

By: Representative Wilson

To: Constitution

HOUSE BILL NO. 347

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.



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

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

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

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

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

60 5-1-47. (1) In addition to the regular salary and mileage
61 provided by law, an expense allowance equal to the maximum daily
62 expense rate allowable to employees of the federal government for
63 travel in the high rate geographical area of Jackson, Mississippi,
64 as may be established by federal regulations for each legislative
65 day in actual attendance at a session shall be paid to the
66 Lieutenant Governor and members of the Senate and House of
67 Representatives, together with an additional mileage allowance as
68 provided by Section 25-3-41, for each mile of the distance by the
69 most direct route usually traveled in coming to and returning from
70 the place where the Legislature is in session, which expense



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

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

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

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



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

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

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

110 5-1-51. The mileage and one-third (1/3) of the salary for a
111 regular session shall be paid at the beginning of the session.
112 After thirty (30) days of the session have expired, another
113 one-third (1/3) of the salary shall be paid. The remaining
114 one-third (1/3) of the salary shall be paid * * * on the earlier
115 of the last day the Legislature is convened or the last Friday
116 before the one-hundred-twenty-fifth day of * * * the session, as
117 the case may be.

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



120 7-11-25. The Secretary of State shall make a report to the
121 Legislature at each regular session of all the business
122 transactions in the Secretary of State's office pertaining to
123 public lands for the two (2) preceding fiscal years. He or she
124 shall state * * * in the report the monthly sale of land, of what
125 class and where situated, amount of purchase-money received for
126 each, the totals of his or her monthly reports to the auditor of
127 fees collected; and he or she shall make * * * any recommendations
128 as may seem proper.

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

131 25-3-40. On July 1, * * * 2024, and * * * biennially
132 thereafter, the Mississippi Compensation Plan shall be amended to
133 provide salary increases in * * * any amounts and percentages as
134 might be recommended by the Legislative Budget Office and as may
135 be authorized by funds appropriated by the Legislature for the
136 purpose of granting incentive salary increases as deemed possible
137 dependent upon the availability of general and special funds.

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



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

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

148 27-3-2. (1) No person appointed by the Governor as
149 Commissioner of Revenue under the terms of Section 27-3-1 shall be
150 eligible to take office unless his or her name * * * has been
151 submitted to the Mississippi Senate for its advice and consent at
152 least thirty (30) days * * * before the scheduled adjournment of
153 the regular session of the Legislature being held in the calendar
154 year in which the term of the office of the incumbent * * *
155 expires. However, if the term of the office of the incumbent
156 expires during a year in which the Legislature does not meet, the
157 name shall be submitted to the Mississippi Senate for its advice
158 and consent within ten (10) days after the beginning of the next
159 regular session of that body.

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



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

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

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

179 27-4-1. (1) The Board of Tax Appeals is established as an
180 independent agency which shall not in any way be subject to the
181 supervision or control of the Department of Revenue.

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



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

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

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



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

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

237 (6) Each member of the Board of Tax Appeals shall, before
238 entering upon the discharge of the duties of his or her office,
239 take and subscribe to the oath of office prescribed by the
240 Constitution and shall file the oath in the Office of the
241 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



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

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

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

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

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

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



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

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

323 27-103-125. The proposed budget of each state agency shall
324 show the amounts required for operating expenses separately from
325 the amounts required for permanent improvements. The overall
326 budget shall show, separately by each source, the estimated amount
327 of general fund revenue and of special fund revenues of general
328 fund agencies. The total proposed expenditures in Part 1 of the
329 overall budget shall not exceed the amount of estimated revenues
330 that will be available in the general and special funds for
331 appropriation or use during the succeeding * * * biennium,
332 including any balances other than unencumbered balances in general
333 funds that will be on hand in the general and special funds at the
334 close of the then current * * * biennium. The total proposed
335 expenditures from the State General Fund in Part 1 of the overall
336 budget shall not exceed ninety-eight percent (98%) of the amount
337 of general fund revenue estimate for the succeeding * * *
338 biennium. However, for fiscal years 2010, 2011, 2012, 2016 and
339 2017 only, the total proposed expenditures from the State General
340 Fund in Part 1 of the overall budget shall not exceed one hundred



341 percent (100%) of the amount of the general fund revenue estimate
342 for the succeeding fiscal year, and for fiscal year 2018, the
343 total proposed expenditures from the State General Fund in Part 1
344 of the overall budget shall not exceed ninety-nine percent (99%)
345 of the amount of general fund revenue estimate for the succeeding
346 fiscal year. The general fund revenue estimate shall be the
347 estimate jointly adopted by the Governor and the Joint Legislative
348 Budget Committee. The Legislative Budget Office may recommend
349 additional taxes or sources of revenue if in its judgment those
350 additional funds are necessary to adequately support the functions
351 of the state government.

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

354 27-103-127. To the end that the overall budget shall present
355 in comparable terms a complete summary of all financial operations
356 of all state agencies, Part 2 of the overall budget shall include
357 therein the requested budget and the recommended budget for each
358 special fund agency. The overall budget shall show for each
359 special fund agency, in addition to such other information as may
360 be prescribed by the Legislative Budget Office, the following:

361 (a) The amount by source of all special fund receipts
362 collected or otherwise available in the current fiscal year, and
363 an estimate by source of all special funds which will be collected
364 or become available by the end of the then current * * * biennium;



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

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

377 (d) The estimated amount by source of special funds
378 which will be available under existing laws during the
379 succeeding * * * biennium, including any balances which will be on
380 hand at the close of the then current * * * biennium;

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

383 (f) If any new item of expense is included in the
384 proposed budget of any special fund agency, the reason therefor
385 shall be given; and in any case where the Legislative Budget
386 Office shall eliminate or reduce any item or items in the proposed
387 budget of any special fund agency, it shall note briefly the
388 reasons therefor, together with the reasons advanced by the agency
389 in support of the item or items eliminated or reduced;



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

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

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

405 No special fund agency or general fund agency shall make
406 expenditures from special funds available to such agency unless
407 such expenditures are set forth in a budget approved by the
408 Legislature. Such legislative approval shall be set forth in an
409 appropriation act. Provided, however, that special funds derived
410 from the collection of taxes for any political subdivision of the
411 state shall be excepted from the foregoing provisions. The
412 executive head of the state agency shall be liable on his official
413 bond for expenditures or encumbrances which exceed the total



414 amount of the budget or the amount received if receipts are less
415 than the approved budget.

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

436 The municipal, county or combined municipal and county port
437 and harbor commissions, authorities or other port or harbor
438 agencies not owned or operated by the state, shall submit annual



439 or amended budgets of their estimated receipts and expenditures to
440 the governing bodies of such municipality, county or municipality
441 and county, for their approval, and a copy of such budget as
442 approved by such governing body or bodies shall be filed with the
443 Legislative Budget Office. Such budget shall itemize all
444 estimated receipts and expenditures, and the Legislative Budget
445 Office may require particularization, explanation or audit
446 thereof, and shall report such information to the Legislature.

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

455 The annual budget request of the Department of Transportation
456 shall be divided into the following program budgets: (a)
457 administration and other expenses, (b) construction, (c)
458 maintenance, and (d) debt service. In making its annual
459 appropriation to the Department of Transportation from the State
460 Highway Fund, the Legislature shall separate the appropriation
461 bill into the four (4) program budget areas herein specified. For
462 the purposes of this paragraph, "administration and other
463 expenses" shall be construed to mean those expenses incurred due



464 to departmental support activities which cannot be assigned to a
465 specific construction or maintenance project, and shall be
466 construed to include expenses incurred for office machines,
467 furniture, fixtures, automobiles, station wagons, truck and other
468 vehicles, road machinery, farm equipment and other working
469 equipment, data processing and computer equipment, all other
470 equipment, and replacements for equipment. "Construction" shall
471 be construed to mean those expenses associated with the creation
472 and development of the state highway system and its related
473 facilities; "maintenance" shall be construed to mean those
474 expenses incurred due to activities associated with preservation
475 of safe and aesthetically acceptable highways in an attempt to
476 maintain them in as close to the original condition as possible;
477 and "debt service" shall be construed to mean amounts needed to
478 pay bonds and interest coming due, bank service charges, and bond
479 debt service.

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

482 27-103-129. (1) To enable the Legislative Budget Office to
483 prepare such budget, it shall have full and plenary power and
484 authority to require all general-fund and special-fund agencies
485 and the Mississippi Department of Transportation and the Division
486 of State Aid Road Construction of the Mississippi Department of
487 Transportation to file a budget request with such information and
488 in such form and in such detail as it may deem necessary and



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

511 (a) A comprehensive mission statement,



512 (b) Performance effectiveness objectives for each
513 program of the agency for each of the five (5) years covered by
514 the plan,

515 (c) A description of significant external factors which
516 may affect the projected levels of performance,

517 (d) A description of the agency's internal management
518 system utilized to evaluate its performance achievements in
519 relationship to the targeted performance levels,

520 (e) An evaluation by the agency of the agency's
521 performance achievements in relationship to the targeted
522 performance levels for the * * * preceding * * * biennium for
523 which accounting records have been finalized.

524 (2) All agencies enumerated in subsection (1) of this
525 section shall include in their budget requests the following
526 information regarding contract workers for the most recently
527 completed * * * biennium:

528 (a) The name of each worker;

529 (b) The specific type of services provided;

530 (c) Hourly rate of compensation, or the basis for
531 compensation if a rate other than the hourly rate is used;

532 (d) Total gross salary or wages paid; and

533 (e) Whether the worker is a retired member of the
534 Public Employees' Retirement System.

535 (3) (a) In addition to any other information required by
536 law, each state agency, general-fund agency and special-fund



537 agency, as defined in Section 27-103-103, desiring to purchase any
538 vehicle as defined by this section shall submit as part of its
539 budget request to the Legislative Budget Office and the Department
540 of Finance and Administration a detailed justification for the
541 proposed purchase. The Legislative Budget Office and the
542 Department of Finance and Administration shall jointly prescribe
543 the forms and formats to be used by agencies making the requests.
544 Such forms shall require, at minimum, the following information:

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

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

549 (iii) Whether the vehicle is a work vehicle or
550 passenger vehicle; and

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

554 (b) The Legislative Budget Office and the Department of
555 Finance and Administration shall offer a recommendation to the
556 Joint Legislative Budget Committee on all agency requests for
557 vehicles. In making the recommendation, the Legislative Budget
558 Office and the Department of Finance and Administration may
559 consider break-even analyses for the kind of vehicle requested,
560 the travel patterns of the person for whom the vehicle shall be
561 acquired, and shall determine if there exists surplus vehicles in



562 the possession of other agencies that could be used as a
563 substitute for a new vehicle and why such vehicle should not be
564 used. The purchase of vehicles by an agency shall be a specific
565 line item in the agency's appropriation bill.

566 (c) If an agency determines that an urgent need exists
567 for a vehicle when it is not feasible to obtain prior legislative
568 approval, the agency may make an emergency request to the Bureau
569 of Fleet Management. Any emergency determination shall be made
570 only upon the existence of extraordinary circumstances. The
571 Bureau of Fleet Management shall make a recommendation to the
572 Executive Director of the Department of Finance and Administration
573 and shall give notification of such recommendation to the
574 Lieutenant Governor, the Speaker of the House and the Chairmen of
575 the Senate and House of Representatives Appropriations Committees.
576 The Executive Director of the Department of Finance and
577 Administration shall have the final authority to approve or
578 disapprove the emergency request. The executive director must set
579 forth specific reasons for approval which shall be a public
580 record. If approved and if adequate funding is available, the
581 agency may purchase a specific vehicle to meet its specific
582 emergency needs. The Bureau of Fleet Management shall report any
583 emergency purchase to the Legislative Budget Office. Any such
584 vehicle shall be subject to the same rules and regulations as
585 provided for nonemergency vehicles.



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

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

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

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

608 (6) The provisions of subsections (3) and (4) of this
609 section shall not apply to any state institution of higher
610 learning.



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

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

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

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

629 27-103-135. (1) At such regular or special times and on
630 such forms as the Legislative Budget Office may require, every tax
631 or fee-collecting or other revenue-producing agency shall furnish
632 the Legislative Budget Office with complete and detailed
633 information as to the amount of revenue collected or otherwise
634 received by it during the then current * * * biennium, together
635 with an estimate of the revenue that is anticipated for such



636 succeeding periods as the Legislative Budget Office may require.
637 In addition, each state agency that maintains funds in accounts
638 that are not in the State Treasury shall furnish the Legislative
639 Budget Office with detailed information about the amount of those
640 funds that the agency has on hand and the location of those funds.

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

655 (3) The State Fiscal Officer shall review the information so
656 furnished and report to the Legislature any fees that do not
657 appear to be reasonably calculated to recover the costs of
658 services for which the fees are charged, and any fees that are
659 collected without legal authority.



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

662 27-103-139. On or before November 15 preceding each regular
663 session of the Legislature, except the first regular session of a
664 new term of office, the Governor shall submit to the members of
665 the Legislature, the Legislative Budget Office or the
666 members-elect, as the case may be, and to the executive head of
667 each state agency a balanced budget for the succeeding * * *
668 biennium. The budget submitted shall be prepared in a format that
669 will include performance measurement data associated with the
670 various programs operated by each agency. The total proposed
671 expenditures in the balanced budget shall not exceed the amount of
672 estimated revenues that will be available for appropriation or use
673 during the succeeding * * * biennium, including any balances other
674 than unencumbered balances in general funds that will be on hand
675 at the close of the then current * * * biennium, as determined by
676 the revenue estimate jointly adopted by the Governor and the
677 Legislative Budget Committee. The total proposed expenditures
678 from the State General Fund in the balanced budget shall not
679 exceed ninety-eight percent (98%) of the amount of general fund
680 revenue estimate for the succeeding * * * biennium. However, for
681 fiscal years 2010, 2011, 2012, 2016 and 2017 only, the total
682 proposed expenditures from the State General Fund in the balanced
683 budget shall not exceed one hundred percent (100%) of the amount
684 of the general fund revenue estimate for the succeeding fiscal



685 year, and for fiscal year 2018, the total proposed expenditures
686 from the State General Fund in the balanced budget shall not
687 exceed ninety-nine percent (99%) of the amount of general fund
688 revenue estimate for the succeeding fiscal year. The general fund
689 revenue estimate shall be the estimate jointly adopted by the
690 Governor and the Joint Legislative Budget Committee.

691 The revenues used in preparing the balanced budget shall be
692 only those revenues that will be available under the general laws
693 of the state as they exist when the balanced budget is prepared,
694 and shall not include any proposed revenues that would become
695 available only after the enactment of new legislation. If the
696 Governor has any recommendations for additional proposed
697 expenditures or proposed revenues that are not included in * * *
698 the balanced budget, he or she shall submit those recommendations
699 in a supplement that is separate from * * * the balanced budget,
700 and whenever the Governor recommends any such additional proposed
701 expenditures, he or she also shall recommend proposed revenues
702 that are sufficient to fund the additional proposed expenditures,
703 providing specific details regarding the sources and the total
704 amount of those proposed revenues.

705 The Governor may employ a budget officer for the purpose of
706 receiving information from the State Fiscal Officer and
707 preparing * * * recommendations on the budget. If the Governor
708 determines that information received from the State Fiscal Officer
709 is not sufficient to enable him or her to prepare * * * the budget



710 recommendations, he or she may request an appropriation from the
711 Legislature to provide additional staff within the Governor's
712 office for that purpose. At the first regular session after his
713 or her election for Governor, the Governor shall submit any budget
714 recommendations plus the required revenue source recommendations
715 no later than January 31 of that year.

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

718 27-103-153. (1) Beginning with the 1996 fiscal year, the
719 appropriation bills enacted to provide funding for each state
720 agency or institution shall include performance targets for each
721 performance measure established for each program within each such
722 agency. * * * Beginning with the 2024 biennium, the performance
723 targets shall be established * * * biennially by the Legislature
724 and shall be based upon the funding level authorized for each
725 agency within its appropriation bill. The Department of Finance
726 and Administration shall provide accounting system services to
727 each agency to allow both program expenditures and performance
728 measurement data to be maintained and reported in such form and in
729 such detail as may be required by the Joint Legislative Budget
730 Committee.

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



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

737 27-103-159. (1) For purposes of this section, the following
738 terms shall have the following meanings ascribed to them:

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

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

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

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

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

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

758 (2) Beginning with the fiscal year 2016 budget cycle, the
759 Legislative Budget Office shall require the Department of



760 Corrections, the Department of Health, the Department of
761 Education, and the Department of Transportation to comply with the
762 requirements of this section respecting the inventorying of agency
763 programs and activities for use in the budgeting process. The
764 aforementioned agencies shall submit all program information to
765 the Legislative Budget Office in accordance with any policies
766 established by that office setting out requirements for any
767 filings required under this section.

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

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

773 (b) Categorize all agency programs and activities as
774 evidence-based, research-based, promising practices, or other
775 programs and activities with no evidence of effectiveness, and
776 compile them into an agency program inventory. In categorizing
777 programs, the staffs may consult the Washington State Institute
778 for Public Policy's Evidence Based Practices Institute's program
779 catalogue or any other comparable catalogue of evidence-based,
780 research-based, promising practices, or other programs and
781 activities;

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



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

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

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

794 (4) The Legislative Budget Office shall report to the
795 Legislative Budget Committee the results of all activities
796 required by subsections (1), (2) and (3) of this section with
797 recommendations as to how this information can be incorporated
798 into budget recommendations and the appropriations process. The
799 Legislative Budget Committee may incorporate such recommendations
800 into the fiscal year 2017 budget and appropriations bills, or
801 delay such incorporation until the committee is satisfied that the
802 information collected and inventoried under the requirements of
803 this section will enhance accountability and performance
804 measurement for the programs and activities of state agencies.

805 (5) Beginning in the fiscal year 2017 budget cycle, the
806 Department of Corrections, the Department of Education, the
807 Department of Health and the Department of Transportation may be
808 exempted from the requirement to prepare any information required
809 by Section 27-103-153 and Section 27-103-155, Mississippi Code of



810 1972, except for the strategic planning requirements of Section
811 27-103-155.

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

820 (a) The amount assessed;

821 (b) The amount collected;

822 (c) The code section, regulation, or other
823 authoritative source that authorized their assessment and
824 collection;

825 (d) The method of determining assessments, including
826 who is assessed, how the agency determines the amount of
827 assessment, including rates;

828 (e) The methods of collecting the amounts assessed;

829 (f) The purposes for which the funds were expended by
830 the agency;

831 (g) The amount of funds transferred to the general
832 fund, if applicable, and the authority by which the transfer took
833 place;



834 (h) The amount of funds transferred to another entity,
835 if applicable, and the authority by which the transfer took place,
836 as well as the name of the entity to which the funds were
837 transferred;

838 (i) The * * * biennium-end balance of every fund that
839 receives revenue generated by fines and fees; and

840 (j) Any Maintenance of Effort agreements entered into
841 with any federal agency or subdivision thereof.

842 For sums received from state sources, the agency shall list
843 each source, including each special fund, along with the amounts
844 received from each fund. For sums received from federal
845 government sources, the agency shall list each source at its most
846 specific level, such as an office or division, not simply the
847 federal department from which it came. The report shall also
848 include a detailed description of the actions or results that were
849 promised by the agency in order to receive these funds.

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

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

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



858 27-103-203. (1) There is created in the State Treasury a
859 special fund, separate and apart from any other fund, to be
860 designated the Working Cash-Stabilization Reserve Fund.

861 (2) The Working Cash-Stabilization Reserve Fund shall not be
862 considered as a surplus or available funds when adopting a
863 balanced budget as required by law. The State Treasurer shall
864 invest all sums in the Working Cash-Stabilization Reserve Fund not
865 needed for the purposes provided for in this section in
866 certificates of deposit, repurchase agreements and other
867 securities as authorized in Section 27-105-33(d) or Section
868 7-9-103, as the State Treasurer may determine to yield the highest
869 market rate available. If the Ayers Settlement Fund is created
870 under Section 37-101-27(5), the first Five Million Dollars
871 (\$5,000,000.00) of interest earned on those sums each fiscal year
872 shall be deposited into that fund until a total of Seventy Million
873 Dollars (\$70,000,000.00) has been deposited into the fund. The
874 interest, or the remaining interest if the Ayers Settlement Fund
875 is created, that is earned on those sums shall be deposited in the
876 Working Cash-Stabilization Reserve Fund until the balance of
877 principal and interest in the fund reaches ten percent (10%) of
878 the total General Fund appropriations for the current * * *
879 biennium, and all interest earned in excess of amounts necessary
880 to maintain the ten percent (10%) fund balance requirement shall
881 be deposited by the State Treasurer into the State General Fund.



882 (3) The Working Cash-Stabilization Reserve Fund, except for
883 Fifteen Million Dollars (\$15,000,000.00) and the amount of the
884 interest and income earned on the principal of the Ayers Endowment
885 Trust created by Section 37-101-27, shall be used by the State
886 Treasurer for cash flow needs throughout the year when the
887 Executive Director of the Department of Finance and Administration
888 certifies that in his or her opinion there will be cash flow
889 deficiencies in the State General Fund. No borrowing of monies
890 from other special funds for such purposes as authorized by
891 Section 31-17-101 et seq., shall be made as long as an
892 unencumbered balance in excess of Fifteen Million Dollars
893 (\$15,000,000.00) and the interest and income earned on the
894 principal of the Ayers Endowment Trust created by Section
895 37-101-27 remains in the fund. The State Treasurer shall
896 reimburse the fund for all sums borrowed for those purposes from
897 General Fund revenues collected during the * * * biennium in which
898 those funds are used. The State Treasurer shall immediately
899 notify the Legislative Budget Office and the State Department of
900 Finance and Administration of each transfer into and out of the
901 fund. Fifteen Million Dollars (\$15,000,000.00) in the Working
902 Cash-Stabilization Reserve Fund shall remain available for
903 exclusive use of the Ayers Endowment Trust created by Section
904 37-101-27. If the Ayers Settlement Fund is created under Section
905 37-101-27(5), beginning when a total of Fifty-five Million Dollars
906 (\$55,000,000.00) has been deposited into the fund, for each * * *



907 biennial deposit of interest to that fund under subsection (2) of
908 this section, the Ayers Endowment Trust created under Section
909 37-101-27(1) shall be reduced by an equal amount * * * biennially
910 until the Ayers Endowment Trust reaches Zero Dollars (\$0.00), at
911 which time any requirements concerning the Ayers Endowment Trust
912 in this section shall be null and void.

913 (4) The Working Cash-Stabilization Reserve Fund, except for
914 Forty Million Dollars (\$40,000,000.00), shall also be used for the
915 purpose of covering any projected deficits that may occur in the
916 General Fund at the end of a * * * biennium as a result of revenue
917 shortfalls. If the Governor determines that a deficit in revenues
918 from all sources may occur, it shall be the duty of the Executive
919 Director of the Department of Finance and Administration to
920 transfer such funds as necessary to the General Fund to alleviate
921 the deficit in accordance with Sections 27-104-13 and 31-17-123;
922 however, not more than * * * One Hundred Million Dollars
923 (\$100,000,000.00) may be transferred from the fund for that
924 purpose in any one (1) * * * biennium with the exception of fiscal
925 year 2016. However, for fiscal year 2017, not more than One
926 Hundred Million Dollars (\$100,000,000.00) may be transferred from
927 the fund for that purpose.

928 (5) The Working Cash-Stabilization Reserve Fund also shall
929 be used to provide funds for the Disaster Assistance Trust Fund
930 when those funds are immediately needed to provide for disaster
931 assistance under Sections 33-15-301 through 33-15-317. Any



932 transfer of funds from the Working Cash-Stabilization Reserve Fund
933 to the Disaster Assistance Trust Fund shall be made in accordance
934 with the provisions of subsection (5) of Section 33-15-307.

935 (6) The Department of Finance and Administration shall
936 immediately send notice of any transfers made, or other action
937 taken under authority of this section, to the Legislative Budget
938 Office.

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

947 (8) Any funds appropriated from the Working
948 Cash-Stabilization Reserve Fund that are unexpended at the end of
949 a * * * biennium shall lapse into the Working Cash-Stabilization
950 Reserve Fund.

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

953 27-103-211. The total sum appropriated by the Legislature
954 from the State General Fund for any * * * biennium shall not
955 exceed ninety-eight percent (98%) of the general fund revenue
956 estimate for that * * * biennium developed by the Department of



957 Revenue and the University Research Center and adopted by the
958 Joint Legislative Budget Committee. The unencumbered balances in
959 general funds that will be available and on hand at the close of
960 the * * * biennium shall not include projected amounts required to
961 be deposited into the Working Cash-Stabilization Reserve Fund
962 under Section 27-103-203. However, for fiscal years 2010, 2011,
963 2012, 2015, 2016 and 2017 only, the total sum appropriated by the
964 Legislature from the State General Fund shall not exceed one
965 hundred percent (100%) of the amount of the general fund revenue
966 estimate for that fiscal year, and for fiscal year 2018, the total
967 sum appropriated by the Legislature from the State General Fund
968 shall not exceed ninety-nine percent (99%) of the amount of the
969 general fund revenue estimate adopted by the Joint Legislative
970 Budget Committee for that fiscal year.

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

973 27-103-213. (1) The unencumbered cash balance in the
974 General Fund in the State Treasury at the close of each * * *
975 biennium shall be distributed to the Municipal Revolving Fund, the
976 Working Cash-Stabilization Reserve Fund and the Capital Expense
977 Fund in the manner provided in this section * * *.

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



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

997 (3) If any unencumbered General Fund cash balance is
998 available for distribution under this section, the distribution of
999 those funds shall be made by the Executive Director of the
1000 Department of Finance and Administration in the following order:

1001 (a) To the Municipal Revolving Fund, an amount equal to
1002 Seven Hundred Fifty Thousand Dollars (\$750,000.00); however, if
1003 the amount of the unencumbered General Fund cash balance is less
1004 than Seven Hundred Fifty Thousand Dollars (\$750,000.00), then the
1005 total amount of the unencumbered General Fund cash balance shall
1006 be distributed to the Municipal Revolving Fund.



1007 (b) To the Working Cash-Stabilization Reserve Fund,
1008 fifty percent (50%) of the amount of the unencumbered General Fund
1009 cash balance after the distributions are made under paragraph (a),
1010 not to exceed ten percent (10%) of the General Fund appropriations
1011 for the fiscal year that the unencumbered General Fund cash
1012 balance represents. For the purposes of this paragraph (b), the
1013 appropriations for the fiscal year shall be the total amount
1014 contained in the actual appropriation bills passed by the
1015 Legislature.

1016 (c) To the Capital Expense Fund, any remaining amount
1017 of the unencumbered General Fund cash balance after the
1018 distributions are made under paragraphs (a) and (b).

1019 * * *

1020 **SECTION 20.** Section 27-104-9, Mississippi Code of 1972, is
1021 amended as follows:

1022 27-104-9. After appropriations have been passed into law,
1023 but * * * before the start of the * * * biennium, agencies shall
1024 submit to the State Fiscal Officer an operating budget in a format
1025 specified by him or her. The State Fiscal Officer, acting through
1026 the Bureau of Budget and Fiscal Management, shall review the
1027 operating budgets to insure they are in compliance with the
1028 appropriation and return them to the agencies. A copy of the
1029 approved operating budget shall be used for authorizing the
1030 expenditure of funds appropriated through the allotment process.



1031 **SECTION 21.** Section 27-104-13, Mississippi Code of 1972, is
1032 amended as follows:

1033 27-104-13. (1) The State Fiscal Officer may disapprove or
1034 reduce and revise the estimates of general funds and state-source
1035 special funds for any general fund or special fund agency and for
1036 the "administration and other expenses" budget of the Mississippi
1037 Department of Transportation, in an amount not to exceed five
1038 percent (5%), if at any time he or she finds that funds will not
1039 be available within the period for which the budget is drawn, or
1040 if at any time he or she finds that the requested expenditures, or
1041 any part thereof, are not authorized by law, and that action shall
1042 be reported to the Legislative Budget Office.

1043 The State Fiscal Officer may, upon * * * a determination of
1044 need based upon a finding that funds will not be available within
1045 the period for which the budget is drawn, transfer funds as
1046 provided in Section 27-103-203, from the Working
1047 Cash-Stabilization Reserve Fund to the General Fund to supplement
1048 the general fund revenue.

1049 If the estimates of general funds and state-source special
1050 funds of all general fund and special fund agencies and of the
1051 "administration and other expenses" budget of the Mississippi
1052 Department of Transportation have been reduced by five percent
1053 (5%), additional reductions may be made, but shall consist of a
1054 uniform percentage reduction of general funds and state-source
1055 special funds to all general fund and special fund agencies and to



1056 the "administration and other expenses" budget of the Mississippi
1057 Department of Transportation.

1058 Any state-source special funds reduced under the provisions
1059 of this subsection (1) shall be transferred to the State General
1060 Fund upon requisitions for warrants signed by the respective
1061 agency head, and the transfer shall be made within a reasonable
1062 period to be determined by the State Fiscal Officer.

1063 * * *

1064 (2) The Department of Revenue and University Research
1065 Center, * * * using all available revenue forecast data,
1066 shall * * * biennially develop a general fund revenue estimate to
1067 be adopted by the Joint Legislative Budget Committee as of the
1068 date of sine die adjournment. If, at the end of October, or at
1069 the end of any month thereafter of any * * * biennium, the
1070 revenues received for the * * * biennium fall below ninety-eight
1071 percent (98%) of the general fund revenue estimate adopted by the
1072 Joint Legislative Budget Committee at the date of sine die
1073 adjournment, the State Fiscal Officer shall reduce allocations of
1074 general funds and state-source special funds to general fund and
1075 special fund agencies and to the "administration and other
1076 expenses" budget of the Mississippi Department of Transportation,
1077 in an amount necessary to keep expenditures within the sum of
1078 actual general fund receipts, including any transfers to the
1079 General Fund from the Working Cash-Stabilization Reserve Fund for
1080 the * * * biennium.



1081 The State Fiscal Officer may, upon * * * a determination of
1082 need based on the revenue shortfall, transfer funds as provided in
1083 Section 27-103-203 from the Working Cash-Stabilization Reserve
1084 Fund to the General Fund to supplement the general fund revenue.
1085 State-source special funds in an amount equal to any reduction
1086 made under the provisions of this subsection (2) shall be
1087 transferred to the State General Fund upon requisitions for
1088 warrants signed by the respective agency head, and the transfer
1089 shall be made within a reasonable period to be determined by the
1090 State Fiscal Officer.

1091 No agency's allocation shall be reduced in an amount to
1092 exceed five percent (5%); however, if the allocations of general
1093 funds and state-source special funds to all general fund and
1094 special fund agencies and to the "administration and other
1095 expenses" budget of the Mississippi Department of Transportation
1096 have been reduced by five percent (5%), any additional reductions
1097 required to be made under this subsection (2) shall consist of a
1098 uniform percentage reduction of general funds and state-source
1099 special funds to all general fund and special fund agencies and to
1100 the "administration and other expenses" budget of the Mississippi
1101 Department of Transportation. Any receipt from loans authorized
1102 by Sections 31-17-101 through 31-17-123 shall not be included as
1103 revenue receipts.



1104 The State Fiscal Officer shall immediately send notice of any
1105 action taken under authority of this subsection (2) to the
1106 Legislative Budget Office.

1107 * * *

1108 (3) For the purpose of this section, the term "state-source
1109 special funds" means any special funds in any agency derived from
1110 any source, but shall not include the following special funds:
1111 special funds derived from federal sources, from local or regional
1112 political subdivisions, from agricultural commodity assessments,
1113 or from donations; special funds derived from additional fees paid
1114 for the issuance of distinctive motor vehicle license tags or
1115 plates authorized under the provisions of Chapter 19, Title 27,
1116 Mississippi Code of 1972; special funds held in a fiduciary
1117 capacity for the benefit of specific persons or classes of
1118 persons; special funds of the Mississippi Veterans Affairs Board
1119 that are paid to the board by the veteran residents of state
1120 veterans homes to fund their monthly expenses at the state
1121 veterans homes; self-generated special funds of the state
1122 institutions of higher learning or the state community or junior
1123 colleges; special funds of Mississippi Industries for the Blind,
1124 the State Port at Gulfport, Yellow Creek Inland Port, Pat Harrison
1125 Waterway District, Pearl River Basin Development District, Pearl
1126 River Valley Water Management District, Tombigbee River Valley
1127 Water Management District, Yellow Creek Watershed Authority, or
1128 Coast Coliseum Commission; special funds of the Department of



1129 Wildlife, Fisheries and Parks and the Department of Marine
1130 Resources derived from the issuance of hunting or fishing
1131 licenses; and special funds generated by agencies whose primary
1132 function includes the establishment of standards and the issuance
1133 of licenses for the practice of a profession within the State of
1134 Mississippi.

1135 **SECTION 22.** Section 27-104-17, Mississippi Code of 1972, is
1136 amended as follows:

1137 27-104-17. (1) An allotment period shall be * * * one (1)
1138 year, and expenditure one-half (1/2) of the appropriated amount,
1139 unless otherwise specified in the appropriation bill or justified
1140 by the agency to the Department of Finance and Administration, and
1141 the first allotment period shall commence on July 1. Estimates
1142 shall be filed with the Department of Finance and Administration
1143 not later than the first day of the month preceding the beginning
1144 period.

1145 The Department of Finance and Administration may, in its
1146 discretion, restrict an agency to a monthly allotment period when
1147 it becomes evident that an agency's rate of expenditure to date
1148 indicates this restriction will be necessary to prevent depletion
1149 of its appropriation * * * before the close of the * * * biennium
1150 or when the condition of the State General Fund requires monthly
1151 monitoring and control of the rate of General Fund expenditures.

1152 (2) Unless otherwise specified in the agency appropriation
1153 bill, in the event any emergency or unforeseen circumstances shall



1154 arise, the agency head may authorize increases in major objects of
1155 expenditure within each specific budget within each appropriation
1156 bill in total amounts not to exceed ten percent (10%) of the
1157 appropriated amount of each object, provided that other major
1158 objects of expenditure are decreased by a corresponding dollar
1159 amount. Except as otherwise authorized in Section 7-5-39, no
1160 transfers shall be authorized which increase or decrease the major
1161 object of expenditure "Salaries, Wages and Fringe Benefits," or
1162 which increase the major object of expenditure "Capital Outlay -
1163 Equipment." The agency head shall submit written justification
1164 for the transfer to the Legislative Budget Office, the Department
1165 of Finance and Administration, and the State Auditor, on or before
1166 the fifteenth of the month * * * before the effective date of the
1167 transfer. The transfer shall be effective the first working day
1168 of the month following timely submissions required herein. In
1169 cases of extreme hardship, certified in writing by the agency head
1170 and submitted with timely submissions required herein, the
1171 Executive Director of the Department of Finance and
1172 Administration, in his discretion, may authorize an earlier
1173 effective date for the transfer.

1174 (3) No former employee who is receiving State of Mississippi
1175 retirement benefits shall be hired under contract for an amount
1176 exceeding Twenty Thousand Dollars (\$20,000.00) a year without
1177 prior approval by an agency's proper governing board or authority.
1178 Upon approval of such contracts a written report shall be



1179 submitted detailing the cost and need of such contract services to
1180 the Chairmen and members of the Senate and House Appropriations
1181 Committees.

1182 **SECTION 23.** Section 27-104-25, Mississippi Code of 1972, is
1183 amended as follows:

1184 27-104-25. (1) The executive head and business manager of
1185 each state agency shall be responsible for all obligations or
1186 indebtedness incurred in the name of the agency, or by any
1187 employee for them when incurred by such employee acting within the
1188 scope of his or her employment.

1189 (2) No obligations or indebtedness shall be incurred by any
1190 such person during any allotment period in excess of the amount of
1191 the estimate approved by the Department of Finance and
1192 Administration or in the agency appropriation bill.

1193 If a claim arising from orders for goods or services from the
1194 prior * * * biennium is presented within * * * two (2) years and
1195 (a) the payment of a claim does not cause an agency to exceed the
1196 amount of its prior * * * biennial budget estimate as approved by
1197 the Department of Finance and Administration or its appropriation
1198 bill, and (b) sufficient funds remain in the current * * *
1199 biennium allotment to pay the claim, the State Treasurer, upon
1200 approval of the claim by the Department of Finance and
1201 Administration, shall draw a warrant in payment of the claim.

1202 (3) Contractual obligations, such as salary contracts, shall
1203 be considered as incurred within the * * * biennium in which they



1204 are to be paid, and are to be encumbered against funds to be
1205 available in that * * * biennium, and shall include appropriate
1206 cancellation clauses in the event the anticipated revenues from
1207 which they are to be paid do not become available.

1208 (4) Agencies having special funds, as defined in Section
1209 27-103-103, shall not incur obligations or indebtedness against
1210 such special funds in an amount in excess of revenues actually
1211 anticipated and budgeted.

1212 (5) If obligations or indebtedness shall be incurred
1213 contrary to the provisions hereof, then neither the State of
1214 Mississippi nor the agency shall have any liability therefor, and
1215 the person, firm or corporation to whom the obligation or
1216 indebtedness is due may recover the amount of the obligation or
1217 indebtedness and twenty-five percent (25%) of the amount as
1218 liquidated damages from the responsible officers, either
1219 personally or upon their official bonds, either severally of
1220 jointly.

1221 **SECTION 24.** Section 27-104-205, Mississippi Code of 1972, is
1222 amended as follows:

1223 27-104-205. (1) From and after July 1, 2016, the expenses
1224 of the following enumerated state agencies shall be defrayed by
1225 appropriation of the Legislature from the State General Fund: the
1226 State Fire Marshal, the State Fire Academy, the Office of
1227 Secretary of State (not including the Preneed Contracts Loss
1228 Recovery Fund), the Mississippi Public Service Commission, the



1229 Mississippi Department of Information Technology Services, the
1230 State Personnel Board, the Mississippi Department of Insurance
1231 (not including the Municipal Fire Protection Fund, Section
1232 83-1-37, the County Volunteer Fire Department Fund, Section
1233 83-1-39, and the Mississippi Propane Education and Research Fund,
1234 Section 75-57-119), the Mississippi Law Enforcement Officers'
1235 Minimum Standards Board * * *, the Mississippi Gaming Commission;
1236 the Mississippi Oil and Gas Board * * *, the Mississippi
1237 Department of Revenue - License Tag * * *, the Office of the State
1238 Public Defender * * *, the Mississippi Workers' Compensation
1239 Commission (not including the Second Injury Trust Fund) * * *, the
1240 Office of Attorney General * * *, and the Mississippi Department
1241 of Finance and Administration (not including the Statewide Cost
1242 Allocation Plan, the Office of Surplus Property and the Office of
1243 Insurance). Beginning July 1, 2016, any fees, assessments or
1244 other revenues charged for the support of the above-named state
1245 agencies shall be deposited into the State General Fund, and any
1246 special fund or depository established within the State Treasury
1247 for the deposit of such fees, assessments or revenues shall be
1248 abolished and the balance transferred to the State General Fund.
1249 Expenses heretofore drawn from such special funds or other
1250 depositories shall be drawn from the agencies General Fund
1251 Account.

1252 (2) Beginning with the * * * 2024 biennium, the amount to be
1253 appropriated * * * biennially from the State General Fund for the



1254 support of each of the above-named state agencies shall not exceed
1255 the amount appropriated for such purpose in the preceding * * *
1256 biennium, plus any increases in or additional fees, assessments or
1257 other charges authorized by act of the Legislature for the
1258 succeeding * * * biennium.

1259 (3) The provisions of this section shall not apply to any
1260 trust fund account that is maintained by any above-named agency.

1261 (4) The provisions of this section shall not prohibit any of
1262 the above-named agencies from maintaining clearing accounts in
1263 approved depositories.

1264 (5) The provisions of this section shall not apply to any
1265 trust fund accounts maintained by the Public Employees' Retirement
1266 System and protected under Section 272A of the Mississippi
1267 Constitution of 1890.

1268 **SECTION 25.** Section 29-5-69, Mississippi Code of 1972, is
1269 amended as follows:

1270 29-5-69. During the period * * * when the Legislature is in
1271 session, all parking spaces adjacent to the Capitol grounds on the
1272 west side of President Street and on both sides of High Street
1273 shall be reserved for the use of Capitol employees. The Office of
1274 General Services is instructed to place signs to that effect
1275 on * * * those streets during legislative sessions.

1276 All employees in the Capitol who own automobiles shall be
1277 provided with distinctive stickers. Each such employee shall



1278 place the sticker in a prominent place on the rear of the
1279 automobile owned and regularly used by * * * that employee.

1280 Any person without a sticker on his or her automobile who
1281 parks in any space reserved in the first paragraph of this section
1282 shall be guilty of a misdemeanor and shall, upon conviction, be
1283 fined not to exceed Twenty-five Dollars (\$25.00).

1284 Any person who is not a Capitol employee who has on his or
1285 her automobile a Capitol parking sticker or any Capitol employee
1286 who gives his or her parking sticker to a non-Capitol employee to
1287 use on * * * that person's car, shall be guilty of a misdemeanor
1288 and shall, upon conviction, be fined One Hundred Dollars
1289 (\$100.00).

1290 The Capitol police employed by the Office of General Services
1291 shall have the authority and are directed to enforce the
1292 provisions of this section.

1293 **SECTION 26.** Section 37-35-11, Mississippi Code of 1972, is
1294 amended as follows:

1295 37-35-11. The Mississippi Community College Board shall
1296 determine policies and procedures for administration of this
1297 program.

1298 Funds provided under this section and Section 37-35-9 can be
1299 used for matching federal funds if such become available.

1300 Funds provided under this section and Section 37-35-9 shall
1301 be allocated to schools and community/junior colleges on an
1302 average of twelve (12) to fifteen (15) adult students per class in



1303 average attendance, for one hundred fifty (150) hours maximum
1304 instruction per class. Funds will be allocated on a basis of
1305 target population by county for general educational development
1306 preparatory classes based on adults who have from nine (9) to
1307 eleven (11) years of schooling as indicated by the 1990 census.
1308 Schools and community/junior colleges will receive one hundred
1309 percent (100%) of the cost of general educational development
1310 preparatory classes. All classes funded under this section and
1311 Section 37-35-9 shall be considered temporary and shall be renewed
1312 only as long as participation is adequate for continued funding.

1313 An annual report on program activities, adult participation
1314 and results shall be prepared by the Mississippi Community College
1315 Board and submitted to the Mississippi Legislature within the
1316 first month of the regular legislative session * * *.

1317 **SECTION 27.** Section 43-21-801, Mississippi Code of 1972, is
1318 amended as follows:

1319 43-21-801. (1) There is established the Youth Court Support
1320 Program. The purpose of the program shall be to ensure that all
1321 youth courts have sufficient support funds to carry on the
1322 business of the youth court. The Administrative Office of Courts
1323 shall establish a formula consistent with this section for
1324 providing state support payable from the Youth Court Support Fund
1325 for the support of the youth courts.

1326 (a) (i) Each regular youth court referee is eligible
1327 for youth court support funds so long as the senior chancellor



1328 does not elect to employ a youth court administrator as set forth
1329 in paragraph (b); a municipal youth court judge is also eligible.
1330 The Administrative Office of Courts shall direct any funds to the
1331 appropriate county or municipality. The funds shall be utilized
1332 to compensate an intake officer who shall be responsible for
1333 ensuring that all intake and case information for the Division of
1334 Youth Services, truancy matters and the Division of Family and
1335 Children's Services is entered into the Mississippi Youth Court
1336 Information Delivery System (MYCIDS) in an accurate and timely
1337 manner. If the court already has an intake officer responsible
1338 for entering all cases of the Division of Youth Services, truancy
1339 matters and the Division of Family and Children's Services into
1340 MYCIDS, the regular youth court referee or municipal court judge
1341 may certify to the Administrative Office of Courts that such a
1342 person is already on staff. In such a case, each regular youth
1343 court referee or municipal youth court judge shall have the sole
1344 individual discretion to appropriate those funds as expense monies
1345 to assist in hiring secretarial staff and acquiring materials and
1346 equipment incidental to carrying on the business of the court
1347 within the private practice of law of the referee or judge, or may
1348 direct the use of those funds through the county or municipal
1349 budget for court support supplies or services. The regular youth
1350 court referee and municipal youth court judge shall be accountable
1351 for assuring through private, county or municipal employees the



1352 proper preparation and filing of all necessary tracking and other
1353 documentation attendant to the administration of the youth court.

1354 (ii) Title to all tangible property, excepting
1355 stamps, stationery and minor expendable office supplies, procured
1356 with funds authorized by this section, shall be and forever remain
1357 in the county or municipality to be used by the judge or referee
1358 during the term of his office and thereafter by his successors.

1359 (b) (i) When permitted by the Administrative Office of
1360 Courts and as funds are available, the senior chancellor for
1361 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
1362 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
1363 administrator for the district whose responsibility will be to
1364 perform all reporting, tracking and other duties of a court
1365 administrator for all youth courts in the district that are under
1366 the chancery court system. Any chancery district listed in this
1367 paragraph in which a chancellor appoints a referee or special
1368 master to hear any youth court matter is ineligible for funding
1369 under this paragraph (b). The Administrative Office of Courts may
1370 allocate to an eligible chancery district a sum not to exceed
1371 Thirty Thousand Dollars (\$30,000.00) per year for the salary,
1372 fringe benefits and equipment of the youth court administrator,
1373 and an additional sum not to exceed One Thousand Nine Hundred
1374 Dollars (\$1,900.00) for the administrator's travel expenses.

1375 (ii) The appointment of a youth court
1376 administrator shall be evidenced by the entry of an order on the



1377 minutes of the court. The person appointed shall serve at the
1378 will and pleasure of the senior chancellor but shall be an
1379 employee of the Administrative Office of Courts.

1380 (iii) The Administrative Office of Courts must
1381 approve the position, job description and salary before the
1382 position can be filled. The Administrative Office of Courts shall
1383 not approve any plan that does not first require the expenditure
1384 of the funds from the Youth Court Support Fund before expenditure
1385 of county funds is authorized for that purpose.

1386 (iv) Title to any tangible property procured with
1387 funds authorized under this paragraph shall be and forever remain
1388 in the State of Mississippi.

1389 (c) (i) Each county court is eligible for youth court
1390 support funds. The funds shall be utilized to provide
1391 compensation to an intake officer who shall be responsible for
1392 ensuring that all intake and case information for the Division of
1393 Youth Services, truancy matters and the Division of Family and
1394 Children's Services is entered into the Mississippi Youth Court
1395 Information Delivery System (MYCIDS) in an accurate and timely
1396 manner. If the county court already has an intake officer or
1397 other staff person responsible for entering all cases of the
1398 Division of Youth Services, truancy matters and the Division of
1399 Family and Children's Services into MYCIDS, the senior county
1400 court judge may certify that such a person is already on staff.
1401 In such a case, the senior county court judge shall have



1402 discretion to direct the expenditure of those funds in hiring
1403 other support staff to carry on the business of the court.

1404 (ii) For the purposes of this paragraph, "support
1405 staff" means court administrators, law clerks, legal research
1406 assistants, secretaries, resource administrators or case managers
1407 appointed by a youth court judge, or any combination thereof, but
1408 shall not mean school attendance officers.

1409 (iii) The appointment of support staff shall be
1410 evidenced by the entry of an order on the minutes of the court.
1411 The support staff so appointed shall serve at the will and
1412 pleasure of the senior county court judge but shall be an employee
1413 of the county.

1414 (iv) The Administrative Office of Courts must
1415 approve the positions, job descriptions and salaries before the
1416 positions may be filled. The Administrative Office of Courts
1417 shall not approve any plan that does not first require the
1418 expenditure of funds from the Youth Court Support Fund before
1419 expenditure of county funds is authorized for that purpose.

1420 (v) The Administrative Office of Courts may
1421 approve expenditure from the fund for additional equipment for
1422 support staff appointed pursuant to this paragraph if the
1423 additional expenditure falls within the formula. Title to any
1424 tangible property procured with funds authorized under this
1425 paragraph shall be and forever remain in the county to be used by
1426 the youth court and support staff.



1427 (2) (a) (i) The formula developed by the Administrative
1428 Office of Courts for providing youth court support funds shall be
1429 devised so as to distribute appropriated funds proportional to
1430 caseload and other appropriate factors as set forth in regulations
1431 promulgated by the Administrative Office of Courts. The formula
1432 will determine a reasonable maximum amount per judge or referee
1433 per annum that will not be exceeded in allocating funds under this
1434 section.

1435 (ii) The formula shall be reviewed by the
1436 Administrative Office of Courts every two (2) years to ensure that
1437 the youth court support funds provided herein are proportional to
1438 each youth court's caseload and other specified factors.

1439 (iii) The Administrative Office of Courts shall
1440 have wide latitude in the first two-year cycle to implement a
1441 formula designed to maximize caseload data collection.

1442 (b) Application to receive funds under this section
1443 shall be submitted in accordance with procedures established by
1444 the Administrative Office of Courts.

1445 (c) Approval of the use of any of the youth court
1446 support funds distributed under this section shall be made by the
1447 Administrative Office of Courts in accordance with procedures
1448 established by the Administrative Office of Courts.

1449 (3) (a) There is created in the State Treasury a special
1450 fund to be designated as the "Youth Court Support Fund," which
1451 shall consist of funds appropriated or otherwise made available by



1452 the Legislature in any manner and funds from any other source
1453 designated for deposit into such fund. Unexpended amounts
1454 remaining in the fund at the end of a fiscal year shall not lapse
1455 into the State General Fund, and any investment earnings or
1456 interest earned on amounts in the fund shall be deposited to the
1457 credit of the fund. Monies in the fund shall be distributed to
1458 the youth courts by the Administrative Office of Courts for the
1459 purposes described in this section.

1460 (b) (i) During the regular legislative session held in
1461 calendar year 2007, the Legislature may appropriate an amount not
1462 to exceed Two Million Five Hundred Thousand Dollars
1463 (\$2,500,000.00) to the Youth Court Support Fund.

1464 (ii) During each regular legislative session
1465 subsequent to the 2007 Regular Session, the Legislature shall
1466 appropriate Two Million Five Hundred Thousand Dollars
1467 (\$2,500,000.00) to the Youth Court Support Fund.

1468 (iii) During each regular legislative session
1469 beginning with the 2024 Regular Session, the Legislature shall
1470 appropriate Five Million Dollars (\$5,000,000.00) to the Youth
1471 Court Support Fund.

1472 (c) No youth court judge or youth court referee shall
1473 be eligible to receive funding from the Youth Court Support Fund
1474 who has not received annual continuing education in the field of
1475 juvenile justice in an amount to conform with the requirements of
1476 the Rules and Regulations for Mandatory Continuing Judicial



1477 Education promulgated by the Supreme Court. The Administrative
1478 Office of Courts shall maintain records of all referees and youth
1479 court judges regarding such training and shall not disburse funds
1480 to any county or municipality for the budget of a youth court
1481 judge or referee who is not in compliance with the judicial
1482 training requirements.

1483 (4) Any recipient of funds from the Youth Court Support Fund
1484 shall not be eligible for continuing disbursement of funds if the
1485 recipient is not in compliance with the terms, conditions and
1486 reporting requirements set forth in the procedures promulgated by
1487 the Administrative Office of Courts.

1488 **SECTION 28.** Section 43-21-803, Mississippi Code of 1972, is
1489 amended as follows:

1490 43-21-803. (1) There is established the Tony Gobar
1491 Individualized Assessment and Comprehensive Community Intervention
1492 Initiative (IACCII) Program for the purposes of:

1493 (a) (i) Providing comprehensive strength-based needs
1494 assessments, individualized treatment plans and community-based
1495 services for certain youth who would otherwise be committed to the
1496 training schools. The IACCII ensures that youth and their
1497 families can access necessary services available in their home
1498 communities; and

1499 (ii) Providing grants to faith-based organizations
1500 and nonprofit 501(c)(3) organizations that develop and operate
1501 community-based alternatives to the training schools and detention



1502 centers. In order to be eligible for a grant under this
1503 paragraph, a faith-based or nonprofit 501(c)(3) organization in
1504 cooperation with a youth court must develop and operate a juvenile
1505 justice alternative sanction designed for delinquent youths. The
1506 program must be designed to decrease reliance on commitment in
1507 juvenile detention facilities and training schools.

1508 (b) Programs established pursuant to this subsection
1509 must not duplicate existing programs or services and must
1510 incorporate best practices principles and positive behavioral
1511 interventions. The Department of Human Services shall have sole
1512 authority and power to determine the programs to be funded
1513 pursuant to this section.

1514 (2) A faith-based or nonprofit 501(c)(3) organization must
1515 submit an application to the Department of Human Services. The
1516 application must include a description of the purpose for which
1517 assistance is requested, the amount of assistance requested and
1518 any other information required by the Department of Human
1519 Services.

1520 (3) The Department of Human Services shall have all powers
1521 necessary to implement and administer the program established
1522 under this section, and the department shall promulgate rules and
1523 regulations, in accordance with the Mississippi Administrative
1524 Procedures Law, necessary for the implementation of this section.

1525 (4) (a) There is created in the State Treasury a special
1526 fund to be designated as the "Tony Gobar IACCII Fund," which shall



1527 consist of funds appropriated or otherwise made available by the
1528 Legislature in any manner and funds from any other source
1529 designated for deposit into such fund. Unexpended amounts
1530 remaining in the fund at the end of a fiscal year shall not lapse
1531 into the State General Fund, and any investment earnings or
1532 interest earned on amounts in the fund shall be deposited to the
1533 credit of the fund. Monies in the fund shall be used by the
1534 Division of Youth Services for the purposes described in this
1535 section.

1536 (b) (i) During the regular legislative session held in
1537 calendar year 2007, the Legislature may appropriate an amount not
1538 to exceed Two Million Five Hundred Thousand Dollars
1539 (\$2,500,000.00) to the Tony Gobar IACCII Fund.

1540 (ii) During each regular legislative session
1541 subsequent to the 2007 Regular Session, the Legislature shall
1542 appropriate Two Million Five Hundred Thousand Dollars
1543 (\$2,500,000.00) to the Tony Gobar IACCII Fund.

1544 (iii) During each regular legislative session
1545 beginning with the 2024 Regular Session, the Legislature shall
1546 appropriate Five Million Dollars (\$5,000,000.00) to the Tony Gobar
1547 IACCII Fund.

1548 **SECTION 29.** This act shall take effect and be in force from
1549 and after July 1 in the year following the year in which the
1550 Secretary of State certifies the passage of the constitutional
1551 amendment proposed in HCR____, 2018 Regular Session.

