

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1826

BY: Committee

**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:

	FY2025
<u>Performance Measures</u>	<u>Target</u>
Maintenance	
Number of Acres Mowed (First & Subsequent)	290,000
Percent Increase of Acreage Mowed	0.66
Slow the Expected Increases of Total	
Fatalities According to a 5 Year Rolling	
Average (697 or Less)	763.00
Percent Decrease in State-Maintained	
Lane Miles Needing Repair or	
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 **SECTION 18.** 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.

