

By: Representatives Oliver,
Arnold, Boyd (19th), Hines,
Mangold, Massengill, Read,
Roberson, Scoggin

To: Appropriations A

HOUSE BILL NO. 45

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.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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, 2025, and ending June 30, 2026.....
12\$ 1,480,857,218.00.

13 **SECTION 2.** Of the funds appropriated under the provisions of
14 this act, not more than the following amount of funds, with the
15 exception of the provisions in this section, shall be expended
16 only for "Personal Services," which includes "Vacancy Funding,"
17 for the following authorized number of employment headcount:

18 FUNDING:

19 General Funds: \$ 0.00



20 Special Funds: \$ 194,196,431.00

21 Total Funds: \$ 194,196,431.00

22 PERSONAL SERVICES:

23 Employee Salaries, Wages, and

24 Fringe Benefits: \$ 188,970,300.00

25 Progressions: \$ 0.00

26 Vacancy Funding: \$ 5,226,131.00

27 Total Personal Services: \$ 194,196,431.00

28 AUTHORIZED HEADCOUNT:

29 Permanent: 2,698

30 Time-Limited: 0

31 As used in this section, the term "Personal Services" shall
32 mean funds provided under the major object of expenditure category
33 Personal Services for Salaries, Wages, and Fringe Benefits. Funds
34 in this category shall not be transferred to any other category.

35 It is the intention of the Legislature to ensure compliance
36 with the Variable Compensation Plan, as outlined in Section
37 25-9-147, Mississippi Code of 1972. Payment from these funds shall
38 be in accordance with the Variable Compensation Plan promulgated
39 by the Mississippi State Personnel Board. It is the Legislature's
40 intention that no employee's salary falls below the minimum salary
41 established by the Mississippi State Personnel Board.

42 The State Personnel Board shall determine and publish the
43 projected annual cost of "Personal Services" based on monthly and



year-to-date payroll expenditures in compliance with the provisions of this act.

With the funds herein appropriated, it shall be the agency's responsibility to ensure that no single personnel action or combination of personnel actions, when annualized, exceeds the Fiscal Year 2026 appropriation for "Personal Services" with the exception of escalated funds. Further, it shall be the agency's responsibility to ensure that funds required to be appropriated for "Personal Services" for Fiscal Year 2027 do not exceed Fiscal Year 2026 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2026 budget by the Mississippi Legislature.

If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken or will take an action that would cause the agency to exceed the funds appropriated in this act when annualized for Fiscal Year 2026 or increase the need for "Personal Services" for Fiscal Year 2027, when annualized, the State Personnel Board shall process no salary actions until such time as the requirements of the provisions of this section are met with the exception of new hires determined to be essential for the agency.

When used in this section, "Vacancy Funding" shall mean funds included in the Total Personal Services amount listed above and designated for approved vacancies in Fiscal Year 2026. These funds



69 are to be utilized to increase the number of filled headcounts
70 that were authorized but unfilled as of the last day of Fiscal
71 Year 2025. If the agency fills additional headcounts after May 1,
72 2025, until the end of Fiscal Year 2025, the amount of available
73 Vacancy Funding may be proportionally reduced to reflect the
74 updated number of filled headcounts. The agency shall be
75 responsible for ensuring that "Vacancy Funding" is used to
76 increase headcounts and not for promotions, title changes,
77 in-range salary adjustments, or any other mechanism for increasing
78 salaries for current employees.

79 Any transfers or escalations shall be made in accordance with
80 the terms, conditions, and procedures established by law or
81 allowable under the terms set forth within this act. The State
82 Personnel Board shall not escalate positions without written
83 approval from the Department of Finance and Administration. The
84 Department of Finance and Administration shall not provide written
85 approval to escalate any funds for salaries and/or headcounts
86 without proof of availability of new or additional funds above the
87 appropriated level. Unless specifically noted, all Fiscal Year
88 2025 escalated headcounts have been accounted for and shall be
89 converted to authorized time-limited headcounts.

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



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

If the agency's total authorized headcount decreases from Fiscal Year 2025 to Fiscal Year 2026, it will be the agency's discretion as to what headcounts are removed.

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

Administration and Other Expenses.....	\$ 65,074,930.00
Construction.....	\$ 1,021,793,945.00
Maintenance.....	\$ 274,635,791.00
Debt Service.....	\$ 81,809,242.00
Aeronautics, Rails and other.....	\$ 37,543,310.00

SECTION 4. It is the intention of the Legislature that the Mississippi Department of Transportation shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2025. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2027 shall be submitted to the Joint Legislative Budget Committee in a format



and level of detail comparable to the format and level of detail provided during the Fiscal Year 2026 budget request process.

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

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

SECTION 7. Of the funds appropriated in Section 1 of this act, the Mississippi Department of Transportation shall expend such funds as necessary to conduct project planning. Such project 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.



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

175 **SECTION 10.** Of the funds appropriated to the Mississippi
176 Department of Transportation, Four Hundred Fifty Thousand Dollars
177 (\$450,000.00) shall be used for the Statewide Litter Prevention
178 Program.

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

182 **SECTION 12.** It is the intention of the Legislature that the
183 Mississippi Department of Transportation is authorized to transfer
184 between the various programs in an amount not to exceed ten
185 percent (10%) of the amount allocated in Section 3, except that no
186 transfers shall be authorized which increase the "Administrative
187 and Other Expenses" Program or which decrease the "Maintenance"
188 Program.

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



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

207 **SECTION 15.** It is the intention of the Legislature that
208 whenever two (2) or more bids are received by this agency for the
209 purchase of commodities or equipment, and whenever all things
210 stated in such received bids are equal with respect to price,
211 quality and service, the Mississippi Industries for the Blind
212 shall be given preference. A similar preference shall be given to
213 the Mississippi Industries for the Blind whenever purchases are
214 made without competitive bids.

215 **SECTION 16.** The Mississippi Department of Transportation is
216 authorized to dispose of or transfer used cell phones that are
217 obsolete or inoperable to cell phone recycling programs dedicated



218 to providing free phone access to United States military
219 personnel.

220 **SECTION 17.** In compliance with the "Mississippi Performance
221 Budget and Strategic Planning Act of 1994," it is the intent of
222 the Legislature that the funds provided herein shall be utilized
223 in the most efficient and effective manner possible to achieve the
224 intended mission of this agency. Based on the funding authorized,
225 this agency shall make every effort to attain the targeted
226 performance measures provided below:

227		FY2026
228	<u>Performance Measures</u>	<u>Target</u>
229	Maintenance	
230	Number of Acres Mowed (First & Subsequent)	290,000
231	Percent Increase of Acreage Mowed	0.66
232	Slow the Expected Increases of Total	
233	Fatalities According to a 5 Year Rolling	
234	Average (697 or Less)	763.00
235	Percent Decrease in State-Maintained	
236	Lane Miles Needing Repair or	
237	Rehabilitation	3.50
238	Percent of Pavement Needs Met Annually	0.12
239	Percent of 4 Lane Highway Lane-Miles	
240	with an Acceptable Pavement Condition	
241	Rating	78.00
242	Percent of Interstate Lane-Miles with an	



243	Acceptable Pavement Condition Rating	73.00
244	Percent of 2 Lane Highway Lane-Miles	
245	with an Acceptable Pavement Condition	
246	Rating	70.00
247	Cost per Mile to Maintain State Highways	26,499.00
248	Number of Bridges in Poor Condition	170
249	Number of Bridges with Timber Components	105
250	Construction	
251	Percent of Miles of State Maintained	
252	Highways that Meet MDOT Thresholds for	
253	Congestion	2.24
254	Number of Lane Miles of State Maintained	
255	Highways Requiring Additional Capacity	628.18
256	Cost per Mile to Construct State Highways	24,310,000.00
257	Administration & Other	
258	Administration as a Percent of Total Budget	3.90
259	GO-MDOT-Total Number of Page Views	1,000,000
260	Percent Increase in Utilization of	
261	MDOTTRAFFIC.com Website	3.00
262	Bonded Debt Service	
263	MDOT's Share of Annual Debt Service will	
264	Not Exceed 3.75% of Annual Budget	0.99
265	Aeronautics & Rails	
266	Number of Airports Inspected	69
267	Number of Grade Crossings Inspected	2,100



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:

(a) 2022 Capacity Project Fund for the purposes provided in Section 65-1-141.2, Mississippi Code of 1972.....



293\$ 250,000,000.00.

294 (b) 2022 Infrastructure Match Fund for the purposes provided
295 in Section 65-1-183, Mississippi Code of 1972.....
296\$ 40,000,000.00.

297 (c) 2022 Emergency Road and Bridge Fund for the purposes
298 provided in Section 65-1-179.1, Mississippi Code of 1972.....
299\$ 60,000,000.00.

300 (d) Strategic Multi-Modal Investments Fund for the purposes
301 provided in Section 65-1-901, Mississippi Code of 1972.....
302\$ 48,000,000.00

303 (e) 2023 Lafayette County Infrastructure Improvement Funds
304 for the purposes provided in Section 65-1-187, Mississippi Code of
305 1972.....\$ 100,000,000.00

306 **SECTION 21.** Of the funds appropriated in Section 1, Three
307 Hundred Thousand Dollars (\$300,000.00) is provided for the
308 Southern Rail Commission to continue developing passenger rail
309 service for the State of Mississippi.

310 **SECTION 22.** It is the intention of the Legislature that the
311 Mississippi Department of Transportation shall expend such funds
312 appropriated in Section 20 subsection (a) and (b) as necessary to
313 conduct project planning. Such project planning shall apply to
314 all preliminary engineering, right-of-way acquisition and
315 construction projects of the department and, at a minimum, shall
316 consist of policies for the oversight and management of project
317 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



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

345 **SECTION 25.** This act shall take effect and be in force from
346 and after July 1, 2025.

