

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

To: Appropriations E;
Appropriations A

HOUSE BILL NO. 1938

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 2027; 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, 2026, and ending June 30, 2027.....
12\$ 1,477,665,268.00.

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: \$ 191,004,481.00

21 Total Funds: \$ 191,004,481.00

22 PERSONAL SERVICES:

23 Employee Salaries, Wages and

24 Fringe Benefits: \$ 183,217,367.00

25 Progressions: \$ 0.00

26 Vacancy Funding: \$ 7,787,114.00

27 Total Personal Services: \$ 191,004,481.00

28 AUTHORIZED HEADCOUNT:

29 Permanent: 2,706

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



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

46 With the funds herein appropriated, it shall be the agency's
47 responsibility to ensure that no single personnel action or
48 combination of personnel actions, when annualized, exceeds the
49 Fiscal Year 2027 appropriation for "Personal Services" with the
50 exception of escalated funds. Further, it shall be the agency's
51 responsibility to ensure that funds required to be appropriated
52 for "Personal Services" for Fiscal Year 2028 do not exceed Fiscal
53 Year 2027 funds appropriated for that purpose unless programs or
54 positions are added to the agency's Fiscal Year 2027 budget by the
55 Mississippi Legislature.

56 If, at the time the agency takes any action to change
57 "Personal Services," the State Personnel Board determines that the
58 agency has taken or will take an action that would cause the
59 agency to exceed the funds appropriated in this act when
60 annualized for Fiscal Year 2027 or increase the need for "Personal
61 Services" for Fiscal Year 2028, when annualized, the State
62 Personnel Board shall process no salary actions until such time as
63 the requirements of the provisions of this section are met with
64 the exception of new hires determined to be essential for the
65 agency.

66 When used in this section, "Vacancy Funding" shall mean funds
67 included in the Total Personal Services amount listed above and
68 designated for approved vacancies in Fiscal Year 2027. 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 2026. If the agency fills additional headcounts after
72 February 1, 2026, until the end of Fiscal Year 2026, the amount of
73 available Vacancy Funding may be proportionally adjusted to
74 reflect the updated number of filled headcounts. The agency shall
75 be 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 or increase the
83 Personal Services total without written approval from the
84 Department of Finance and Administration. The Department of
85 Finance and Administration shall not provide written approval to
86 escalate any funds for salaries and/or headcounts without proof of
87 availability of new or additional funds above the appropriated
88 level. Unless specifically noted, all Fiscal Year 2026 escalated
89 headcounts have been accounted for and shall be converted to
90 authorized time-limited headcounts.

91 No general funds authorized to be expended herein shall be
92 used to replace federal funds and/or other special funds used for



93 salaries authorized under the provisions of this act and which are
94 withdrawn and no longer available.

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

99 If the agency's total authorized headcount decreases from
100 Fiscal Year 2026 to Fiscal Year 2027, it will be the agency's
101 discretion as to what headcounts are removed.

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

107	Administration and Other Expenses.....\$	64,934,663.00
108	Construction.....\$	1,019,591,494.00
109	Maintenance.....\$	274,043,821.00
110	Debt Service.....\$	81,632,904.00
111	Aeronautics, Rails and other.....\$	37,462,386.00

112 **SECTION 4.** It is the intention of the Legislature that the
113 Mississippi Department of Transportation shall maintain complete
114 accounting and personnel records related to the expenditure of all
115 funds appropriated under this act and that such records shall be
116 in the same format and level of detail as maintained for Fiscal
117 Year 2026. It is further the intention of the Legislature that



118 the agency's budget request for Fiscal Year 2028 shall be
119 submitted to the Joint Legislative Budget Committee in a format
120 and level of detail comparable to the format and level of detail
121 provided during the Fiscal Year 2027 budget request process.

122 **SECTION 5.** Of the funds appropriated in Section 1, it is the
123 intention of the Legislature that Six Hundred Fifty Thousand
124 Dollars (\$650,000.00) shall be transferred to the Department of
125 Agriculture and Commerce for the Beaver Control or Eradication
126 Program during the Fiscal Year 2027.

127 **SECTION 6.** Of the funds appropriated in Section 1 and
128 authorized for expenditure in Section 3, Five Million Dollars
129 (\$5,000,000.00) shall be transferred by the Mississippi Department
130 of Transportation to the Department of Public Safety Office of
131 Commercial Transportation Enforcement Division for the operations
132 of the Division consistent with Section 77-7-330, Mississippi Code
133 of 1972.

134 **SECTION 7.** Of the funds appropriated in Section 1 of this
135 act, the Mississippi Department of Transportation shall expend
136 such funds as necessary to conduct project planning. Such project
137 planning shall apply to all preliminary engineering, right-of-way
138 acquisition and construction projects of the department and, at a
139 minimum, shall consist of policies for the oversight and
140 management of project cost which:

141 (a) Establish a reasonable cost estimate for each
142 project. For purposes of this provision, projects include



143 preliminary engineering, right-of-way acquisition and
144 construction;

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

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

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

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

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

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



168 Chairman of the Mississippi Senate Highways and Transportation
169 Committee.

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

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

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

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

190 **SECTION 13.** It is the intention of the Legislature that the
191 Mississippi Department of Transportation is authorized to expend
192 an amount not to exceed Thirty Million Dollars (\$30,000,000.00)



193 received from other public or private entities as reimbursements
194 for payments made on federal projects.

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

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

216 **SECTION 16.** The Mississippi Department of Transportation is
217 authorized to dispose of or transfer used cell phones that are



218 obsolete or inoperable to cell phone recycling programs dedicated
219 to providing free phone access to United States military
220 personnel.

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

	FY2027
<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)	726
Percent Decrease in State-Maintained	
Lane Miles Needing Repair or	
Rehabilitation	0.80
Percent of Pavement Needs Met Annually	0.28
Percent of 4 Lane Highway Lane-Miles	
with an Acceptable Pavement Condition	
Rating	95.00



243	Percent of Interstate Lane-Miles with an	
244	Acceptable Pavement Condition Rating	77.30
245	Percent of 2 Lane Highway Lane-Miles	
246	with an Acceptable Pavement Condition	
247	Rating	86.00
248	Cost per Mile to Maintain State Highways	33,889.00
249	Number of Bridges in Poor Condition	170
250	Number of Bridges with Timber Components	85
251	Construction	
252	Percent of Miles of State Maintained	
253	Highways that Meet MDOT Thresholds for	
254	Congestion	2.17
255	Number of Lane Miles of State Maintained	
256	Highways Requiring Additional Capacity	611.80
257	Cost per Mile to Construct State Highways	25,970,000.00
258	Administration & Other	
259	Administration as a Percent of Total Budget	4.17
260	GO-MDOT-Total Number of Page Views	1,400,000
261	Percent Increase in Utilization of	
262	MDOTTRAFFIC.com Website	5.00
263	Bonded Debt Service	
264	MDOT's Share of Annual Debt Service will	
265	Not Exceed 3.75% of Annual Budget	0.74
266	Aeronautics & Rails	
267	Number of Airports Inspected	69



292 (a) 2022 Capacity Project Fund for the purposes provided in
293 Section 65-1-141.2, Mississippi Code of 1972.....
294\$ 250,000,000.00

295 (b) 2022 Infrastructure Match Fund for the purposes provided
296 in Section 65-1-183, Mississippi Code of 1972.....
297\$ 40,000,000.00

298 (c) 2022 Emergency Road and Bridge Fund for the purposes
299 provided in Section 65-1-179.1, Mississippi Code of 1972.....
300 \$ 40,000,000.00

301 (d) Strategic Multi-Modal Investments Fund for the purposes
302 provided in Section 65-1-901, Mississippi Code of 1972.....
303\$ 30,000,000.00

304 (e) 2023 Lafayette County Infrastructure Improvement Funds
305 for the purposes provided in Section 65-1-187, Mississippi Code of
306 1972.....\$ 75,000,000.00

307 (f) 2023 Desoto County Infrastructure Improvement Funds for
308 the purposes provided in Section 65-1-185, Mississippi Code of
309 1972.....\$ 50,000,000.00

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

314 **SECTION 22.** It is the intention of the Legislature that the
315 Mississippi Department of Transportation shall expend such funds
316 appropriated in Section 20 subsection (a) and (b) as necessary to



317 conduct project planning. Such project planning shall apply to
318 all preliminary engineering, right-of-way acquisition and
319 construction projects of the department and, at a minimum, shall
320 consist of policies for the oversight and management of project
321 cost which:

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

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

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

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

336 **SECTION 23.** Of the funds appropriated in Section 1,
337 Three-Hundred Thousand Dollars (\$300,000.00), or so much thereof
338 as may be necessary, shall be derived out of any money in the
339 State Treasury to the credit of the Project Poppy Fund, as created
340 in Section 57-1-631, Mississippi Code of 1972, and allocated in a



341 manner as determined by the Treasurer's Office. These funds are
342 provided for expediting services needed for Project Poppy.

343 **SECTION 24.** The money herein appropriated shall be paid by
344 the State Treasurer out of any money in the State Treasury to the
345 credit of the proper fund or funds as set forth in this act, upon
346 warrants issued by the State Fiscal Officer; and the State Fiscal
347 Officer shall issue his warrants upon requisitions signed by the
348 proper person, officer or officers, in the manner provided by law.

349 **SECTION 25.** This act shall take effect and be in force from
350 and after July 1, 2026.

