

Senate Amendments to House Bill No. 1938

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:

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\$ 1,544,713,737.00.

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:	\$	191,417,168.00
21 Total Funds:	\$	191,417,168.00

22 PERSONAL SERVICES:

23 Employee Salaries, Wages and
24 Fringe Benefits: \$ 185,243,633.00
25 Progressions: \$ 0.00
26 Vacancy Funding: \$ 6,173,535.00
27 Total Personal Services: \$ 191,417,168.00

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
38 shall be in accordance with the Variable Compensation Plan
39 promulgated by the Mississippi State Personnel Board. It is the
40 Legislature's intention that no employee's salary falls below the
41 minimum salary established by the Mississippi State Personnel
42 Board.

43 The State Personnel Board shall determine and publish the
44 projected annual cost of "Personal Services" based on monthly and
45 year-to-date payroll expenditures in compliance with the
46 provisions of this act.

47 With the funds herein appropriated, it shall be the agency's
48 responsibility to ensure that no single personnel action or

49 combination of personnel actions, when annualized, exceeds the
50 Fiscal Year 2027 appropriation for "Personal Services" with the
51 exception of escalated funds. Further, it shall be the agency's
52 responsibility to ensure that funds required to be appropriated
53 for "Personal Services" for Fiscal Year 2028 do not exceed Fiscal
54 Year 2027 funds appropriated for that purpose unless programs or
55 positions are added to the agency's Fiscal Year 2027 budget by the
56 Mississippi Legislature.

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

67 When used in this section, "Vacancy Funding" shall mean funds
68 included in the Total Personal Services amount listed above and
69 designated for approved vacancies in Fiscal Year 2027. These
70 funds are to be utilized to increase the number of filled
71 headcounts that were authorized but unfilled as of the last day of
72 Fiscal Year 2026. If the agency fills additional headcounts after
73 February 1, 2026, until the end of Fiscal Year 2026, the amount of
74 available Vacancy Funding may be proportionally adjusted to

75 reflect the updated number of filled headcounts. The agency shall
76 be responsible for ensuring that "Vacancy Funding" is used to
77 increase headcounts and not for promotions, title changes,
78 in-range salary adjustments, or any other mechanism for increasing
79 salaries for current employees.

80 Any transfers or escalations shall be made in accordance with
81 the terms, conditions, and procedures established by law or
82 allowable under the terms set forth within this act. The State
83 Personnel Board shall not escalate positions or increase the
84 Personal Services total without written approval from the
85 Department of Finance and Administration. The Department of
86 Finance and Administration shall not provide written approval to
87 escalate any funds for salaries and/or headcounts without proof of
88 availability of new or additional funds above the appropriated
89 level. Unless specifically noted, all Fiscal Year 2026 escalated
90 headcounts have been accounted for and shall be converted to
91 authorized time-limited headcounts.

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

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

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

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

108	Administration and Other Expenses.....\$	67,881,047.00
109	Construction.....\$	1,065,855,050.00
110	Maintenance.....\$	286,478,449.00
111	Debt Service.....\$	85,336,964.00
112	Aeronautics, Rails and other.....\$	39,162,227.00

113 **SECTION 4.** It is the intention of the Legislature that the
114 Mississippi Department of Transportation shall maintain complete
115 accounting and personnel records related to the expenditure of all
116 funds appropriated under this act and that such records shall be
117 in the same format and level of detail as maintained for Fiscal
118 Year 2026. It is further the intention of the Legislature that
119 the agency's budget request for Fiscal Year 2028 shall be
120 submitted to the Joint Legislative Budget Committee in a format
121 and level of detail comparable to the format and level of detail
122 provided during the Fiscal Year 2027 budget request process.

123 **SECTION 5.** Of the funds appropriated in Section 1, it is the
124 intention of the Legislature that Six Hundred Fifty Thousand
125 Dollars (\$650,000.00) shall be transferred to the Department of

126 Agriculture and Commerce for the Beaver Control or Eradication
127 Program during the Fiscal Year 2027.

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

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

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

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

148 (c) Require that any changes to a cost estimate for a
149 project will be reviewed and approved by district or central
150 office personnel. Such personnel shall be responsible for signing

151 any revision, and providing a narrative description of the reasons
152 for approving a revision;

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

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

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

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

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

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

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

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

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

196 **SECTION 14.** With the funds appropriated in this act, the
197 Mississippi Department of Transportation shall notify members of
198 the Mississippi Senate and House of Representatives upon the award
199 of projects within their respective districts and at least five
200 (5) days prior to a public ceremony announcing the award of any
201 grant in their district or any public announcement of ceremony
202 regarding the groundbreaking or opening of a facility, roadway or

203 bridge for which the Legislature has made funds available. Any
204 signage regarding any public event or any new facility, roadway or
205 bridge shall include the following language: "Funds were made
206 available for this project by the Mississippi State Legislature."
207 Further, the signage shall state the four-year legislative term in
208 which the project was funded.

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

217 **SECTION 16.** The Mississippi Department of Transportation is
218 authorized to dispose of or transfer used cell phones that are
219 obsolete or inoperable to cell phone recycling programs dedicated
220 to providing free phone access to United States military
221 personnel.

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

229		FY2027
230	<u>Performance Measures</u>	<u>Target</u>
231	Maintenance	
232	Number of Acres Mowed (First & Subsequent)	290,000
233	Percent Increase of Acreage Mowed	0.66
234	Slow the Expected Increases of Total	
235	Fatalities According to a 5 Year Rolling	
236	Average (697 or Less)	726
237	Percent Decrease in State-Maintained	
238	Lane Miles Needing Repair or	
239	Rehabilitation	0.80
240	Percent of Pavement Needs Met Annually	0.28
241	Percent of 4 Lane Highway Lane-Miles	
242	with an Acceptable Pavement Condition	
243	Rating	95.00
244	Percent of Interstate Lane-Miles with an	
245	Acceptable Pavement Condition Rating	77.30
246	Percent of 2 Lane Highway Lane-Miles	
247	with an Acceptable Pavement Condition	
248	Rating	86.00
249	Cost per Mile to Maintain State Highways	33,889.00
250	Number of Bridges in Poor Condition	170
251	Number of Bridges with Timber Components	85
252	Construction	
253	Percent of Miles of State Maintained	
254	Highways that Meet MDOT Thresholds for	

255	Congestion	2.17
256	Number of Lane Miles of State Maintained	
257	Highways Requiring Additional Capacity	611.80
258	Cost per Mile to Construct State Highways	25,970,000.00
259	Administration & Other	
260	Administration as a Percent of Total Budget	4.17
261	GO-MDOT-Total Number of Page Views	1,400,000
262	Percent Increase in Utilization of	
263	MDOTTRAFFIC.com Website	5.00
264	Bonded Debt Service	
265	MDOT's Share of Annual Debt Service will	
266	Not Exceed 3.75% of Annual Budget	0.74
267	Aeronautics & Rails	
268	Number of Airports Inspected	69
269	Number of Grade Crossings Inspected	2,100
270	A reporting of the degree to which the performance targets	
271	set above have been or are being achieved shall be provided in the	
272	agency's budget request submitted to the Joint Legislative Budget	
273	Committee for Fiscal Year 2028.	
274	SECTION 18. The Mississippi Department of Transportation is	
275	authorized to accept and expend any grant, donation, or	
276	contribution from any individual, public, or private organization,	
277	or government entity for purposes of defraying the operational	
278	costs of the department. Such grants, donations or contributions	
279	shall be received and expended under the rules and regulations of	
280	the Department of Finance and Administration in a manner	

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

283 **SECTION 19.** With the funds appropriated herein, the
284 Mississippi Department of Transportation is authorized to make
285 payments for expenses incurred during prior fiscal years for an
286 amount not to exceed Thirty Thousand Four Hundred Eighteen Dollars
287 and Twenty-eight Cents (\$30,418.28).

288 **SECTION 20.** In addition to all other funds appropriated
289 herein, the following sums, or so much thereof as may be necessary
290 is appropriated out of the following funds in the State Treasury
291 to the credit of the Department of Transportation for the fiscal
292 year beginning July 1, 2026, and ending June 30, 2027:

293 (a) 2022 Capacity Project Fund for the purposes provided in
294 Section 65-1-141.2, Mississippi Code of 1972.....
295\$ 515,000,000.00

296 (b) 2022 Infrastructure Match Fund for the purposes provided
297 in Section 65-1-183, Mississippi Code of 1972.....
298\$ 40,000,000.00

299 (c) 2022 Emergency Road and Bridge Fund for the purposes
300 provided in Section 65-1-179.1, Mississippi Code of 1972.....
301 \$ 40,000,000.00

302 (d) Strategic Multi-Modal Investments Fund for the purposes
303 provided in Section 65-1-901, Mississippi Code of 1972.....
304\$ 30,000,000.00

305 (e) 2023 Lafayette County Infrastructure Improvement Funds
306 for the purposes provided in Section 65-1-187, Mississippi Code of
307 1972.....\$ 75,000,000.00

308 (f) 2023 Desoto County Infrastructure Improvement Funds for
309 the purposes provided in Section 65-1-185, Mississippi Code of
310 1972.....\$ 50,000,000.00

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

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

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

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

328 (c) Require that any changes to a cost estimate for a
329 project will be reviewed and approved by district or central
330 office personnel. Such personnel shall be responsible for signing

331 any revision, and providing a narrative description of the reasons
332 for approving a revision;

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

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

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

350 **SECTION 25.** This act shall take effect and be in force from
351 and after July 1, 2026, and shall stand repealed on June 30, 2026.

**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 2027; AND FOR RELATED PURPOSES.

SS26\HB1938PS.J

Amanda White
Secretary of the Senate