

By: Representative Wilson

To: Constitution;  
Appropriations

## HOUSE BILL NO. 1253

1 AN ACT TO AMEND SECTIONS 1-1-107, 5-1-47, 5-1-51, 7-11-25,  
2 25-3-40, 27-3-2, 27-4-1, 27-103-113, 27-103-123, 27-103-125,  
3 27-103-127, 27-103-129, 27-103-135, 27-103-139, 27-103-153,  
4 27-103-159, 27-103-203, 27-103-211, 27-103-213, 27-104-9,  
5 27-104-13, 27-104-17, 27-104-25, 27-104-205, 29-5-69, 37-35-11,  
6 43-21-801 AND 43-21-803, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
7 BEGINNING IN 2024, THE LEGISLATURE SHALL MEET IN REGULAR SESSION  
8 ONCE EVERY TWO YEARS RATHER THAN ANNUALLY; TO PROVIDE THAT THE  
9 BIENNIAL SESSIONS OF THE LEGISLATURE SHALL LAST FOR 125 CALENDAR  
10 DAYS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 1-1-107, Mississippi Code of 1972, is  
13 amended as follows:

14 1-1-107. The joint committee shall have the following powers  
15 and duties:

16 (a) To select and contract with a reputable and  
17 competent publishing company on \* \* \* any terms and conditions and  
18 at \* \* \* any prices as it may deem proper for the editing,  
19 printing, indexing, annotating, binding and publishing of all the  
20 acts of the Legislature passed since adjournment of the \* \* \* 2024  
21 Session of the Mississippi Legislature and \* \* \* biennially  
22 thereafter, \* \* \* however, the expenditure of state funds shall be



23 contingent upon the Legislature appropriating the necessary funds  
24 therefor. Nothing in this act or in Chapter 502, Laws of 1996,  
25 shall be construed to render invalid or impair the obligations of  
26 any contract entered into on behalf of the State of Mississippi on  
27 or before September 30, 1988, and any revisions or modifications  
28 to \* \* \* that contract other than extending the contract beyond  
29 September 30, 1998, for any of the purposes set forth in this act  
30 or in Chapter 502, Laws of 1996.

31 (b) To undertake \* \* \* any substantive revisions,  
32 recodifications and compilations of the Mississippi Code of 1972,  
33 and \* \* \* later amendments \* \* \* to the Mississippi Code of 1972,  
34 as may be necessary or as may be directed by the Legislature.

35 (c) To formulate with the publishing company all the  
36 details associated with the codification of the laws enacted by  
37 the Mississippi Legislature.

38 (d) To review, approve or disapprove the work of the  
39 publishing company in preparing, supplementing, indexing or  
40 revising the Mississippi Code of 1972, or any volume, pocket part  
41 or portion \* \* \* of the Mississippi Code of 1972.

42 (e) To grant exclusive or nonexclusive publication and  
43 sales rights to the Mississippi Code of 1972, and \* \* \* later  
44 amendments \* \* \* to the Mississippi Code of 1972, or portions  
45 thereof to the publishing company.



(f) In its discretion, to seek the advice and assistance of members and committees of the Mississippi Bar Association.

(g) To provide for the preparation and introduction of legislation containing its recommendations for the revisions in substance and form or both, or the repeal or amendment of statutes or portions thereof.

(h) To provide for procedures for the implementation or execution of its powers and duties.

(i) To take such other action or exercise such additional powers as may be necessary or convenient to carry out the purposes of this chapter.

**SECTION 2.** Section 5-1-47, Mississippi Code of 1972, is amended as follows:

5-1-47. (1) In addition to the regular salary and mileage provided by law, an expense allowance equal to the maximum daily expense rate allowable to employees of the federal government for travel in the high rate geographical area of Jackson, Mississippi, as may be established by federal regulations for each legislative day in actual attendance at a session shall be paid to the Lieutenant Governor and members of the Senate and House of Representatives, together with an additional mileage allowance as provided by Section 25-3-41, for each mile of the distance by the most direct route usually traveled in coming to and returning from the place where the Legislature is in session, which expense



allowance and additional mileage allowance shall be paid at the end of each seven-day period while the Legislature is in session.

(2) In addition to the mileage allowance provided for in subsection (1) of this section, an expense allowance equal to the maximum daily expense rate allowable to employees of the federal government for travel in the high rate geographical area of Jackson, Mississippi, as may be established by federal regulations, per day, shall be paid to:

(a) The Lieutenant Governor and members of the Senate, upon the approval of the Senate Rules Committee, for attending to legislative duties on any of the following days that the Senate does not convene in session on that day: (i) any day between legislative regular or extraordinary sessions, or (ii) any day of a legislative regular session that has been extended beyond the number of calendar days specified in Section 36, Mississippi Constitution of 1890, when that day falls after the \* \* \* one-hundred-twenty-fifth day of the session, \* \* \* or (iii) any day during a legislative extraordinary session; and

(b) Members of the House of Representatives, upon the approval of the House Management Committee, for attending to legislative duties on any of the following days that the House does not convene in session on that day: (i) any day between legislative regular or extraordinary sessions, or (ii) any day of a legislative regular session that has been extended beyond the number of calendar days specified in Section 36, Mississippi



Constitution of 1890, when that day falls after the \* \* \*  
one-hundred-twenty-fifth day of the session, \* \* \* or (iii) any  
day during a legislative extraordinary session.

(3) The expense allowance and additional mileage allowance  
provided by this section for the Lieutenant Governor and members  
of the Senate shall be paid from the appropriate legislative fund  
of the Senate as provided by law, and the expense allowance and  
additional mileage allowance for members of the House of  
Representatives shall be paid from the appropriate legislative  
fund of the House of Representatives as provided by law, upon  
warrants drawn for \* \* \* that purpose in the manner provided by  
law.

**SECTION 3.** Section 5-1-51, Mississippi Code of 1972, is  
amended as follows:

5-1-51. The mileage and one-third (1/3) of the salary for a  
regular session shall be paid at the beginning of the session.  
After thirty (30) days of the session have expired, another  
one-third (1/3) of the salary shall be paid. The remaining  
one-third (1/3) of the salary shall be paid \* \* \* on the earlier  
of the last day the Legislature is convened or the last Friday  
before the one-hundred-twenty-fifth day of \* \* \* the session, as  
the case may be.

**SECTION 4.** Section 7-11-25, Mississippi Code of 1972, is  
amended as follows:



7-11-25. The Secretary of State shall make a report to the Legislature at each regular session of all the business transactions in the Secretary of State's office pertaining to public lands for the two (2) preceding fiscal years. He or she shall state \* \* \* in the report the monthly sale of land, of what class and where situated, amount of purchase-money received for each, the totals of his or her monthly reports to the auditor of fees collected; and he or she shall make \* \* \* any recommendations as may seem proper.

**SECTION 5.** Section 25-3-40, Mississippi Code of 1972, is amended as follows:

25-3-40. On July 1, \* \* \* 2024, and \* \* \* biennially thereafter, the Mississippi Compensation Plan shall be amended to provide salary increases in \* \* \* any amounts and percentages as might be recommended by the Legislative Budget Office and as may be authorized by funds appropriated by the Legislature for the purpose of granting incentive salary increases as deemed possible dependent upon the availability of general and special funds.

\* \* \* The Mississippi Legislature \* \* \* shall implement the minimum wage as enacted by statutory law of the United States Congress subject to funds being available for that purpose. \* \* \* Annual salary increases shall be maximized consistent with the availability of funds as might be determined by the Mississippi Legislature at its regular \* \* \* biennial session and that all



salary increases hereafter be made consistent with the provisions of this section.

**SECTION 6.** Section 27-3-2, Mississippi Code of 1972, is amended as follows:

27-3-2. (1) No person appointed by the Governor as Commissioner of Revenue under the terms of Section 27-3-1 shall be eligible to take office unless his or her name \* \* \* has been submitted to the Mississippi Senate for its advice and consent at least thirty (30) days \* \* \* before the scheduled adjournment of the regular session of the Legislature being held in the calendar year in which the term of the office of the incumbent \* \* \* expires. However, if the term of the office of the incumbent expires during a year in which the Legislature does not meet, the name shall be submitted to the Mississippi Senate for its advice and consent within ten (10) days after the beginning of the next regular session of that body.

(2) As to the appointment of the Commissioner of Revenue under Section 27-3-1 for the term that begins on July 1, 2010, and expires on June 30, 2016, for purposes of subsection (1) of this section, the Chairman of the State Tax Commission whose term expires on June 30, 2010, shall be deemed to be the incumbent of this position and shall serve as the Commissioner of Revenue until the person appointed by the Governor to fill this term has been appointed and qualified.



(3) If for any reason an appointment by the Governor under Section 27-3-1 is not given the advice and consent of the Mississippi Senate prior to the adjournment of such regular session, the Governor may submit another appointment at any time to the Mississippi Senate for its advice and consent at a regular or extraordinary session of the Legislature.

(4) The prohibition contained in subsection (1) of this section shall not apply when a vacancy shall occur by death or resignation of the incumbent.

**SECTION 7.** Section 27-4-1, Mississippi Code of 1972, is amended as follows:

27-4-1. (1) The Board of Tax Appeals is established as an independent agency which shall not in any way be subject to the supervision or control of the Department of Revenue.

(2) The Board of Tax Appeals shall consist of three (3) members: a chairman and two (2) associate members. Except as provided in subsection (5) of this section, the chairman and associate members shall be appointed by the Governor with the advice and consent of the Senate. Each member of the board shall be a qualified elector, shall have at least a bachelor's degree from an accredited college or university, and shall possess a special knowledge of taxation and revenue in the State of Mississippi. The members of the Board of Tax Appeals, while holding office, shall not engage in any other occupation or





business interfering with or inconsistent with their official duties on the board.

(3) The initial term of the Chairman of the Board of Tax Appeals shall begin on July 1, 2010, and expire on June 30, 2016. The initial term of one (1) associate member of the board shall expire June 30, 2012. The initial term of the other associate member shall expire June 30, 2014. Upon the expiration of the initial terms, the term of office of each member shall be for six (6) years, or until his or her successor is appointed and qualified. The Governor shall include in his or her appointment of the chairman and associate members the expiration date of each appointment. Vacancies shall be filled by the Governor for the unexpired portion of the term in which the vacancy occurs.

(4) No person appointed by the Governor to the Board of Tax Appeals shall be eligible to take office unless his or her name shall have been submitted to the Mississippi Senate for its advice and consent at least thirty (30) days \* \* \* before the scheduled adjournment of the regular session of the Legislature being held in the calendar year in which the term of the office of the incumbent \* \* \* expires \* \* \*. However, if the term of the office of the incumbent expires during a year in which the Legislature does not meet, the name shall be submitted to the Mississippi Senate for its advice and consent within ten (10) days after the beginning of the next regular session of that body. If for any reason an appointment is not given the advice and consent of the



Mississippi Senate \* \* \* before the adjournment of such regular session, the Governor may submit another appointment at any time to the Mississippi Senate for its advice and consent at a regular or extraordinary session of the Legislature. The foregoing prohibition shall not apply when a vacancy shall occur by death or resignation of the incumbent.

(5) On July 1, 2010, the Associate Commissioner of the State Tax Commission whose appointment as associate commissioner has an expiration date of June 30, 2012, shall fill the position of the associate member of the Board of Tax Appeals whose term expires on June 30, 2012. On July 1, 2010, the Associate Commissioner of the State Tax Commission whose appointment as associate commissioner has an expiration date of June 30, 2014, shall fill the position of the associate member of the Board of Tax Appeals whose term expires on June 30, 2014. This change of positions from an Associate Commissioner of the State Tax Commission to an associate member of the Board of Tax Appeals shall be treated as a continuation of the same appointment without the need for an additional appointment by the Governor or the advice and consent of the Senate.

(6) Each member of the Board of Tax Appeals shall, before entering upon the discharge of the duties of his or her office, take and subscribe to the oath of office prescribed by the Constitution and shall file the oath in the Office of the Secretary of State, and each member, including the chairman, shall



242 execute a bond in some surety company authorized to do business in  
243 the state, to be approved by the Governor, and filed in the Office  
244 of the Secretary of State in the penal sum of Fifty Thousand  
245 Dollars (\$50,000.00), conditioned for the faithful and impartial  
246 discharge of the duties of his or her office. The premium on the  
247 bonds shall be paid as provided by law out of funds appropriated  
248 to the Board of Tax Appeals.

249 (7) The members of the Board of Tax Appeals are not subject  
250 to removal from office other than by impeachment or by removal  
251 from office as provided for under Section 25-5-1, except that in  
252 addition to such impeachment and removal, a member of the Board of  
253 Tax Appeals may also be removed from office for a criminal  
254 conviction for violating the Internal Revenue Code.

255 (8) It is the duty of the Department of Finance and  
256 Administration to provide suitable and adequate quarters and  
257 equipment for the Board of Tax Appeals, for the executive director  
258 and employees of the board and for filing their records, books and  
259 papers.

260 (9) The members of the Board of Tax Appeals shall receive an  
261 annual salary fixed by the State Personnel Board. The actual  
262 traveling expenses of the board members, the executive director of  
263 the board and the employees of the board incurred in the  
264 performance of their official duties shall be allowed, and such  
265 salaries and expenses shall be payable out of funds appropriated  
266 for the expenses of the Board of Tax Appeals.



267           **SECTION 8.** Section 27-103-113, Mississippi Code of 1972, is  
268 amended as follows:

269           27-103-113. It shall be the duty of the Legislative Budget  
270 Office to prepare an overall balanced budget of the entire  
271 expenses and income of the state for each \* \* \* biennium, which  
272 budget shall encompass the operations of all general-fund agencies  
273 and all special-fund agencies and the Mississippi Department of  
274 Transportation and the Division of State Aid Road Construction of  
275 the Mississippi Department of Transportation. Beginning with the  
276 1996 fiscal year, \* \* \* the budget shall be prepared in a format  
277 which will include performance measurement data associated with  
278 the various programs operated by each agency. \* \* \* The overall  
279 budget shall be completed \* \* \* before December 15 before the  
280 convening of the Legislature at the regular session.

281           **SECTION 9.** Section 27-103-123, Mississippi Code of 1972, is  
282 amended as follows:

283           27-103-123. Part 1 of the overall budget shall include  
284 therein the requested budget and the recommended budget for each  
285 general fund agency and the proposed revenue by means of which the  
286 recommended appropriations can be met.

287           The overall budget shall show, for each general fund agency,  
288 in addition to such other information as may be prescribed by the  
289 Legislative Budget Office, the following:

290           (a) The amount appropriated from the General Fund for



the current \* \* \* biennium, all special funds receipts already collected and available in the current \* \* \* biennium, and an estimate of all special funds which will be collected, or otherwise will become available, by the end of the then current \* \* \* biennium;

(b) The estimated amount of all expenditures to be made or obligations to be incurred payable from general or special funds during the then current \* \* \* biennium;

(c) The estimated aggregate amount of funds which will be needed by the agency for the succeeding \* \* \* biennium; beginning with the \* \* \* 2024 biennium and in the event that any services proposed to be provided by the agency in the succeeding \* \* \* biennium are Medicaid reimbursable, any state general matching funds necessary for such reimbursements shall be included in the agency's proposed budget, and the appropriation to the Division of Medicaid in the \* \* \* 2024 biennium shall be adjusted accordingly;

(d) The estimated aggregate amount of special funds, if any, which will be available during the succeeding \* \* \* biennium, including any balances which will be on hand at the close of the then current \* \* \* biennium;

(e) The estimated amount which will be needed and which will require change in existing law or laws;

(f) If any new item of expense is included in the proposed budget of any general fund agency, the reason therefor



shall be given; and in any case where the Legislative Budget Office shall eliminate or reduce any item or items in the budget request of any general fund agency, it shall note briefly the reasons therefor, together with the reasons advanced by the agency in support of the item or items eliminated or reduced.

**SECTION 10.** Section 27-103-125, Mississippi Code of 1972, is amended as follows:

27-103-125. The proposed budget of each state agency shall show the amounts required for operating expenses separately from the amounts required for permanent improvements. The overall budget shall show, separately by each source, the estimated amount of general fund revenue and of special fund revenues of general fund agencies. The total proposed expenditures in Part 1 of the overall budget shall not exceed the amount of estimated revenues that will be available in the general and special funds for appropriation or use during the succeeding \* \* \* biennium, including any balances that will be on hand in the general and special funds at the close of the then current \* \* \* biennium. The total proposed expenditures from the State General Fund in Part 1 of the overall budget shall not exceed ninety-eight percent (98%) of the amount of general fund revenue estimate for the succeeding \* \* \* biennium, plus any unencumbered balances in general funds that will be available and on hand at the close of the then current \* \* \* biennium. However, for fiscal years 2010, 2011, 2012, 2016 and 2017 only, the total proposed expenditures



341 from the State General Fund in Part 1 of the overall budget shall  
342 not exceed one hundred percent (100%) of the amount of the general  
343 fund revenue estimate for the succeeding fiscal year, plus any  
344 unencumbered balances in general funds that will be available and  
345 on hand at the close of the then current fiscal year. The general  
346 fund revenue estimate shall be the estimate jointly adopted by the  
347 Governor and the Joint Legislative Budget Committee. Unencumbered  
348 balances in general funds that will be available and on hand at  
349 the close of the current \* \* \* biennium shall not include  
350 projected amounts required to be deposited into the Working  
351 Cash-Stabilization Reserve Fund under Section 27-103-203. The  
352 Legislative Budget Office may recommend additional taxes or  
353 sources of revenue if in its judgment those additional funds are  
354 necessary to adequately support the functions of the state  
355 government.

356       **SECTION 11.** Section 27-103-127, Mississippi Code of 1972, is  
357 amended as follows:

358       27-103-127. To the end that the overall budget shall present  
359 in comparable terms a complete summary of all financial operations  
360 of all state agencies, Part 2 of the overall budget shall include  
361 therein the requested budget and the recommended budget for each  
362 special fund agency. The overall budget shall show for each  
363 special fund agency, in addition to such other information as may  
364 be prescribed by the Legislative Budget Office, the following:



365 (a) The amount by source of all special fund receipts  
366 collected or otherwise available in the current fiscal year, and  
367 an estimate by source of all special funds which will be collected  
368 or become available by the end of the then current \* \* \* biennium;

369 (b) The estimated amount of all expenditures to be made  
370 or obligations to be incurred payable from such special funds  
371 during the then current \* \* \* biennium;

372 (c) The estimated aggregate amount of special funds  
373 which will be needed by the agency for the succeeding \* \* \*  
374 biennium; beginning with the \* \* \* 2024 biennium and in the event  
375 that any services proposed to be provided by the agency in the  
376 succeeding \* \* \* biennium are Medicaid reimbursable, any state  
377 general matching funds necessary for such reimbursement shall be  
378 included in the agency's proposed budget, and the appropriation to  
379 the Division of Medicaid in the \* \* \* 2024 biennium shall be  
380 adjusted accordingly;

381 (d) The estimated amount by source of special funds  
382 which will be available under existing laws during the  
383 succeeding \* \* \* biennium, including any balances which will be on  
384 hand at the close of the then current \* \* \* biennium;

385 (e) The estimated amount which will be needed and which  
386 will require change in existing law or laws;

387 (f) If any new item of expense is included in the  
388 proposed budget of any special fund agency, the reason therefor  
389 shall be given; and in any case where the Legislative Budget





Office shall eliminate or reduce any item or items in the proposed budget of any special fund agency, it shall note briefly the reasons therefor, together with the reasons advanced by the agency in support of the item or items eliminated or reduced;

(g) The proposed budget of each special fund agency shall show the amounts required for operating expenses separately from the amounts required for permanent improvements.

Proposed expenditures for any agency in Part 2 of the overall budget shall not exceed the amount of estimated revenues which will be available to it. Provided, that the Legislative Budget Office may recommend changes in existing law so as to decrease or increase the revenues available to any agency if in its judgment such changes are necessary or desirable.

Provided further, that expenditures approved or authorized by the Legislature for any special fund agency or special funds approved for general fund agency shall constitute a maximum to be expended or encumbered by such agency, and shall not constitute authority to expend or encumber more than the amount of revenue actually collected or otherwise received.

No special fund agency or general fund agency shall make expenditures from special funds available to such agency unless such expenditures are set forth in a budget approved by the Legislature. Such legislative approval shall be set forth in an appropriation act. Provided, however, that special funds derived from the collection of taxes for any political subdivision of the



415 state shall be excepted from the foregoing provisions. The  
416 executive head of the state agency shall be liable on his official  
417 bond for expenditures or encumbrances which exceed the total  
418 amount of the budget or the amount received if receipts are less  
419 than the approved budget.

420        Provided, however, that each university and college shall  
421 submit through the Board of Trustees of State Institutions of  
422 Higher Learning \* \* \* a biennial budget to the Legislative Budget  
423 Office prior to the beginning of each \* \* \* biennium with such  
424 information and in such form, and in such detail, as may be  
425 required by the Legislative Budget Office. If the Legislative  
426 Budget Office determines that sufficient funds will be available  
427 during the \* \* \* biennium to fund the proposed budget as  
428 submitted, then and in that event the proposed budget shall be  
429 approved. However, if the Legislative Budget Office determines  
430 that, in its judgment, sufficient funds will not be available to  
431 fund the proposed budget, the affected institution or institutions  
432 and the Board of Trustees of State Institutions of Higher Learning  
433 shall be promptly notified and given an opportunity to either  
434 justify the proposed budget or proposed amendments which can be  
435 mutually agreed upon. The Legislative Budget Office shall then  
436 approve the proposed budget or budgets of the several universities  
437 and colleges. The total amount approved for each institution  
438 shall constitute the maximum funds which may be expended during  
439 the \* \* \* biennium.



440       The municipal, county or combined municipal and county port  
441 and harbor commissions, authorities or other port or harbor  
442 agencies not owned or operated by the state, shall submit annual  
443 or amended budgets of their estimated receipts and expenditures to  
444 the governing bodies of such municipality, county or municipality  
445 and county, for their approval, and a copy of such budget as  
446 approved by such governing body or bodies shall be filed with the  
447 Legislative Budget Office. Such budget shall itemize all  
448 estimated receipts and expenditures, and the Legislative Budget  
449 Office may require particularization, explanation or audit  
450 thereof, and shall report such information to the Legislature.

451       To the end that the overall budget shall present in  
452 comparable terms a complete summary of all financial operations of  
453 all state agencies, Part 3 of such overall budget shall consist of  
454 an estimated preliminary annual budget of the Department of  
455 Transportation and the Division of State Aid Road Construction of  
456 the Department of Transportation and such information for the  
457 current \* \* \* biennium as is necessary to make presentation  
458 comparable to that specified for Part 2 special fund agencies.

459       The annual budget request of the Department of Transportation  
460 shall be divided into the following program budgets: (a)  
461 administration and other expenses, (b) construction, (c)  
462 maintenance, and (d) debt service. In making its annual  
463 appropriation to the Department of Transportation from the State  
464 Highway Fund, the Legislature shall separate the appropriation



bill into the four (4) program budget areas herein specified. For the purposes of this paragraph, "administration and other expenses" shall be construed to mean those expenses incurred due to departmental support activities which cannot be assigned to a specific construction or maintenance project, and shall be construed to include expenses incurred for office machines, furniture, fixtures, automobiles, station wagons, truck and other vehicles, road machinery, farm equipment and other working equipment, data processing and computer equipment, all other equipment, and replacements for equipment. "Construction" shall be construed to mean those expenses associated with the creation and development of the state highway system and its related facilities; "maintenance" shall be construed to mean those expenses incurred due to activities associated with preservation of safe and aesthetically acceptable highways in an attempt to maintain them in as close to the original condition as possible; and "debt service" shall be construed to mean amounts needed to pay bonds and interest coming due, bank service charges, and bond debt service.

**SECTION 12.** Section 27-103-129, Mississippi Code of 1972, is amended as follows:

27-103-129. (1) To enable the Legislative Budget Office to prepare such budget, it shall have full and plenary power and authority to require all general-fund and special-fund agencies and the Mississippi Department of Transportation and the Division



490 of State Aid Road Construction of the Mississippi Department of  
491 Transportation to file a budget request with such information and  
492 in such form and in such detail as it may deem necessary and  
493 advisable, and it shall have the further power and authority to  
494 reduce or eliminate any item or items of requested appropriation  
495 by any state agency in the Legislative Budget Office's recommended  
496 budget to the Legislature. However, where any item of requested  
497 appropriation shall be so reduced or eliminated, the head of the  
498 agency involved shall have the right to appear before the  
499 appropriate legislative committee to urge a revision of the budget  
500 to restore the item reduced or eliminated. The budget requests  
501 shall include a definition of the mission of the agency, a  
502 description of the duties and responsibilities of the agency,  
503 financial data relative to the various programs operated by the  
504 agency and performance measures associated with each program of  
505 the agency. The performance measures to be contained within the  
506 agency budget request shall be developed by cooperative efforts of  
507 the Legislative Budget Office, the Department of Finance and  
508 Administration and the agency itself and shall be approved jointly  
509 by the Legislative Budget Office and the Department of Finance and  
510 Administration prior to inclusion within the agency budget  
511 request. The budget requests shall also include in an addendum  
512 format a five-year strategic plan for the agency which shall  
513 include, but not be limited to, the following items of  
514 information:



515                   (a) A comprehensive mission statement,  
516                   (b) Performance effectiveness objectives for each  
517 program of the agency for each of the five (5) years covered by  
518 the plan,  
519                   (c) A description of significant external factors which  
520 may affect the projected levels of performance,  
521                   (d) A description of the agency's internal management  
522 system utilized to evaluate its performance achievements in  
523 relationship to the targeted performance levels,  
524                   (e) An evaluation by the agency of the agency's  
525 performance achievements in relationship to the targeted  
526 performance levels for the \* \* \* preceding \* \* \* biennium for  
527 which accounting records have been finalized.

528           (2) All agencies enumerated in subsection (1) of this  
529 section shall include in their budget requests the following  
530 information regarding contract workers for the most recently  
531 completed \* \* \* biennium:

532                   (a) The name of each worker;  
533                   (b) The specific type of services provided;  
534                   (c) Hourly rate of compensation, or the basis for  
535 compensation if a rate other than the hourly rate is used;  
536                   (d) Total gross salary or wages paid; and  
537                   (e) Whether the worker is a retired member of the  
538 Public Employees' Retirement System.



539           (3)   (a)   In addition to any other information required by  
540 law, each state agency, general-fund agency and special-fund  
541 agency, as defined in Section 27-103-103, desiring to purchase any  
542 vehicle as defined by this section shall submit as part of its  
543 budget request to the Legislative Budget Office and the Department  
544 of Finance and Administration a detailed justification for the  
545 proposed purchase. The Legislative Budget Office and the  
546 Department of Finance and Administration shall jointly prescribe  
547 the forms and formats to be used by agencies making the requests.  
548 Such forms shall require, at minimum, the following information:

549                       (i)   The kind of vehicle to be purchased;

550                       (ii)   The person to whom the vehicle will be  
551 assigned and the employment responsibilities of that person which  
552 necessitate a state-owned vehicle;

553                       (iii)   Whether the vehicle is a work vehicle or  
554 passenger vehicle; and

555                       (iv)   If the vehicle is assigned to a pool and not  
556 an individual, the purposes for which the pool vehicle is assigned  
557 and the names of the anticipated users of the pool vehicle.

558           (b)   The Legislative Budget Office and the Department of  
559 Finance and Administration shall offer a recommendation to the  
560 Joint Legislative Budget Committee on all agency requests for  
561 vehicles. In making the recommendation, the Legislative Budget  
562 Office and the Department of Finance and Administration may  
563 consider break-even analyses for the kind of vehicle requested,



the travel patterns of the person for whom the vehicle shall be acquired, and shall determine if there exists surplus vehicles in the possession of other agencies that could be used as a substitute for a new vehicle and why such vehicle should not be used. The purchase of vehicles by an agency shall be a specific line item in the agency's appropriation bill.

(c) If an agency determines that an urgent need exists for a vehicle when it is not feasible to obtain prior legislative approval, the agency may make an emergency request to the Bureau of Fleet Management. Any emergency determination shall be made only upon the existence of extraordinary circumstances. The Bureau of Fleet Management shall make a recommendation to the Executive Director of the Department of Finance and Administration and shall give notification of such recommendation to the Lieutenant Governor, the Speaker of the House and the Chairmen of the Senate and House of Representatives Appropriations Committees. The Executive Director of the Department of Finance and Administration shall have the final authority to approve or disapprove the emergency request. The executive director must set forth specific reasons for approval which shall be a public record. If approved and if adequate funding is available, the agency may purchase a specific vehicle to meet its specific emergency needs. The Bureau of Fleet Management shall report any emergency purchase to the Legislative Budget Office. Any such





588 vehicle shall be subject to the same rules and regulations as  
589 provided for nonemergency vehicles.

590 (d) For purposes of subsections (3) and (4) of this  
591 section, the term "passenger vehicle" shall mean a vehicle used  
592 primarily in transporting agency personnel and the agency's  
593 equipment from one location to another. This term shall include  
594 only those vehicles for which a license plate or tag is required  
595 under Chapter 19, Title 27, Mississippi Code of 1972.

596 (e) For purposes of subsections (3) and (4) of this  
597 section, the term "work vehicle" shall mean a vehicle used  
598 primarily to perform a work assignment or task while incidentally  
599 transporting agency personnel and agency equipment from one  
600 location to another. This term shall include only those vehicles  
601 for which a license plate or tag is required under Chapter 19,  
602 Title 27, Mississippi Code of 1972.

603 (4) All state agencies, special-fund agencies and  
604 general-fund agencies making budget requests under the authority  
605 of this section shall include with their budget requests a report  
606 of all passenger and work vehicles in their possession. Such  
607 report shall detail the persons to whom the vehicles are assigned  
608 and the purposes for the vehicles.

609 (5) Subsections (3) and (4) of this section shall not apply  
610 to any vehicle assigned to a sworn officer of the Department of  
611 Public Safety and used in undercover operations.



612           (6) The provisions of subsections (3) and (4) of this  
613 section shall not apply to any state institution of higher  
614 learning.

615           (7) The purchase of wireless communication devices as  
616 defined in Section 25-53-191 by any state agency, special-fund  
617 agency or general-fund agency making budget requests under the  
618 authority of this section shall be a specific line item in the  
619 agency's appropriation bill.

620           (8) (a) Beginning with the \* \* \* 2024 biennium budget  
621 submission, the Legislative Budget Office shall \* \* \* biennially  
622 publish on its website all budget requests submitted under the  
623 authority of this section by state agencies, special-fund agencies  
624 and general-fund agencies and shall include all budget units for  
625 which budget requests are submitted.

626           (b) Beginning with the \* \* \* 2024 biennium budget  
627 submission, any state agency, special-fund agency and general-fund  
628 agency making a budget request under the authority of this section  
629 shall \* \* \* biennially publish on its agency website a copy of the  
630 budget request that it submitted.

631           **SECTION 13.** Section 27-103-135, Mississippi Code of 1972, is  
632 amended as follows:

633           27-103-135. (1) At such regular or special times and on  
634 such forms as the Legislative Budget Office may require, every tax  
635 or fee-collecting or other revenue-producing agency shall furnish  
636 the Legislative Budget Office with complete and detailed



information as to the amount of revenue collected or otherwise received by it during the then current \* \* \* biennium, together with an estimate of the revenue that is anticipated for such succeeding periods as the Legislative Budget Office may require. In addition, each state agency that maintains funds in accounts that are not in the State Treasury shall furnish the Legislative Budget Office with detailed information about the amount of those funds that the agency has on hand and the location of those funds.

(2) At such regular or special times and on such forms as the State Fiscal Officer may require, every tax or fee-collecting or other revenue-producing agency shall furnish the Department of Finance and Administration with complete and detailed information as to the amount of revenue collected or otherwise received by it during the then current \* \* \* biennium, together with an estimate of the revenue that is anticipated for such succeeding periods as the board may require. The information required to be furnished under this section shall include all revenues from every fee, penalty, tax, assessment or other charge levied, whether authorized by law or not, and shall further include an itemized statement by the agency of the costs of services for which fees are charged, comparing the costs with revenues generated by the fees.

(3) The State Fiscal Officer shall review the information so furnished and report to the Legislature any fees that do not appear to be reasonably calculated to recover the costs of



662 services for which the fees are charged, and any fees that are  
663 collected without legal authority.

664       **SECTION 14.** Section 27-103-139, Mississippi Code of 1972, is  
665 amended as follows:

666       27-103-139. On or before November 15 preceding each regular  
667 session of the Legislature, except the first regular session of a  
668 new term of office, the Governor shall submit to the members of  
669 the Legislature, the Legislative Budget Office or the  
670 members-elect, as the case may be, and to the executive head of  
671 each state agency a balanced budget for the succeeding \* \* \*  
672 biennium. The budget submitted shall be prepared in a format that  
673 will include performance measurement data associated with the  
674 various programs operated by each agency. The total proposed  
675 expenditures in the balanced budget shall not exceed the amount of  
676 estimated revenues that will be available for appropriation or use  
677 during the succeeding \* \* \* biennium, including any balances that  
678 will be on hand at the close of the then current \* \* \* biennium,  
679 as determined by the revenue estimate jointly adopted by the  
680 Governor and the Legislative Budget Committee. The total proposed  
681 expenditures from the State General Fund in the balanced budget  
682 shall not exceed ninety-eight percent (98%) of the amount of  
683 general fund revenue estimate for the succeeding \* \* \* biennium,  
684 plus any unencumbered balances in general funds that will be  
685 available and on hand at the close of the then current \* \* \*  
686 biennium. However, for fiscal years 2010, 2011, 2012, 2016 and



687 2017 only, the total proposed expenditures from the State General  
688 Fund in the balanced budget shall not exceed one hundred percent  
689 (100%) of the amount of the general fund revenue estimate for the  
690 succeeding fiscal year, plus any unencumbered balances in general  
691 funds that will be available and on hand at the close of the then  
692 current fiscal year. The general fund revenue estimate shall be  
693 the estimate jointly adopted by the Governor and the Joint  
694 Legislative Budget Committee. Unencumbered balances in general  
695 funds that will be available and on hand at the close of the \* \* \*  
696 biennium shall not include projected amounts required to be  
697 deposited into the Working Cash-Stabilization Reserve Fund and the  
698 Education Enhancement Fund under Section 27-103-203.

699 The revenues used in preparing the balanced budget shall be  
700 only those revenues that will be available under the general laws  
701 of the state as they exist when the balanced budget is prepared,  
702 and shall not include any proposed revenues that would become  
703 available only after the enactment of new legislation. If the  
704 Governor has any recommendations for additional proposed  
705 expenditures or proposed revenues that are not included in \* \* \*  
706 the balanced budget, he or she shall submit those recommendations  
707 in a supplement that is separate from \* \* \* the balanced budget,  
708 and whenever the Governor recommends any such additional proposed  
709 expenditures, he or she also shall recommend proposed revenues  
710 that are sufficient to fund the additional proposed expenditures,



711 providing specific details regarding the sources and the total  
712 amount of those proposed revenues.

713       The Governor may employ a budget officer for the purpose of  
714 receiving information from the State Fiscal Officer and  
715 preparing \* \* \* recommendations on the budget. If the Governor  
716 determines that information received from the State Fiscal Officer  
717 is not sufficient to enable him or her to prepare \* \* \* the budget  
718 recommendations, he or she may request an appropriation from the  
719 Legislature to provide additional staff within the Governor's  
720 office for that purpose. At the first regular session after his  
721 or her election for Governor, the Governor shall submit any budget  
722 recommendations plus the required revenue source recommendations  
723 no later than January 31 of that year.

724       **SECTION 15.** Section 27-103-153, Mississippi Code of 1972, is  
725 amended as follows:

726       27-103-153. (1) Beginning with the 1996 fiscal year, the  
727 appropriation bills enacted to provide funding for each state  
728 agency or institution shall include performance targets for each  
729 performance measure established for each program within each such  
730 agency. \* \* \* Beginning with the 2024 biennium, the performance  
731 targets shall be established \* \* \* biennially by the Legislature  
732 and shall be based upon the funding level authorized for each  
733 agency within its appropriation bill. The Department of Finance  
734 and Administration shall provide accounting system services to  
735 each agency to allow both program expenditures and performance



measurement data to be maintained and reported in such form and in such detail as may be required by the Joint Legislative Budget Committee.

(2) As provided in Section 27-103-159, the Department of Corrections, the Department of Education, the Department of Health and the Department of Transportation may be exempted from the requirements of this section.

**SECTION 16.** Section 27-103-159, Mississippi Code of 1972, is amended as follows:

27-103-159. (1) For purposes of this section, the following terms shall have the following meanings ascribed to them:

(a) "Evidence-based program" shall mean a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(b) "Research-based program" shall mean a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(c) "Promising practices" shall mean a practice that presents, based upon preliminary information, potential for becoming a research-based or evidence-based program or practice.

(d) "Other programs and activities" shall mean all programs and activities that do not fit the definition of evidence-based, research-based or promising practices programs.



(e) "Program inventory" shall mean the complete list of all agency programs and activities that meet any definition set out in this section.

(f) "Program catalogue" means a compendium of programs compiled by a reputable source that publishes information for use by the government.

(2) Beginning with the fiscal year 2016 budget cycle, the Legislative Budget Office shall require the Department of Corrections, the Department of Health, the Department of Education, and the Department of Transportation to comply with the requirements of this section respecting the inventorying of agency programs and activities for use in the budgeting process. The aforementioned agencies shall submit all program information to the Legislative Budget Office in accordance with any policies established by that office setting out requirements for any filings required under this section.

(3) The Legislative Budget Office, the PEER Committee staff, and personnel of each of the agencies set out in this section shall review the programs of each agency and shall:

(a) Establish an inventory of agency programs and activities;

(b) Categorize all agency programs and activities as evidence-based, research-based, promising practices, or other programs and activities with no evidence of effectiveness, and compile them into an agency program inventory. In categorizing





785 programs, the staffs may consult the Washington State Institute  
786 for Public Policy's Evidence Based Practices Institute's program  
787 catalogue or any other comparable catalogue of evidence-based,  
788 research-based, promising practices, or other programs and  
789 activities;

790 (c) Identify agency and program premises, goals,  
791 objectives, outcomes and outputs, as well as any other indicator  
792 or component the staffs consider to be appropriate;

793 (d) Establish a procedure for base-lining programs  
794 which are built around promising practices or other programs that  
795 do not meet the definition of evidence-based or research-based  
796 programs, so that further research can be conducted to gauge the  
797 program's effectiveness;

798 (e) Describe any methodologies used to develop any  
799 program which is neither evidence-based or research-based; and

800 (f) Establish a procedure for determining cost-benefit  
801 ratios for all programs of each agency.

802 (4) The Legislative Budget Office shall report to the  
803 Legislative Budget Committee the results of all activities  
804 required by subsections (1), (2) and (3) of this section with  
805 recommendations as to how this information can be incorporated  
806 into budget recommendations and the appropriations process. The  
807 Legislative Budget Committee may incorporate such recommendations  
808 into the fiscal year 2017 budget and appropriations bills, or  
809 delay such incorporation until the committee is satisfied that the



information collected and inventoried under the requirements of this section will enhance accountability and performance measurement for the programs and activities of state agencies.

(5) Beginning in the fiscal year 2017 budget cycle, the Department of Corrections, the Department of Education, the Department of Health and the Department of Transportation may be exempted from the requirement to prepare any information required by Section 27-103-153 and Section 27-103-155, Mississippi Code of 1972, except for the strategic planning requirements of Section 27-103-155.

(6) Beginning with the \* \* \* 2024 biennium budget presentation, and each \* \* \* biennium thereafter, each state agency, general fund agency and special fund agency shall provide to the Joint Legislative Budget Committee a report of all sources of revenue, including the amounts from each source, collected by the agency in the most recent \* \* \* biennium. \* \* \* The report shall include a list of each tax, fine or fee assessed by the agency, and it shall include the following for each:

- (a) The amount assessed;
- (b) The amount collected;
- (c) The code section, regulation, or other authoritative source that authorized their assessment and collection;



- 833           (d) The method of determining assessments, including  
834 who is assessed, how the agency determines the amount of  
835 assessment, including rates;
- 836           (e) The methods of collecting the amounts assessed;
- 837           (f) The purposes for which the funds were expended by  
838 the agency;
- 839           (g) The amount of funds transferred to the general  
840 fund, if applicable, and the authority by which the transfer took  
841 place;
- 842           (h) The amount of funds transferred to another entity,  
843 if applicable, and the authority by which the transfer took place,  
844 as well as the name of the entity to which the funds were  
845 transferred;
- 846           (i) The \* \* \* biennium-end balance of every fund that  
847 receives revenue generated by fines and fees; and
- 848           (j) Any Maintenance of Effort agreements entered into  
849 with any federal agency or subdivision thereof.

850       For sums received from state sources, the agency shall list  
851 each source, including each special fund, along with the amounts  
852 received from each fund. For sums received from federal  
853 government sources, the agency shall list each source at its most  
854 specific level, such as an office or division, not simply the  
855 federal department from which it came. The report shall also  
856 include a detailed description of the actions or results that were  
857 promised by the agency in order to receive these funds.



These reports shall be posted on the Legislative Budget Committee's website.

(7) The Legislative Budget Committee shall, no later than the 2019 Regular Session of the Legislature, make a recommendation to the Legislature regarding the application of the processes and requirements of this section to all agencies of state government.

**SECTION 17.** Section 27-103-203, Mississippi Code of 1972, is amended as follows:

27-103-203. (1) There is created in the State Treasury a special fund, separate and apart from any other fund, to be designated the Working Cash-Stabilization Reserve Fund.

(2) The Working Cash-Stabilization Reserve Fund shall not be considered as a surplus or available funds when adopting a balanced budget as required by law. The State Treasurer shall invest all sums in the Working Cash-Stabilization Reserve Fund not needed for the purposes provided for in this section in certificates of deposit, repurchase agreements and other securities as authorized in Section 27-105-33(d) or Section 7-9-103, as the State Treasurer may determine to yield the highest market rate available. If the Ayers Settlement Fund is created under Section 37-101-27(5), the first Five Million Dollars (\$5,000,000.00) of interest earned on those sums each fiscal year shall be deposited into that fund until a total of Seventy Million Dollars (\$70,000,000.00) has been deposited into the fund. The interest, or the remaining interest if the Ayers Settlement Fund



883 is created, that is earned on those sums shall be deposited in the  
884 Working Cash-Stabilization Reserve Fund until the balance of  
885 principal and interest in the fund reaches seven and one-half  
886 percent (7-1/2%) of the total General Fund appropriations for the  
887 current \* \* \* biennium, and all interest earned in excess of  
888 amounts necessary to maintain the seven and one-half percent  
889 (7-1/2%) fund balance requirement shall be deposited by the State  
890 Treasurer into the State General Fund.

891 (3) The Working Cash-Stabilization Reserve Fund, except for  
892 Fifteen Million Dollars (\$15,000,000.00) and the amount of the  
893 interest and income earned on the principal of the Ayers Endowment  
894 Trust created by Section 37-101-27, shall be used by the State  
895 Treasurer for cash flow needs throughout the year when the  
896 Executive Director of the Department of Finance and Administration  
897 certifies that in his or her opinion there will be cash flow  
898 deficiencies in the State General Fund. No borrowing of monies  
899 from other special funds for such purposes as authorized by  
900 Section 31-17-101 et seq., shall be made as long as an  
901 unencumbered balance in excess of Fifteen Million Dollars  
902 (\$15,000,000.00) and the interest and income earned on the  
903 principal of the Ayers Endowment Trust created by Section  
904 37-101-27 remains in the fund. The State Treasurer shall  
905 reimburse the fund for all sums borrowed for those purposes from  
906 General Fund revenues collected during the \* \* \* biennium in which  
907 those funds are used. The State Treasurer shall immediately



908 notify the Legislative Budget Office and the State Department of  
909 Finance and Administration of each transfer into and out of the  
910 fund. Fifteen Million Dollars (\$15,000,000.00) in the Working  
911 Cash-Stabilization Reserve Fund shall remain available for  
912 exclusive use of the Ayers Endowment Trust created by Section  
913 37-101-27. If the Ayers Settlement Fund is created under Section  
914 37-101-27(5), beginning when a total of Fifty-five Million Dollars  
915 (\$55,000,000.00) has been deposited into the fund, for each \* \* \*  
916 biennial deposit of interest to that fund under subsection (2) of  
917 this section, the Ayers Endowment Trust created under Section  
918 37-101-27(1) shall be reduced by an equal amount \* \* \* biennially  
919 until the Ayers Endowment Trust reaches Zero Dollars (\$0.00), at  
920 which time any requirements concerning the Ayers Endowment Trust  
921 in this section shall be null and void.

922 (4) The Working Cash-Stabilization Reserve Fund, except for  
923 Forty Million Dollars (\$40,000,000.00), shall also be used for the  
924 purpose of covering any projected deficits that may occur in the  
925 General Fund at the end of a \* \* \* biennium as a result of revenue  
926 shortfalls. If the Governor determines that a deficit in revenues  
927 from all sources may occur, it shall be the duty of the Executive  
928 Director of the Department of Finance and Administration to  
929 transfer such funds as necessary to the General Fund to alleviate  
930 the deficit in accordance with Sections 27-104-13 and 31-17-123;  
931 however, not more than \* \* \* One Hundred Million Dollars



932 (\$100,000,000.00) may be transferred from the fund for that  
933 purpose in any one (1) \* \* \* biennium.

934 (5) The Working Cash-Stabilization Reserve Fund also shall  
935 be used to provide funds for the Disaster Assistance Trust Fund  
936 when those funds are immediately needed to provide for disaster  
937 assistance under Sections 33-15-301 through 33-15-317. Any  
938 transfer of funds from the Working Cash-Stabilization Reserve Fund  
939 to the Disaster Assistance Trust Fund shall be made in accordance  
940 with the provisions of subsection (5) of Section 33-15-307.

941 (6) The Department of Finance and Administration shall  
942 immediately send notice of any transfers made, or other action  
943 taken under authority of this section, to the Legislative Budget  
944 Office.

945 (7) Funds deposited in the Working Cash-Stabilization  
946 Reserve Fund shall be used only for the purposes specified in this  
947 section, and as long as the provisions of this section remain in  
948 effect, no other expenditure, appropriation or transfer of funds  
949 in the Working Cash-Stabilization Reserve Fund shall be made  
950 except by act of the Legislature making specific reference to the  
951 Working Cash-Stabilization Reserve Fund as the source of those  
952 funds.

953 (8) Any funds appropriated from the Working  
954 Cash-Stabilization Reserve Fund that are unexpended at the end of  
955 a \* \* \* biennium shall lapse into the Working Cash-Stabilization  
956 Reserve Fund.



957       **SECTION 18.** Section 27-103-211, Mississippi Code of 1972, is  
958 amended as follows:

959       27-103-211. The total sum appropriated by the Legislature  
960 from the State General Fund for any \* \* \* biennium shall not  
961 exceed ninety-eight percent (98%) of the general fund revenue  
962 estimate for that \* \* \* biennium developed by the Department of  
963 Revenue and the University Research Center and adopted by the  
964 Joint Legislative Budget Committee, plus any unencumbered balances  
965 in general funds that will be available and on hand at the close  
966 of the then current \* \* \* biennium. The unencumbered balances in  
967 general funds that will be available and on hand at the close of  
968 the \* \* \* biennium shall not include projected amounts required to  
969 be deposited into the Working Cash-Stabilization Reserve Fund  
970 under Section 27-103-203. However, for fiscal years 2010, 2011,  
971 2012, 2015, 2016 and 2017 only, the total sum appropriated by the  
972 Legislature from the State General Fund shall not exceed one  
973 hundred percent (100%) of the amount of the general fund revenue  
974 estimate for that fiscal year, plus any unencumbered balances in  
975 general funds that will be available and on hand at the close of  
976 the then current fiscal year.

977       **SECTION 19.** Section 27-103-213, Mississippi Code of 1972, is  
978 amended as follows:

979       27-103-213. (1) The unencumbered cash balance in the  
980 General Fund in the State Treasury at the close of each \* \* \*  
981 biennium shall be distributed to the Municipal Revolving Fund, the





Working Cash-Stabilization Reserve Fund and the Capital Expense Fund in the manner provided in this section \* \* \*.

(2) (a) At the end of each \* \* \* biennium, the Director of the Department of Finance and Administration and the State Treasurer shall determine the extent of the unencumbered cash balance existing in the General Fund in the State Treasury.

(b) As used in this section, the term "unencumbered cash balance" or "unencumbered General Fund cash balance" means the amount in the State General Fund after deducting all appropriations and other expenditures. However, if the Legislature has authorized additional or deficit appropriations or transfers from the State General Fund for that \* \* \* biennium, those amounts shall be subtracted from the unencumbered cash balance in the General Fund before determining the amount available for distribution. The unencumbered General Fund cash balance shall not be determined until after August 31 of each \* \* \* biennium, and it shall not be made until the State Treasurer has received a certificate in writing from the Director of the Department of Finance and Administration, with notification to the Legislative Budget Office, showing the amount of the unencumbered General Fund cash balance.

(3) If any unencumbered General Fund cash balance is available for distribution under this section, the distribution of those funds shall be made by the Director of the Department of Finance and Administration in the following order:



1007           (a) To the Municipal Revolving Fund, an amount equal to  
1008 Seven Hundred Fifty Thousand Dollars (\$750,000.00); however, if  
1009 the amount of the unencumbered General Fund cash balance is less  
1010 than Seven Hundred Fifty Thousand Dollars (\$750,000.00), then the  
1011 total amount of the unencumbered General Fund cash balance shall  
1012 be distributed to the Municipal Revolving Fund.

1013           (b) To the Working Cash-Stabilization Reserve Fund, the  
1014 amount of the unencumbered General Fund cash balance not  
1015 distributed under paragraph (a) until such time as the balance in  
1016 the fund reaches Forty Million Dollars (\$40,000,000.00).

1017           (c) To remain in the State General Fund, an amount  
1018 equal to one percent (1%) of the General Fund appropriations for  
1019 the fiscal year that the unencumbered General Fund cash balance  
1020 represents; however, if the amount of the unencumbered General  
1021 Fund cash balance after the distributions are made under  
1022 paragraphs (a) and (b) is less than one percent (1%) of the  
1023 General Fund appropriations, then the total amount of the  
1024 unencumbered General Fund cash balance not distributed under  
1025 paragraphs (a) and (b) shall remain in the State General Fund.  
1026 For the purposes of this paragraph (c), the appropriations for  
1027 the \* \* \* biennium shall be the total amount contained in the  
1028 actual appropriation bills passed by the Legislature.

1029           (d) To the Working Cash-Stabilization Reserve Fund,  
1030 fifty percent (50%) of the amount of the unencumbered General Fund  
1031 cash balance after the distributions are made under paragraphs



(a), (b) and (c), not to exceed seven and one-half percent (7-1/2%) of the General Fund appropriations for the fiscal year that the unencumbered General Fund cash balance represents. For the purposes of this paragraph (d), the appropriations for the \* \* \* biennium shall be the total amount contained in the actual appropriation bills passed by the Legislature.

(e) To the Capital Expense Fund, any remaining amount of the unencumbered General Fund cash balance after the distributions are made under paragraphs (a), (b), (c) and (d).

\* \* \*

**SECTION 20.** Section 27-104-9, Mississippi Code of 1972, is amended as follows:

27-104-9. After appropriations have been passed into law, but \* \* \* before the start of the \* \* \* biennium, agencies shall submit to the State Fiscal Officer an operating budget in a format specified by him or her. The State Fiscal Officer, acting through the Bureau of Budget and Fiscal Management, shall review the operating budgets to insure they are in compliance with the appropriation and return them to the agencies. A copy of the approved operating budget shall be used for authorizing the expenditure of funds appropriated through the allotment process.

**SECTION 21.** Section 27-104-13, Mississippi Code of 1972, is amended as follows:

27-104-13. (1) The State Fiscal Officer may disapprove or reduce and revise the estimates of general funds and state-source



1057 special funds for any general fund or special fund agency and for  
1058 the "administration and other expenses" budget of the Mississippi  
1059 Department of Transportation, in an amount not to exceed five  
1060 percent (5%), if at any time he or she finds that funds will not  
1061 be available within the period for which the budget is drawn, or  
1062 if at any time he or she finds that the requested expenditures, or  
1063 any part thereof, are not authorized by law, and that action shall  
1064 be reported to the Legislative Budget Office.

1065       The State Fiscal Officer may, upon \* \* \* a determination of  
1066 need based upon a finding that funds will not be available within  
1067 the period for which the budget is drawn, transfer funds as  
1068 provided in Section 27-103-203, from the Working  
1069 Cash-Stabilization Reserve Fund to the General Fund to supplement  
1070 the general fund revenue.

1071       If the estimates of general funds and state-source special  
1072 funds of all general fund and special fund agencies and of the  
1073 "administration and other expenses" budget of the Mississippi  
1074 Department of Transportation have been reduced by five percent  
1075 (5%), additional reductions may be made, but shall consist of a  
1076 uniform percentage reduction of general funds and state-source  
1077 special funds to all general fund and special fund agencies and to  
1078 the "administration and other expenses" budget of the Mississippi  
1079 Department of Transportation.

1080       Any state-source special funds reduced under the provisions  
1081 of this subsection (1) shall be transferred to the State General



1082 Fund upon requisitions for warrants signed by the respective  
1083 agency head, and the transfer shall be made within a reasonable  
1084 period to be determined by the State Fiscal Officer.

1085 \* \* \*

1086 (2) The Department of Revenue and University Research  
1087 Center, \* \* \* using all available revenue forecast data,  
1088 shall \* \* \* biennially develop a general fund revenue estimate to  
1089 be adopted by the Legislative Budget Office as of the date of sine  
1090 die adjournment. If, at the end of October, or at the end of any  
1091 month thereafter of any \* \* \* biennium, the revenues received for  
1092 the \* \* \* biennium fall below ninety-eight percent (98%) of the  
1093 Legislative Budget Office general fund revenue estimate at the  
1094 date of sine die adjournment, the State Fiscal Officer shall  
1095 reduce allocations of general funds and state-source special funds  
1096 to general fund and special fund agencies and to the  
1097 "administration and other expenses" budget of the Mississippi  
1098 Department of Transportation, in an amount necessary to keep  
1099 expenditures within the sum of actual general fund receipts,  
1100 including any transfers to the General Fund from the Working  
1101 Cash-Stabilization Reserve Fund for the \* \* \* biennium.

1102 The State Fiscal Officer may, upon \* \* \* a determination of  
1103 need based on the revenue shortfall, transfer funds as provided in  
1104 Section 27-103-203 from the Working Cash-Stabilization Reserve  
1105 Fund to the General Fund to supplement the general fund revenue.  
1106 State-source special funds in an amount equal to any reduction



1107 made under the provisions of this subsection (2) shall be  
1108 transferred to the State General Fund upon requisitions for  
1109 warrants signed by the respective agency head, and the transfer  
1110 shall be made within a reasonable period to be determined by the  
1111 State Fiscal Officer.

1112 No agency's allocation shall be reduced in an amount to  
1113 exceed five percent (5%); however, if the allocations of general  
1114 funds and state-source special funds to all general fund and  
1115 special fund agencies and to the "administration and other  
1116 expenses" budget of the Mississippi Department of Transportation  
1117 have been reduced by five percent (5%), any additional reductions  
1118 required to be made under this subsection (2) shall consist of a  
1119 uniform percentage reduction of general funds and state-source  
1120 special funds to all general fund and special fund agencies and to  
1121 the "administration and other expenses" budget of the Mississippi  
1122 Department of Transportation. Any receipt from loans authorized  
1123 by Sections 31-17-101 through 31-17-123 shall not be included as  
1124 revenue receipts.

1125 The State Fiscal Officer shall immediately send notice of any  
1126 action taken under authority of this subsection (2) to the  
1127 Legislative Budget Office.

1128 \* \* \*

1129 (3) For the purpose of this section, the term "state-source  
1130 special funds" means any special funds in any agency derived from  
1131 any source, but shall not include the following special funds:



1132 special funds derived from federal sources, from local or regional  
1133 political subdivisions, from agricultural commodity assessments,  
1134 or from donations; special funds derived from additional fees paid  
1135 for the issuance of distinctive motor vehicle license tags or  
1136 plates authorized under the provisions of Chapter 19, Title 27,  
1137 Mississippi Code of 1972; special funds held in a fiduciary  
1138 capacity for the benefit of specific persons or classes of  
1139 persons; special funds of the Mississippi Veterans Affairs Board  
1140 that are paid to the board by the veteran residents of state  
1141 veterans homes to fund their monthly expenses at the state  
1142 veterans homes; self-generated special funds of the state  
1143 institutions of higher learning or the state community or junior  
1144 colleges; special funds of Mississippi Industries for the Blind,  
1145 the State Port at Gulfport, Yellow Creek Inland Port, Pat Harrison  
1146 Waterway District, Pearl River Basin Development District, Pearl  
1147 River Valley Water Management District, Tombigbee River Valley  
1148 Water Management District, Yellow Creek Watershed Authority, or  
1149 Coast Coliseum Commission; special funds of the Department of  
1150 Wildlife, Fisheries and Parks and the Department of Marine  
1151 Resources derived from the issuance of hunting or fishing  
1152 licenses; and special funds generated by agencies whose primary  
1153 function includes the establishment of standards and the issuance  
1154 of licenses for the practice of a profession within the State of  
1155 Mississippi.



1156       **SECTION 22.** Section 27-104-17, Mississippi Code of 1972, is  
1157 amended as follows:

1158       27-104-17. (1) An allotment period shall be \* \* \* one (1)  
1159 year, and expenditure one-half (1/2) of the appropriated amount,  
1160 unless otherwise specified in the appropriation bill or justified  
1161 by the agency to the Department of Finance and Administration, and  
1162 the first allotment period shall commence on July 1. Estimates  
1163 shall be filed with the Department of Finance and Administration  
1164 not later than the first day of the month preceding the beginning  
1165 period.

1166       The Department of Finance and Administration may, in its  
1167 discretion, restrict an agency to a monthly allotment period when  
1168 it becomes evident that an agency's rate of expenditure to date  
1169 indicates this restriction will be necessary to prevent depletion  
1170 of its appropriation \* \* \* before the close of the \* \* \* biennium  
1171 or when the condition of the State General Fund requires monthly  
1172 monitoring and control of the rate of General Fund expenditures.

1173       (2) Unless otherwise specified in the agency appropriation  
1174 bill, in the event any emergency or unforeseen circumstances shall  
1175 arise, the agency head may authorize increases in major objects of  
1176 expenditure within each specific budget within each appropriation  
1177 bill in total amounts not to exceed ten percent (10%) of the  
1178 appropriated amount of each object, provided that other major  
1179 objects of expenditure are decreased by a corresponding dollar  
1180 amount. Except as otherwise authorized in Section 7-5-39, no





transfers shall be authorized which increase or decrease the major object of expenditure "Salaries, Wages and Fringe Benefits," or which increase the major object of expenditure "Capital Outlay - Equipment." The agency head shall submit written justification for the transfer to the Legislative Budget Office, the Department of Finance and Administration, and the State Auditor, on or before the fifteenth of the month \* \* \* before the effective date of the transfer. The transfer shall be effective the first working day of the month following timely submissions required herein. In cases of extreme hardship, certified in writing by the agency head and submitted with timely submissions required herein, the Executive Director of the Department of Finance and Administration, in his discretion, may authorize an earlier effective date for the transfer.

(3) No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

**SECTION 23.** Section 27-104-25, Mississippi Code of 1972, is amended as follows:



1205           27-104-25.   (1)   The executive head and business manager of  
1206 each state agency shall be responsible for all obligations or  
1207 indebtedness incurred in the name of the agency, or by any  
1208 employee for them when incurred by such employee acting within the  
1209 scope of his or her employment.

1210           (2)   No obligations or indebtedness shall be incurred by any  
1211 such person during any allotment period in excess of the amount of  
1212 the estimate approved by the Department of Finance and  
1213 Administration or in the agency appropriation bill.

1214           If a claim arising from orders for goods or services from the  
1215 prior \* \* \* biennium is presented within \* \* \* two (2) years and  
1216 (a) the payment of a claim does not cause an agency to exceed the  
1217 amount of its prior \* \* \* biennial budget estimate as approved by  
1218 the Department of Finance and Administration or its appropriation  
1219 bill, and (b) sufficient funds remain in the current \* \* \*  
1220 biennium allotment to pay the claim, the State Treasurer, upon  
1221 approval of the claim by the Department of Finance and  
1222 Administration, shall draw a warrant in payment of the claim.

1223           (3)   Contractual obligations, such as salary contracts, shall  
1224 be considered as incurred within the \* \* \* biennium in which they  
1225 are to be paid, and are to be encumbered against funds to be  
1226 available in that \* \* \* biennium, and shall include appropriate  
1227 cancellation clauses in the event the anticipated revenues from  
1228 which they are to be paid do not become available.



1229           (4) Agencies having special funds, as defined in Section  
1230 27-103-103, shall not incur obligations or indebtedness against  
1231 such special funds in an amount in excess of revenues actually  
1232 anticipated and budgeted.

1233           (5) If obligations or indebtedness shall be incurred  
1234 contrary to the provisions hereof, then neither the State of  
1235 Mississippi nor the agency shall have any liability therefor, and  
1236 the person, firm or corporation to whom the obligation or  
1237 indebtedness is due may recover the amount of the obligation or  
1238 indebtedness and twenty-five percent (25%) of the amount as  
1239 liquidated damages from the responsible officers, either  
1240 personally or upon their official bonds, either severally of  
1241 jointly.

1242           **SECTION 24.** Section 27-104-205, Mississippi Code of 1972, is  
1243 amended as follows:

1244           27-104-205. (1) From and after July 1, 2016, the expenses  
1245 of the following enumerated state agencies shall be defrayed by  
1246 appropriation of the Legislature from the State General Fund: the  
1247 State Fire Marshal, the State Fire Academy, the Office of  
1248 Secretary of State, the Mississippi Public Service Commission, the  
1249 Mississippi Department of Information Technology Services, the  
1250 State Personnel Board, the Mississippi Department of Insurance,  
1251 the Mississippi Law Enforcement Officers' Minimum Standards Board;  
1252 the Mississippi Tort Claims Board; the Mississippi Gaming  
1253 Commission; the Mississippi Oil and Gas Board; the Mississippi



1254 Department of Revenue - License Tag; the Office of the State  
1255 Public Defender; the Mississippi Workers' Compensation Commission;  
1256 the Office of Attorney General; and the Mississippi Department of  
1257 Finance and Administration. Beginning July 1, 2016, any fees,  
1258 assessments or other revenues charged for the support of the  
1259 above-named state agencies shall be deposited into the State  
1260 General Fund, and any special fund or depository established  
1261 within the State Treasury for the deposit of such fees,  
1262 assessments or revenues shall be abolished and the balance  
1263 transferred to the State General Fund. Expenses heretofore drawn  
1264 from such special funds or other depositories shall be drawn from  
1265 the agencies General Fund Account.

1266 (2) Beginning with the \* \* \* 2024 biennium, the amount to be  
1267 appropriated \* \* \* biennially from the State General Fund for the  
1268 support of each of the above-named state agencies shall not exceed  
1269 the amount appropriated for such purpose in the preceding \* \* \*  
1270 biennium, plus any increases in or additional fees, assessments or  
1271 other charges authorized by act of the Legislature for the  
1272 succeeding \* \* \* biennium.

1273 (3) The provisions of this section shall not apply to any  
1274 trust fund account that is maintained by any above-named agency.

1275 (4) The provisions of this section shall not prohibit any of  
1276 the above-named agencies from maintaining clearing accounts in  
1277 approved depositories.



1278           (5) The provisions of this section shall not apply to any  
1279 trust fund accounts maintained by the Public Employees' Retirement  
1280 System and protected under Section 272A of the Mississippi  
1281 Constitution of 1890.

1282           **SECTION 25.** Section 29-5-69, Mississippi Code of 1972, is  
1283 amended as follows:

1284           29-5-69. During the period \* \* \* when the Legislature is in  
1285 session, all parking spaces adjacent to the Capitol grounds on the  
1286 west side of President Street and on both sides of High Street  
1287 shall be reserved for the use of Capitol employees. The Office of  
1288 General Services is instructed to place signs to that effect  
1289 on \* \* \* those streets during legislative sessions.

1290           All employees in the Capitol who own automobiles shall be  
1291 provided with distinctive stickers. Each such employee shall  
1292 place the sticker in a prominent place on the rear of the  
1293 automobile owned and regularly used by \* \* \* that employee.

1294           Any person without a sticker on his or her automobile who  
1295 parks in any space reserved in the first paragraph of this section  
1296 shall be guilty of a misdemeanor and shall, upon conviction, be  
1297 fined not to exceed Twenty-five Dollars (\$25.00).

1298           Any person who is not a Capitol employee who has on his or  
1299 her automobile a Capitol parking sticker or any Capitol employee  
1300 who gives his or her parking sticker to a non-Capitol employee to  
1301 use on \* \* \* that person's car, shall be guilty of a misdemeanor



1302 and shall, upon conviction, be fined One Hundred Dollars  
1303 (\$100.00).

1304 The Capitol police employed by the Office of General Services  
1305 shall have the authority and are directed to enforce the  
1306 provisions of this section.

1307 **SECTION 26.** Section 37-35-11, Mississippi Code of 1972, is  
1308 amended as follows:

1309 37-35-11. The Mississippi Community College Board shall  
1310 determine policies and procedures for administration of this  
1311 program.

1312 Funds provided under this section and Section 37-35-9 can be  
1313 used for matching federal funds if such become available.

1314 Funds provided under this section and Section 37-35-9 shall  
1315 be allocated to schools and community/junior colleges on an  
1316 average of twelve (12) to fifteen (15) adult students per class in  
1317 average attendance, for one hundred fifty (150) hours maximum  
1318 instruction per class. Funds will be allocated on a basis of  
1319 target population by county for general educational development  
1320 preparatory classes based on adults who have from nine (9) to  
1321 eleven (11) years of schooling as indicated by the 1990 census.  
1322 Schools and community/junior colleges will receive one hundred  
1323 percent (100%) of the cost of general educational development  
1324 preparatory classes. All classes funded under this section and  
1325 Section 37-35-9 shall be considered temporary and shall be renewed  
1326 only as long as participation is adequate for continued funding.



1327           An annual report on program activities, adult participation  
1328 and results shall be prepared by the Mississippi Community College  
1329 Board and submitted to the Mississippi Legislature within the  
1330 first month of the regular legislative session \* \* \*.

1331           **SECTION 27.** Section 43-21-801, Mississippi Code of 1972, is  
1332 amended as follows:

1333           43-21-801. (1) There is established the Youth Court Support  
1334 Program. The purpose of the program shall be to ensure that all  
1335 youth courts have sufficient support funds to carry on the  
1336 business of the youth court. The Administrative Office of Courts  
1337 shall establish a formula consistent with this section for  
1338 providing state support payable from the Youth Court Support Fund  
1339 for the support of the youth courts.

1340           (a) (i) Each regular youth court referee is eligible  
1341 for youth court support funds so long as the senior chancellor  
1342 does not elect to employ a youth court administrator as set forth  
1343 in paragraph (b); a municipal youth court judge is also eligible.  
1344 The Administrative Office of Courts shall direct any funds to the  
1345 appropriate county or municipality. The funds shall be utilized  
1346 to compensate an intake officer who shall be responsible for  
1347 ensuring that all intake and case information for the Division of  
1348 Youth Services, truancy matters and the Division of Family and  
1349 Children's Services is entered into the Mississippi Youth Court  
1350 Information Delivery System (MYCIDS) in an accurate and timely  
1351 manner. If the court already has an intake officer responsible



for entering all cases of the Division of Youth Services, truancy matters and the Division of Family and Children's Services into MYCIDS, the regular youth court referee or municipal court judge may certify to the Administrative Office of Courts that such a person is already on staff. In such a case, each regular youth court referee or municipal youth court judge shall have the sole individual discretion to appropriate those funds as expense monies to assist in hiring secretarial staff and acquiring materials and equipment incidental to carrying on the business of the court within the private practice of law of the referee or judge, or may direct the use of those funds through the county or municipal budget for court support supplies or services. The regular youth court referee and municipal youth court judge shall be accountable for assuring through private, county or municipal employees the proper preparation and filing of all necessary tracking and other documentation attendant to the administration of the youth court.

(ii) Title to all tangible property, excepting stamps, stationery and minor expendable office supplies, procured with funds authorized by this section, shall be and forever remain in the county or municipality to be used by the judge or referee during the term of his office and thereafter by his successors.

(b) (i) When permitted by the Administrative Office of Courts and as funds are available, the senior chancellor for Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten, Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court





1377 administrator for the district whose responsibility will be to  
1378 perform all reporting, tracking and other duties of a court  
1379 administrator for all youth courts in the district that are under  
1380 the chancery court system. Any chancery district listed in this  
1381 paragraph in which a chancellor appoints a referee or special  
1382 master to hear any youth court matter is ineligible for funding  
1383 under this paragraph (b). The Administrative Office of Courts may  
1384 allocate to an eligible chancery district a sum not to exceed  
1385 Thirty Thousand Dollars (\$30,000.00) per year for the salary,  
1386 fringe benefits and equipment of the youth court administrator,  
1387 and an additional sum not to exceed One Thousand Nine Hundred  
1388 Dollars (\$1,900.00) for the administrator's travel expenses.

1389 (ii) The appointment of a youth court  
1390 administrator shall be evidenced by the entry of an order on the  
1391 minutes of the court. The person appointed shall serve at the  
1392 will and pleasure of the senior chancellor but shall be an  
1393 employee of the Administrative Office of Courts.

1394 (iii) The Administrative Office of Courts must  
1395 approve the position, job description and salary before the  
1396 position can be filled. The Administrative Office of Courts shall  
1397 not approve any plan that does not first require the expenditure  
1398 of the funds from the Youth Court Support Fund before expenditure  
1399 of county funds is authorized for that purpose.



1400                   (iv) Title to any tangible property procured with  
1401 funds authorized under this paragraph shall be and forever remain  
1402 in the State of Mississippi.

1403                   (c) (i) Each county court is eligible for youth court  
1404 support funds. The funds shall be utilized to provide  
1405 compensation to an intake officer who shall be responsible for  
1406 ensuring that all intake and case information for the Division of  
1407 Youth Services, truancy matters and the Division of Family and  
1408 Children's Services is entered into the Mississippi Youth Court  
1409 Information Delivery System (MYCIDS) in an accurate and timely  
1410 manner. If the county court already has an intake officer or  
1411 other staff person responsible for entering all cases of the  
1412 Division of Youth Services, truancy matters and the Division of  
1413 Family and Children's Services into MYCIDS, the senior county  
1414 court judge may certify that such a person is already on staff.  
1415 In such a case, the senior county court judge shall have  
1416 discretion to direct the expenditure of those funds in hiring  
1417 other support staff to carry on the business of the court.

1418                   (ii) For the purposes of this paragraph, "support  
1419 staff" means court administrators, law clerks, legal research  
1420 assistants, secretaries, resource administrators or case managers  
1421 appointed by a youth court judge, or any combination thereof, but  
1422 shall not mean school attendance officers.

1423                   (iii) The appointment of support staff shall be  
1424 evidenced by the entry of an order on the minutes of the court.



1425 The support staff so appointed shall serve at the will and  
1426 pleasure of the senior county court judge but shall be an employee  
1427 of the county.

1428 (iv) The Administrative Office of Courts must  
1429 approve the positions, job descriptions and salaries before the  
1430 positions may be filled. The Administrative Office of Courts  
1431 shall not approve any plan that does not first require the  
1432 expenditure of funds from the Youth Court Support Fund before  
1433 expenditure of county funds is authorized for that purpose.

1434 (v) The Administrative Office of Courts may  
1435 approve expenditure from the fund for additional equipment for  
1436 support staff appointed pursuant to this paragraph if the  
1437 additional expenditure falls within the formula. Title to any  
1438 tangible property procured with funds authorized under this  
1439 paragraph shall be and forever remain in the county to be used by  
1440 the youth court and support staff.

1441 (2) (a) (i) The formula developed by the Administrative  
1442 Office of Courts for providing youth court support funds shall be  
1443 devised so as to distribute appropriated funds proportional to  
1444 caseload and other appropriate factors as set forth in regulations  
1445 promulgated by the Administrative Office of Courts. The formula  
1446 will determine a reasonable maximum amount per judge or referee  
1447 per annum that will not be exceeded in allocating funds under this  
1448 section.



1449                   (ii) The formula shall be reviewed by the  
1450 Administrative Office of Courts every two (2) years to ensure that  
1451 the youth court support funds provided herein are proportional to  
1452 each youth court's caseload and other specified factors.

1453                   (iii) The Administrative Office of Courts shall  
1454 have wide latitude in the first two-year cycle to implement a  
1455 formula designed to maximize caseload data collection.

1456                   (b) Application to receive funds under this section  
1457 shall be submitted in accordance with procedures established by  
1458 the Administrative Office of Courts.

1459                   (c) Approval of the use of any of the youth court  
1460 support funds distributed under this section shall be made by the  
1461 Administrative Office of Courts in accordance with procedures  
1462 established by the Administrative Office of Courts.

1463           (3) (a) There is created in the State Treasury a special  
1464 fund to be designated as the "Youth Court Support Fund," which  
1465 shall consist of funds appropriated or otherwise made available by  
1466 the Legislature in any manner and funds from any other source  
1467 designated for deposit into such fund. Unexpended amounts  
1468 remaining in the fund at the end of a fiscal year shall not lapse  
1469 into the State General Fund, and any investment earnings or  
1470 interest earned on amounts in the fund shall be deposited to the  
1471 credit of the fund. Monies in the fund shall be distributed to  
1472 the youth courts by the Administrative Office of Courts for the  
1473 purposes described in this section.



1474 (b) (i) During the regular legislative session held in  
1475 calendar year 2007, the Legislature may appropriate an amount not  
1476 to exceed Two Million Five Hundred Thousand Dollars  
1477 (\$2,500.000.00) to the Youth Court Support Fund.

1478 (ii) During each regular legislative session  
1479 subsequent to the 2007 Regular Session, the Legislature shall  
1480 appropriate Two Million Five Hundred Thousand Dollars  
1481 (\$2,500,000.00) to the Youth Court Support Fund.

1482 (iii) During each regular legislative session  
1483 beginning with the 2024 Regular Session, the Legislature shall  
1484 appropriate Five Million Dollars (\$5,000,000.00) to the Youth  
1485 Court Support Fund.

1486 (c) No youth court judge or youth court referee shall  
1487 be eligible to receive funding from the Youth Court Support Fund  
1488 who has not received annual continuing education in the field of  
1489 juvenile justice in an amount to conform with the requirements of  
1490 the Rules and Regulations for Mandatory Continuing Judicial  
1491 Education promulgated by the Supreme Court. The Administrative  
1492 Office of Courts shall maintain records of all referees and youth  
1493 court judges regarding such training and shall not disburse funds  
1494 to any county or municipality for the budget of a youth court  
1495 judge or referee who is not in compliance with the judicial  
1496 training requirements.

1497 (4) Any recipient of funds from the Youth Court Support Fund  
1498 shall not be eligible for continuing disbursement of funds if the



recipient is not in compliance with the terms, conditions and reporting requirements set forth in the procedures promulgated by the Administrative Office of Courts.

**SECTION 28.** Section 43-21-803, Mississippi Code of 1972, is amended as follows:

43-21-803. (1) There is established the Tony Gobar Individualized Assessment and Comprehensive Community Intervention Initiative (IACCII) Program for the purposes of:

(a) (i) Providing comprehensive strength-based needs assessments, individualized treatment plans and community-based services for certain youth who would otherwise be committed to the training schools. The IACCII ensures that youth and their families can access necessary services available in their home communities; and

(ii) Providing grants to faith-based organizations and nonprofit 501(c)(3) organizations that develop and operate community-based alternatives to the training schools and detention centers. In order to be eligible for a grant under this paragraph, a faith-based or nonprofit 501(c)(3) organization in cooperation with a youth court must develop and operate a juvenile justice alternative sanction designed for delinquent youths. The program must be designed to decrease reliance on commitment in juvenile detention facilities and training schools.

(b) Programs established pursuant to this subsection must not duplicate existing programs or services and must



1524 incorporate best practices principles and positive behavioral  
1525 interventions. The Department of Human Services shall have sole  
1526 authority and power to determine the programs to be funded  
1527 pursuant to this section.

1528 (2) A faith-based or nonprofit 501(c)(3) organization must  
1529 submit an application to the Department of Human Services. The  
1530 application must include a description of the purpose for which  
1531 assistance is requested, the amount of assistance requested and  
1532 any other information required by the Department of Human  
1533 Services.

1534 (3) The Department of Human Services shall have all powers  
1535 necessary to implement and administer the program established  
1536 under this section, and the department shall promulgate rules and  
1537 regulations, in accordance with the Mississippi Administrative  
1538 Procedures Law, necessary for the implementation of this section.

1539 (4) (a) There is created in the State Treasury a special  
1540 fund to be designated as the "Tony Gobar IACCII Fund," which shall  
1541 consist of funds appropriated or otherwise made available by the  
1542 Legislature in any manner and funds from any other source  
1543 designated for deposit into such fund. Unexpended amounts  
1544 remaining in the fund at the end of a fiscal year shall not lapse  
1545 into the State General Fund, and any investment earnings or  
1546 interest earned on amounts in the fund shall be deposited to the  
1547 credit of the fund. Monies in the fund shall be used by the



1548 Division of Youth Services for the purposes described in this  
1549 section.

1550 (b) (i) During the regular legislative session held in  
1551 calendar year 2007, the Legislature may appropriate an amount not  
1552 to exceed Two Million Five Hundred Thousand Dollars  
1553 (\$2,500,000.00) to the Tony Gobar IACCII Fund.

1554 (ii) During each regular legislative session  
1555 subsequent to the 2007 Regular Session, the Legislature shall  
1556 appropriate Two Million Five Hundred Thousand Dollars  
1557 (\$2,500,000.00) to the Tony Gobar IACCII Fund.

1558 (iii) During each regular legislative session  
1559 beginning with the 2024 Regular Session, the Legislature shall  
1560 appropriate Five Million Dollars (\$5,000,000.00) to the Tony Gobar  
1561 IACCII Fund.

1562 **SECTION 29.** This act shall take effect and be in force from  
1563 and after July 1 in the year following the year in which the  
1564 Secretary of State certifies the passage of the constitutional  
1565 amendment proposed in HCR\_\_\_\_, 2017 Regular Session.

