

By: Representatives Read, Busby, Arnold,
Jackson, Mangold, Sanford, Young

To: Appropriations

HOUSE BILL NO. 1642
(As Sent to Governor)

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 2024; 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 Funds, for the
9 purpose of defraying the administrative expenses of the
10 Mississippi Department of Transportation for the fiscal year
11 beginning July 1, 2023, and ending June 30, 2024.....
12\$ 1,433,696,755.00.

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: 2,803



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 2025 do not exceed Fiscal Year 2024 funds
24 appropriated for that purpose unless programs or positions are
25 added to the agency's Fiscal Year 2024 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 2024 that may not be utilized for active Fiscal Year 2023
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 2024 do
42 not exceed the data provided by the Legislative Budget Office. If
43 the agency's Fiscal Year 2024 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.....\$ 63,002,506.00



70	Construction.....	\$	989,253,147.00
71	Maintenance.....	\$	265,889,538.00
72	Debt Service.....	\$	79,203,885.00
73	Aeronautics, Rails and other.....	\$	36,347,679.00

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 2023. It is further the intention of the Legislature that
80 the agency's budget request for Fiscal Year 2025 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 2024 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 2024.

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 as authorized to be relocated in Senate Bill 2825,
95 2021 Regular Session.

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

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

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

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

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



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

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

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

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

138 **SECTION 10.** Of the funds appropriated to the Mississippi
139 Department of Transportation, Three Hundred Thousand Dollars
140 (\$300,000.00) shall be used for the Statewide Litter Prevention
141 Program.



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

145 **SECTION 12.** It is the intention of the Legislature that the
146 Mississippi Department of Transportation is authorized to expend
147 with funds which were obligated in Fiscal Year 2023 for
148 maintenance overlay projects and maintenance repair projects but
149 not completed by the end of Fiscal Year 2023, in an amount not to
150 exceed Ten Million Dollars (\$10,000,000.00).

151 **SECTION 13.** It is the intention of the Legislature that the
152 Mississippi Department of Transportation is authorized to transfer
153 between the various programs in an amount not to exceed ten
154 percent (10%) of the amount allocated in Section 3, except that no
155 transfers shall be authorized which increase the "Administrative
156 and Other Expenses" Program or which decrease the "Maintenance"
157 Program.

158 **SECTION 14.** It is the intention of the Legislature that the
159 Mississippi Department of Transportation is authorized to expend
160 an amount not to exceed Thirty Million Dollars (\$30,000,000.00)
161 received from other public or private entities as reimbursements
162 for payments made on federal projects.

163 **SECTION 15.** With the funds appropriated in this act, the
164 Mississippi Department of Transportation shall notify members of
165 the Mississippi Senate and House of Representatives upon the award
166 of projects within their respective districts and at least five



167 (5) days prior to a public ceremony announcing the award of any
168 grant in their district or any public announcement of ceremony
169 regarding the groundbreaking or opening of a facility, roadway or
170 bridge for which the Legislature has made funds available. Any
171 signage regarding any public event or any new facility, roadway or
172 bridge shall include the following language: "Funds were made
173 available for this project by the Mississippi State Legislature."
174 Further, the signage shall state the four-year legislative term in
175 which the project was funded.

176 **SECTION 16.** It is the intention of the Legislature that
177 whenever two (2) or more bids are received by this agency for the
178 purchase of commodities or equipment, and whenever all things
179 stated in such received bids are equal with respect to price,
180 quality and service, the Mississippi Industries for the Blind
181 shall be given preference. A similar preference shall be given to
182 the Mississippi Industries for the Blind whenever purchases are
183 made without competitive bids.

184 **SECTION 17.** The Mississippi Department of Transportation is
185 authorized to dispose of or transfer used cell phones that are
186 obsolete or inoperable to cell phone recycling programs dedicated
187 to providing free phone access to United States military
188 personnel.

189 **SECTION 18.** In compliance with the "Mississippi Performance
190 Budget and Strategic Planning Act of 1994," it is the intent of
191 the Legislature that the funds provided herein shall be utilized



192 in the most efficient and effective manner possible to achieve the
 193 intended mission of this agency. Based on the funding authorized,
 194 this agency shall make every effort to attain the targeted
 195 performance measures provided below:

196	FY2024
197 <u>Performance Measures</u>	<u>Target</u>
198 Maintenance	
199 Number of Acres Mowed (First and Subsequent)	290,000
200 Percent Increase of Acreage Mowed	66.00
201 Slow the Expected Increases of Total	
202 Fatalities According to a 5 Year Rolling	
203 Average (697 or Less)	707
204 Percent Decrease in State-Maintained	
205 Lane Miles Needing Repair or	
206 Rehabilitation	1.50
207 Percent of Pavement Needs Met Annually	10.00
208 Percent of Interstate Lane-Miles with an	
209 Acceptable Pavement Condition Rating	52.50
210 Percent of 4 Lane Highway Lane-Miles	
211 with an Acceptable Pavement Condition	
212 Rating	72.00
213 Percent of 2 Lane Highway Lane-Miles	
214 with an Acceptable Pavement Condition	
215 Rating	57.50
216 Cost per Mile to Maintain State Highways	27,938.00



217	Number of Bridges in Poor Condition	170
218	Number of Bridges with Timber Components	115
219	Construction	
220	Percent of Miles of State Maintained	
221	Highways that Meet MDOT Thresholds for	
222	Congestion	2.16
223	Number of Lane Miles of State Maintained	
224	Highways Requiring Additional Capacity	604.99
225	Cost per Mile to Construct State Highways	18,460,000.00
226	Administration & Other	
227	Administration as a Percent of Total Budget	4.40
228	GO-MDOT-Total Number of Page Views	1,077,228
229	Percent Increase in Utilization of	
230	MDOTTRAFFIC.com Website	0.05
231	Bonded Debt Service	
232	MDOT's Share of Annual Debt Service will	
233	Not Exceed 3.75% of Annual Budget	0.76
234	Aeronautics & Rails	
235	Number of Airports Inspected	69
236	Number of Grade Crossings Inspected	2,100
237	A reporting of the degree to which the performance targets	
238	set above have been or are being achieved shall be provided in the	
239	agency's budget request submitted to the Joint Legislative Budget	
240	Committee for Fiscal Year 2025.	



241 **SECTION 19.** The Mississippi Department of Transportation is
242 authorized to accept and expend any grant, donation, or
243 contribution from any individual, public, or private organization,
244 or government entity for purposes of defraying the operational
245 costs of the department. Such grants, donations or contributions
246 shall be received and expended under the rules and regulations of
247 the Department of Finance and Administration in a manner
248 consistent with the escalation of federal funds not to exceed One
249 Hundred Twenty-Five Million Dollars (\$125,000,000.00).

250 **SECTION 20.** With the funds appropriated herein, the
251 Department of Transportation is authorized to make payment for
252 expenses incurred during Fiscal Years 2018 through 2021 as
253 follows:

254	Vendor	Amount	Invoice Date	Fiscal Year
255	City of Greenville	\$1,410.56	02/26/2021	FY2021
256	City of Greenville	\$1,038.64	05/27/2021	FY2021
257	MS Department of Health	\$ 120.00	12/29/2017	FY2018
258	MS Department of Health	\$ 180.00	12/21/2018	FY2019
259	MS Department of Health	\$ 390.00	10/16/2020	FY2021
260	MS Department of Health	\$ 210.00	10/30/2020	FY2021
261	Mississippi Power	\$ 498.44	07/27/2020	FY2021
262	Pearl Valley Electric			
263	Power Association	\$ 73.27	09/27/2019	FY2020
264	Pearl Valley Electric			
265	Power Association	\$ 129.77	09/27/2019	FY2020



266	RJ Young Company	\$ 605.51	06/15/2021	FY2021
267	Singing River Electric	\$ 27.86	07/13/2020	FY2020
268	Singing River Electric	\$ 121.84	07/13/2021	FY2021
269	Singing River Electric	\$ 29.25	07/15/2021	FY2021

270 **SECTION 21.** The money herein appropriated shall be paid by
271 the State Treasurer out of any money in the State Treasury to the
272 credit of the proper fund or funds as set forth in this act, upon
273 warrants issued by the State Fiscal Officer; and the State Fiscal
274 Officer shall issue his warrants upon requisitions signed by the
275 proper person, officer or officers, in the manner provided by law.

276 **SECTION 22.** This act shall take effect and be in force from
277 and after July 1, 2023.

