

## Senate Amendments to House Bill No. 1771

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:

**SECTION 1.** The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Department of Transportation, for the purpose of defraying the administrative expenses of the Mississippi Department of Transportation for the fiscal year beginning July 1, 2025, and ending June 30, 2026.....  
.....\$ 1,429,085,656.00.

**SECTION 2.** The following offices are supported by the funds appropriated in Section 1: The Office of Administrative Services, the Office of Highways and the Office of Aeronautics and Rails. Of the funds appropriated under the provisions of Section 1, the following positions are authorized:

**AUTHORIZED HEADCOUNT:**

Permanent: 2,698

Time-Limited: 0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required for Personal

23 Services for Fiscal Year 2027 do not exceed Fiscal Year 2026 funds  
24 appropriated for that purpose unless programs or positions are  
25 added to the agency's Fiscal Year 2026 budget by the Mississippi  
26 Legislature. The Legislature shall determine the agency's  
27 personal services appropriation, which the State Personnel Board  
28 shall publish. The agency's personal services appropriation may  
29 consist of restricted funds for approved vacancies for Fiscal Year  
30 2026 that may be utilized to fill vacant Fiscal Year 2025  
31 headcount. It shall be the agency's responsibility to ensure that  
32 the funds provided for vacancies are used to increase headcount  
33 and not for promotions, title changes, in-range salary adjustments  
34 or any other mechanism for increasing salaries for current  
35 employees. It is the Legislature's intention that no employee  
36 salary falls below the minimum salary established by the  
37 Mississippi State Personnel Board.

38       Additionally, the State Personnel Board shall determine and  
39 publish the projected annualized payroll costs based on current  
40 employees. It shall be the responsibility of the agency head to  
41 ensure that actual personnel expenditures for Fiscal Year 2026 do  
42 not exceed the data provided by the Legislative Budget Office. If  
43 the agency's Fiscal Year 2026 projected cost exceeds the  
44 annualized costs, no salary actions shall be processed by the  
45 State Personnel Board except for new hires determined to be  
46 essential for the agency.

47       Any transfers or escalations shall be made in accordance with  
48 the terms, conditions, and procedures established by law or

49 allowable under the terms set forth within this act. The State  
50 Personnel Board shall not escalate positions without written  
51 approval from the Department of Finance and Administration. The  
52 Department of Finance and Administration shall not provide written  
53 approval to escalate any funds for salaries and/or positions  
54 without proof of availability of new or additional funds above the  
55 appropriated level.

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

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

64 **SECTION 3.** Of the funds appropriated to the Mississippi  
65 Department of Transportation under the provisions of Section 1,  
66 the following amounts shall be available for expenditure in the  
67 program budgets as required by Section 27-103-127, Mississippi  
68 Code of 1972:

69	Administration and Other Expenses.....\$	62,779,875.00
70	Construction.....\$	986,071,483.00
71	Maintenance.....\$	265,034,376.00
72	Debt Service.....\$	78,949,147.00
73	Aeronautics, Rails and other.....\$	36,230,775.00

74           **SECTION 4.** It is the intention of the Legislature that the  
75 Mississippi Department of Transportation shall maintain complete  
76 accounting and personnel records related to the expenditure of all  
77 funds appropriated under this act and that such records shall be  
78 in the same format and level of detail as maintained for Fiscal  
79 Year 2025. It is further the intention of the Legislature that  
80 the agency's budget request for Fiscal Year 2027 shall be  
81 submitted to the Joint Legislative Budget Committee in a format  
82 and level of detail comparable to the format and level of detail  
83 provided during the Fiscal Year 2026 budget request process.

84           **SECTION 5.** Of the funds appropriated in Section 1, it is the  
85 intention of the Legislature that Six Hundred Fifty Thousand  
86 Dollars (\$650,000.00) shall be transferred to the Department of  
87 Agriculture and Commerce for the Beaver Control or Eradication  
88 Program during the Fiscal Year 2026.

89           **SECTION 6.** Of the funds appropriated in Section 1 and  
90 authorized for expenditure in Section 3, Five Million Dollars  
91 (\$5,000,000.00) shall be transferred by the Mississippi Department  
92 of Transportation to the Department of Public Safety Office of  
93 Commercial Transportation Enforcement Division for the operations  
94 of the Division consistent with Section 77-7-330, Mississippi Code  
95 of 1972.

96           **SECTION 7.** Of the funds appropriated in Section 1 of this  
97 act, the Mississippi Department of Transportation shall expend  
98 such funds as necessary to conduct project planning. Such project  
99 planning shall apply to all preliminary engineering, right-of-way

acquisition and construction projects of the department and, at a minimum, shall consist of policies for the oversight and management of project cost which:

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

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

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

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

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

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

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

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

**SECTION 10.** Of the funds appropriated to the Mississippi Department of Transportation, Four Hundred Fifty Thousand Dollars (\$450,000.00) shall be used for the Statewide Litter Prevention Program.

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

**SECTION 12.** It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to transfer between the various programs in an amount not to exceed ten percent (10%) of the amount allocated in Section 3, except that no transfers shall be authorized which increase the "Administrative

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

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

**SECTION 14.** With the funds appropriated in this act, the Mississippi Department of Transportation shall notify members of the Mississippi Senate and House of Representatives upon the award of projects within their respective districts and at least five (5) days prior to a public ceremony announcing the award of any grant in their district or any public announcement of ceremony regarding the groundbreaking or opening of a facility, roadway or bridge for which the Legislature has made funds available. Any signage regarding any public event or any new facility, roadway or bridge shall include the following language: "Funds were made available for this project by the Mississippi State Legislature." Further, the signage shall state the four-year legislative term in which the project was funded.

**SECTION 15.** It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind 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 16.** 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 17.** 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:

190		FY2026
191	<u>Performance Measures</u>	<u>Target</u>
192	Maintenance	
193	Number of Acres Mowed (First & Subsequent)	290,000
194	Percent Increase of Acreage Mowed	0.66
195	Slow the Expected Increases of Total	
196	Fatalities According to a 5 Year Rolling	
197	Average (697 or Less)	763.00
198	Percent Decrease in State-Maintained	
199	Lane Miles Needing Repair or	
200	Rehabilitation	3.50
201	Percent of Pavement Needs Met Annually	0.12



202	Percent of 4 Lane Highway Lane-Miles	
203	with an Acceptable Pavement Condition	
204	Rating	78.00
205	Percent of Interstate Lane-Miles with an	
206	Acceptable Pavement Condition Rating	73.00
207	Percent of 2 Lane Highway Lane-Miles	
208	with an Acceptable Pavement Condition	
209	Rating	70.00
210	Cost per Mile to Maintain State Highways	26,499.00
211	Number of Bridges in Poor Condition	170
212	Number of Bridges with Timber Components	105
213	Construction	
214	Percent of Miles of State Maintained	
215	Highways that Meet MDOT Thresholds for	
216	Congestion	2.24
217	Number of Lane Miles of State Maintained	
218	Highways Requiring Additional Capacity	628.18
219	Cost per Mile to Construct State Highways	24,310,000.00
220	Administration & Other	
221	Administration as a Percent of Total Budget	3.90
222	GO-MDOT-Total Number of Page Views	1,000,000
223	Percent Increase in Utilization of	
224	MDOTTRAFFIC.com Website	3.00
225	Bonded Debt Service	
226	MDOT's Share of Annual Debt Service will	
227	Not Exceed 3.75% of Annual Budget	0.99

Aeronautics & Rails

Number of Airports Inspected	69
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Number of Grade Crossings Inspected	2,100
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A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2027.

**SECTION 18.** The Mississippi Department of Transportation is authorized to accept and expend any grant, donation, or contribution from any individual, public, or private organization, or government entity for purposes of defraying the operational costs of the department. Such grants, donations or contributions shall be received and expended under the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds not to exceed One Hundred Twenty-five Million Dollars (\$125,000,000.00).

**SECTION 19.** With the funds appropriated herein, the Mississippi Department of Transportation is authorized to make payments for expenses incurred during prior fiscal years for an amount not to exceed Two Hundred Ten Thousand One Hundred Thirteen Dollars and Ten Cents (\$210,113.10).

**SECTION 20.** In addition to all other funds appropriated herein, the following sums, or so much thereof as may be necessary is appropriated out of the following funds in the State Treasury to the credit of the Department of Transportation for the fiscal year beginning July 1, 2025, and ending June 30, 2026:

254 (a) 2022 Capacity Project Fund for the purposes provided in  
255 Section 65-1-141.2, Mississippi Code of 1972.....  
256 .....\$ 250,000,000.00.

257 (b) 2022 Emergency Road and Bridge Fund for the purposes  
258 provided in Section 65-1-179.1, Mississippi Code of 1972.....  
259 .....\$ 60,000,000.00.

260 (c) Strategic Multi-Modal Investments Fund for the purposes  
261 provided in Section 65-1-901, Mississippi Code of 1972.....  
262 .....\$ 15,000,000.00

263 (d) 2023 Lafayette County Infrastructure Improvement Funds  
264 for the purposes provided in Section 65-1-187, Mississippi Code of  
265 1972.....\$ 100,000,000.00

266 **SECTION 21.** It is the intent of the Legislature that the  
267 funds appropriated in Section 20 subsection (b) of this act shall  
268 be expended on the projects included in the 2022 ERBR  
269 Solicitation.

270 **SECTION 22.** It is the intention of the Legislature that the  
271 Mississippi Department of Transportation shall expend such funds  
272 appropriated in Section 20 subsection (a) and (b) as necessary to  
273 conduct project planning. Such project planning shall apply to  
274 all preliminary engineering, right-of-way acquisition and  
275 construction projects of the department and, at a minimum, shall  
276 consist of policies for the oversight and management of project  
277 cost which:

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

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

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

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

**SECTION 23.** Of the funds appropriated in Section 2, Three-Hundred Thousand Dollars (\$300,000.00), or so much thereof as may be necessary, shall be derived out of any money in the State Treasury to the credit of the Project Poppy Fund, as created in Section 57-1-631, Mississippi Code of 1972, and allocated in a manner as determined by the Treasurer's Office. These funds are provided for expediting services needed for Project Poppy.

**SECTION 24.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal

303 Officer shall issue his warrants upon requisitions signed by the  
304 proper person, officer or officers, in the manner provided by law.

305       **SECTION 25.** This act shall take effect and be in force from  
306 and after July 1, 2025, and shall stand repealed from and after  
307 June 30, 2025.

**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 2026; AND FOR RELATED PURPOSES.

SS15\HB1771A.J

Amanda White  
Secretary of the Senate