

MISSISSIPPI LEGISLATURE  
2021 Regular Session  
To: Appropriations  
By: Representatives Read, Busby, Arnold, Eubanks, Hopkins,  
Jackson, Mangold, Sanford, Young

**House Bill 1413**  
**(As Sent to Governor)**

AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION, FOR THE FISCAL YEAR 2022; AND FOR RELATED PURPOSES.

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

**SECTION 1.** The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Department of Transportation Funds, for the purpose of defraying the administrative expenses of the Mississippi Department of Transportation for the fiscal year beginning July 1, 2021, and ending June 30, 2022.....  
..... \$ 1,159,195,578.00.

**SECTION 2.** The following offices are supported by the funds appropriated in Section 1: The Office of Administrative Services, the Office of Highways, the Office of Aeronautics and Rails and the Office of Enforcement. Of the funds appropriated under the provisions of Section 1, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	3,384
	Part Time.....	9
Time-Limited:	Full Time.....	0

Part Time..... 0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2023 do not exceed Fiscal Year 2022 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2022 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. Absent a special situation or circumstance approved by the State Personnel Board, or unless otherwise authorized by this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation or realignment. If the State Personnel Board determines a special situation or circumstance exists and approves an action, then the agency and the State Personnel Board shall provide a monthly report of each action approved by the State Personnel Board to the chairmen of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairmen of the Appropriations Committees of the Senate and House of Representatives. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2022 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes

any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2022 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

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

None of the funds herein appropriated shall be used in violation of 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.

Funds have been appropriated herein for the purpose of implementation and funding Project SEC2 of the Colonel Guy Groff

State Variable Compensation Plan beginning January 1, 2022, and ending June 30, 2022. It shall be the agency's responsibility to make certain that each person, excluding executive directors, agency heads, and elected judges, shall receive no more than a 3% annual increase in salary which shall not exceed the market rate established by the State Personnel Board pursuant to the Colonel Guy Groff State Variable Compensation Plan for each classification.

**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.....	\$
60,613,653.00	
Construction.....	\$
754,520,005.00	
Maintenance.....	\$
211,244,935.00	
Debt Service.....	\$
78,782,972.00	
Law Enforcement.....	\$
16,964,654.00	
Aeronautics, Rails and other.....	\$
37,069,359.00	

**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 2021. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2023 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 2022 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 2022.

**SECTION 6.** 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 7.** 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.

**SECTION 8.** Of the funds appropriated to the Mississippi Department of Transportation, Three Hundred Thousand Dollars

(\$300,000.00) shall be used for the Statewide Litter Prevention Program.

**SECTION 9.** Of the funds appropriated in Section 1, not less than Eighty Million Dollars (\$80,000,000.00) shall be expended for contracted maintenance overlay and pavement rehabilitation.

**SECTION 10.** It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to expend with funds which were obligated in Fiscal Year 2021 for maintenance overlay projects and maintenance repair projects but not completed by the end of Fiscal Year 2021, in an amount not to exceed Ten Million Dollars (\$10,000,000.00).

**SECTION 11.** It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to transfer between the various programs in an amount not to exceed ten percent (10%) of the amount allocated in Section 3, except that no transfers shall be authorized which increase the "Administrative and Other Expenses" Program or the "Law Enforcement" Program or which decrease the "Maintenance" Program.

**SECTION 12.** It is the intention of the Legislature that the Mississippi Department of Transportation is authorized to expend funds which were obligated in Fiscal Year 2021 but not expended in 2021 in the "Capital Outlay-Equipment" category in an amount not to exceed Two Million Dollars (\$2,000,000.00) as authorized in SB 2825, 2020 Regular Session, for Fiscal Year 2021.

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

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

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



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

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

FY2022

Performance Measures

Target

Maintenance

Total Number of Acres Mowed (First and  
Subsequent)

290,000

Increase of Acreage Mowed (%)

0.97

Slow the Expected Increases of Total  
Fatalities According to a 5 Year Rolling  
Average (697 or Less)

685.00

Decrease in State-Maintained Lane Miles

Needing Repair or Rehabilitation (%)

1.50

Pavement Needs Met Annually (%)

0.05

Interstate Lane-miles With an Acceptable  
Payment Condition Rating (%)

38.00

4 Lane Highway Lane-miles With an  
Acceptable Pavement Condition Rating (%)

71.00

2 Lane Highway Lane-miles With an  
Acceptable Pavement Condition Rating (%)

54.00

Cost per Mile to Maintain State Highways (\$)

27,969.00

Number of Bridges in Poor Condition

190

Number of Bridges With Timber Components

145

Construction

Miles of State Maintained Highways that  
Meet MDOT Thresholds for Congestion (%)

1.97

Miles of State Maintained Highways  
Requiring Additional Capacity (Num of  
Lane Miles)

219.08

Cost per Mile to Construct State Highways  
13,940,000

Administration & Other

Administration as a Percentage of Total  
Budget 5.23

GO-MDOT-Total Number of Page Views  
838,650

Increase in Utilization of  
MDOTTRAFFIC.COM website (%)  
5.00

Bonded Debt Service

MDOT's Share of Annual Debt Service will  
not exceed 3.75% of Annual Budget  
0.94

Law Enforcement

Number of Trucks Weighed  
6,800,000

Number of Trucks Over Axle  
5,500

Number of Weight & Size Permits Authorized  
175,000

Number of Trucks Over Gross  
7,100

Vehicles Inspected Exceeding Restricted  
Weight Limits (%)  
25.00

Aeronautics & Rails

Number of Airports Inspected

69

Number of Grade Crossings Inspected

2,800

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 2023.

**SECTION 18.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Hampton Inn, Greenwood, MS, for services in prior fiscal years in an amount not to exceed One Hundred Twenty-eight Dollars and Fifty-two Cents (\$128.52).

**SECTION 19.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Holiday Inn Express Hotel and Suites, Ocean Springs, MS, for services in prior fiscal years in an amount not to exceed Ninety-three Dollars (\$93.00).

**SECTION 20.** It is the intention of the Legislature that the Mississippi Department of Transportation is hereby authorized to pay invoices submitted by Holiday Inn Express Hotel and Suites, Ocean Springs, MS, for services in prior fiscal years in an amount not to exceed Two Hundred Seventy-nine Dollars (\$279.00).

**SECTION 21.** Contingent upon passage of Senate Bill 2825, it is the intention of the Legislature, that the Mississippi Department of Transportation shall transfer all employees, equipment, inventory and resources of the Commercial Transportation Enforcement Division employed and used as law enforcement personnel to the Department of Public Safety on July 1, 2021. The transfer of personnel shall be commensurate with the number and classification of positions allocated to that law enforcement. The transfer shall also include direct support, clerical, data processing and communications positions allocated to that law enforcement.

**SECTION 22.** Of the funds appropriated in Section 1 and authorized for expenditure in Section 3, Sixteen Million Two Hundred Ten Thousand Five Hundred Forty-six Dollars (\$16,210,546.00) shall be provided from Fund No. 3941 in the State Treasury, contingent upon the passage of Senate Bill 2825, 2021 Regular Session.

**SECTION 23.** 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 24.** It is the intention of the Legislature that of the Highway Infrastructure Program funds received by the state pursuant to the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 and appropriated under authority of this act shall be spent on the following projects in the following amounts:

(1) To assist in paying costs for improvements to the interchange of Highway 463 and Stribling Road in Madison County to support access to the new sixth grade school to be constructed in that area \$ 500,000.00.

(2) To assist in paying costs for right-of-way acquisition, utility relocation, design and construction necessary to 4-lane that portion of Mississippi Highway 12 from the City of Durant in Holmes County, Mississippi, to the City of Kosciusko in Attala County, Mississippi \$ 4,500,000.00.

(3) To assist in paying costs for the planning, environmental studies and preliminary engineering as necessary to secure United States Department of Transportation approvals for Interstate 10 interchange modifications at Mississippi Highway 613 and Mississippi Highway 63 in Moss Point, Mississippi.....  
..... \$ 300,000.00.

(4) To assist Jackson County, Mississippi, with the replacement of the Roy Cumbest Bridge over the Pascagoula River on Mississippi Highway 614..... \$ 4,700,000.00.

(5) To assist in paying costs associated with right-of-way acquisition, utility relocation, design and construction necessary to add a center turning lane and upgrade the roadway on State Highway 4 from Interstate 55 to the campus of North West Mississippi Community College..... \$ 5,000,000.00.

**SECTION 25.** It is the intention of the Legislature to provide general improvements, widening and/or overlay of the following:

(a) Highway 41 in Pontotoc County..... \$ 250,000.00

(b) Old West Point Road in Lowndes County.... \$ 250,000.00

(c) Highway 8 from Calhoun City to the intersection of Highway 9..... \$ 500,000.00

(d) Intersection of Searcy Road and Highway 366 in Tishomingo County..... \$ 500,000.00

(e) Highway 51 in Desoto County..... \$ 500,000.00

(f) Highway 45 from Saltillo to Guntown for safety enhancements, including but not limited to deceleration lanes, red light, striping and lighting..... \$ 250,000.00

(g) Intersection of Green Tea and Highway 51

in Desoto County..... \$  
 250,000.00

(h) County Road 600 in Corinth..... \$  
 250,000.00

(i) Highway 7 from Grenada to Greenwood..... \$  
 500,000.00

(j) Highway 7 at University Blvd in Oxford,  
 Mississippi..... \$  
 250,000.00

(k) Highway 403 in Webster County..... \$  
 250,000.00

(l) Highway 51 in Tate County North of  
 Highway 740..... \$  
 500,000.00

(m) Highway 6 in Quitman County..... \$  
 250,000.00

(n) Highway 49 in Greenwood, Mississippi..... \$  
 250,000.00

(o) Highway 25 in Monroe County..... \$  
 250,000.00

(p) Highway 16 West from Philadelphia to  
 Carthage..... \$ 500,000.00

(q) Canton/Madison corridor Highway 51  
 (repair, renovation, upgrades)..... \$  
 500,000.00

(r) Highway 80 from Trickham Bridge Road  
 to I-20..... \$ 500,000.00



(s) Highway 463 Madison County at the  
Intersection of Stribling Road..... \$  
250,000.00

(t) Hebron Christian Road in Clay County..... \$  
250,000.00

(u) Highway 16 West in Kemper County between Dekalb and  
Philadelphia..... \$  
500,000.00

(v) Intersection of Highway 15 and Broad  
Street in the Town of Decatur for upgrades to  
signal lights and poles ..... \$  
250,000.00

(w) Main Street, Town of Carthage..... \$  
500,000.00

(x) State Highway 18, South of I-20 in Hinds  
County..... \$ 500,000.00

(y) I-55 exit at Terry, Mississippi..... \$  
250,000.00

(z) Highway 511, starting in Quitman toward  
Highway 45, in Clarke County..... \$  
250,000.00

(aa) Old Highway 16 from Yazoo City to  
Canton..... \$ 250,000.00

(bb) Highway 3 between 49 W and Highway 82... \$  
250,000.00

(cc) Highway 438 in Washington County..... \$  
250,000.00

(dd) Intersection of Highway 57 and Ira Turner 381  
 Road and High School Road in Greene County..... \$  
 500,000.00

(ee) Intersection of Highway 43 North and  
 Richardson Road in Picayune for caution lights and  
 safety enhancement; for any remaining funds for  
 culverts under Highway 43 North near Hobolochitto  
 Creek..... \$ 500,000.00

(ff) Highway 603 in Hancock County..... \$  
 500,000.00

(gg) Highway 589/Purvis Oloh Road Intersection  
 in Lamar County..... \$  
 500,000.00

(hh) Highway 11 at the I-59 Interchange..... \$  
 500,000.00

(ii) Highway 49 in Harrison County..... \$  
 500,000.00

(jj) Highway 605 at Dedeaux Road in Harrison  
 County..... \$ 500,000.00

(kk) Highway 11 North starting at the  
 Jones/Jasper County line going north..... \$  
 500,000.00

(ll) Highway 583 in Lincoln County..... \$  
 250,000.00

(mm) Highway 24/Main Street in Liberty,  
 Mississippi..... \$  
 250,000.00

(nn) County Farm Road in Harrison County..... \$  
500,000.00

**SECTION 26.** The following sum, or so much thereof as may be necessary, is reappropriated out of any money in the Department of Transportation Funds not otherwise appropriated for the Mississippi Department of Transportation for the purpose of reauthorizing the expenditure of Transportation Funds, as authorized in HB 1727, 2020 Regular Session to provide funds to assist Jackson County, Mississippi, with the construction of a turn lane on Saracennia Road into the Helena Industrial Park for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

..... \$ 200,000.00.

Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the unexpended balance as of June 30, 2021.

**SECTION 27.** 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 Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

**SECTION 28.** This act shall take effect and be in force from and after July 1, 2021.