Emergency Road and Bridge Fund for the purposes  
274 provided in Section 65-1-179.1, Mississippi Code of 1972.....  
275 .....\$ 60,000,000.00.

276       (d) Strategic Multi-Modal Investments Fund for the purposes  
277 provided in Section 65-1-901, Mississippi Code of 1972.....  
278 .....\$ 20,000,000.00

279 (e) 2023 DeSoto County Infrastructure Improvement Funds for  
280 the purposes provided in Section 65-1-185, Mississippi Code of  
281 1972.....\$ 25,000,000.00

282 (f) 2023 Lafayette County Infrastructure Improvement Funds  
283 for the purposes provided in Section 65-1-187, Mississippi Code of  
284 1972.....\$ 15,000,000.00

285 (g) 2023 Gulfport Commerce Corridor Fund for the purposes  
286 provided in Section 65-1-189, Mississippi Code of 1972.....  
287 .....\$ 15,400,000.00

288 (h) 2022 Local Improvements Projects Fund for the purposes  
289 provided in Section 27-104-371.....\$ 5,600,000.00.

290 **SECTION 21.** It is the intent of the Legislature that the  
291 funds appropriated in Section 20 subsection (c) of this act shall  
292 be expended on the projects included in the 2022 ERBR  
293 Solicitation.

294 **SECTION 22.** It is the intention of the Legislature that the  
295 Mississippi Department of Transportation shall expend such funds  
296 appropriated in Section 20 subsection (a), (b) and (c) as  
297 necessary to conduct project planning. Such project planning  
298 shall apply to all preliminary engineering, right-of-way  
299 acquisition and construction projects of the department and, at a  
300 minimum, shall consist of policies for the oversight and  
301 management of project cost which:

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

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

307 (c) Require that any changes to a cost estimate for a  
308 project will be reviewed and approved by district or central  
309 office personnel. Such personnel shall be responsible for signing  
310 any revision, and providing a narrative description of the reasons  
311 for approving a revision;

312 (d) Capture the cost of consultants, engineers, attorneys,  
313 contract appraisers and other technical and professional  
314 contractors used in preliminary engineering, right-of-way  
315 acquisition and construction projects.

316 **SECTION 23.** As a condition of receiving and expending the  
317 funds appropriated to the department in Section 20 subsection (d)  
318 of this act, the department shall ensure at least Ten Million  
319 Dollars (\$10,000,000.00) is allocated to port projects.

320 **SECTION 24.** The money herein appropriated shall be paid by  
321 the State Treasurer out of any money in the State Treasury to the  
322 credit of the proper fund or funds as set forth in this act, upon  
323 warrants issued by the State Fiscal Officer; and the State Fiscal  
324 Officer shall issue his warrants upon requisitions signed by the  
325 proper person, officer or officers, in the manner provided by law.

326 **SECTION 25.** This act shall take effect and be in force from  
327 and after July 1, 2024, and shall stand repealed June 29, 2024.

**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 2025; AND FOR RELATED PURPOSES.

SS15\HB1826A.J

Amanda White  
Secretary of the Senate