

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1826: Appropriation; Transportation, Department of.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.
- 2. That the House and Senate adopt the following amendment:

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\$ 1,438,802,542.00.

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
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 2025 that may be utilized to fill vacant Fiscal Year 2024
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 2025 do
42 not exceed the data provided by the Legislative Budget Office. If
43 the agency's Fiscal Year 2025 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.....\$ 63,226,875.00



70	Construction.....	\$	992,776,149.00
71	Maintenance.....	\$	266,836,444.00
72	Debt Service.....	\$	79,485,952.00
73	Aeronautics, Rails and other.....	\$	36,477,122.00

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 2024. It is further the intention of the Legislature that
80 the agency's budget request for Fiscal Year 2026 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 2025 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 2025.

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 Sections 77-7-330, Mississippi
95 Code 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
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, Four Hundred Fifty Thousand Dollars
140 (\$450,000.00) 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 transfer
147 between the various programs in an amount not to exceed ten
148 percent (10%) of the amount allocated in Section 3, except that no
149 transfers shall be authorized which increase the "Administrative
150 and Other Expenses" Program or which decrease the "Maintenance"
151 Program.

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

157 **SECTION 14.** With the funds appropriated in this act, the
158 Mississippi Department of Transportation shall notify members of
159 the Mississippi Senate and House of Representatives upon the award
160 of projects within their respective districts and at least five
161 (5) days prior to a public ceremony announcing the award of any
162 grant in their district or any public announcement of ceremony
163 regarding the groundbreaking or opening of a facility, roadway or
164 bridge for which the Legislature has made funds available. Any
165 signage regarding any public event or any new facility, roadway or
166 bridge shall include the following language: "Funds were made



167 available for this project by the Mississippi State Legislature."
168 Further, the signage shall state the four-year legislative term in
169 which the project was funded.

170 **SECTION 15.** It is the intention of the Legislature that
171 whenever two (2) or more bids are received by this agency for the
172 purchase of commodities or equipment, and whenever all things
173 stated in such received bids are equal with respect to price,
174 quality and service, the Mississippi Industries for the Blind
175 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 FY2025
191 Performance Measures Target



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
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	2.11



217	Number of Lane Miles of State Maintained	
218	Highways Requiring Additional Capacity	591.46
219	Cost per Mile to Construct State Highways	21,000,000.00
220	Administration & Other	
221	Administration as a Percent of Total Budget	4.25
222	GO-MDOT-Total Number of Page Views	1,131,089
223	Percent Increase in Utilization of	
224	MDOTTRAFFIC.com Website	4.25
225	Bonded Debt Service	
226	MDOT's Share of Annual Debt Service will	
227	Not Exceed 3.75% of Annual Budget	0.74
228	Aeronautics & Rails	
229	Number of Airports Inspected	69
230	Number of Grade Crossings Inspected	2,100
231	A reporting of the degree to which the performance targets	
232	set above have been or are being achieved shall be provided in the	
233	agency's budget request submitted to the Joint Legislative Budget	
234	Committee for Fiscal Year 2026.	

235 **SECTION 18.** The Mississippi Department of Transportation is
236 authorized to accept and expend any grant, donation, or
237 contribution from any individual, public, or private organization,
238 or government entity for purposes of defraying the operational
239 costs of the department. Such grants, donations or contributions
240 shall be received and expended under the rules and regulations of
241 the Department of Finance and Administration in a manner



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

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

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

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 Infrastructure Match Fund for the purposes provided
258 in Section 65-1-183, Mississippi Code of 1972....
259\$ 80,000,000.00.

260 (c) 2022 Emergency Road and Bridge Fund for the purposes
261 provided in Section 65-1-179.1, Mississippi Code of 1972.....
262\$ 90,000,000.00.

263 (d) Strategic Multi-Modal Investments Fund for the purposes
264 provided in Section 65-1-901, Mississippi Code of 1972.....
265\$ 30,000,000.00



266 (e) 2023 DeSoto County Infrastructure Improvement Funds for
267 the purposes provided in Section 65-1-185, Mississippi Code of
268 1972.....\$ 115,000,000.00

269 (f) 2023 Lafayette County Infrastructure Improvement Funds
270 for the purposes provided in Section 65-1-187, Mississippi Code of
271 1972.....\$ 175,000,000.00

272 (g) 2023 Gulfport Commerce Corridor Fund for the purposes
273 provided in Section 65-1-189, Mississippi Code of 1972.....
274\$ 15,400,000.00

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

277 (i) Gulf Coast Passenger Rail Restoration Match Fund as
278 created in SB 2468, 2024 Regular Session.....\$ 6,000,000.00.

279 **SECTION 21.** It is the intent of the Legislature that the
280 funds appropriated in Section 20 subsection (c) of this act shall
281 be expended on the projects included in the 2022 ERBR
282 Solicitation.

283 **SECTION 22.** As a condition of receiving and expending the
284 funds appropriated to the department in Section 20 subsection (d)
285 of this act, the department shall ensure at least Ten Million
286 Dollars (\$10,000,000.00) is allocated to port projects.

287 **SECTION 23.** It is the intention of the Legislature that the
288 Mississippi Department of Transportation shall expend such funds
289 appropriated in Section 20 subsection (a), (b), and (c) as
290 necessary to conduct project planning. Such project planning



291 shall apply to all preliminary engineering, right-of-way
292 acquisition and construction projects of the department and, at a
293 minimum, shall consist of policies for the oversight and
294 management of project cost which:

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

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

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

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

309 **SECTION 24.** Of the funds appropriated in Section 2,
310 Three-Hundred Thousand Dollars (\$300,000.00), or so much thereof
311 as may be necessary, shall be derived out of any money in the
312 State Treasury to the credit of the Project Poppy Fund, as created
313 in Senate Bill 2001, 1st Extraordinary Session of 2024, and
314 allocated in a manner as determined by the Treasurer's Office.



315 These funds are provided for expediting services needed for
316 Project Poppy.

317 **SECTION 25.** The money herein appropriated shall be paid by
318 the State Treasurer out of any money in the State Treasury to the
319 credit of the proper fund or funds as set forth in this act, upon
320 warrants issued by the State Fiscal Officer; and the State Fiscal
321 Officer shall issue his warrants upon requisitions signed by the
322 proper person, officer or officers, in the manner provided by law.

323 **SECTION 26.** This act shall take effect and be in force from
324 and after July 1, 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.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)
Oliver

X (SIGNED)
Hopson

X (SIGNED)
Read

X (SIGNED)
Branning

X (SIGNED)
Massengill

X (SIGNED)
Thompson

