

By: Representative Read

To: Appropriations

HOUSE BILL NO. 1234

1 AN ACT TO BRING FORWARD SECTIONS 27-103-125, 27-103-139,  
 2 27-103-203, 27-103-211, 27-103-213, 27-103-303 AND 65-37-13,  
 3 MISSISSIPPI CODE OF 1972, WHICH RELATE TO VARIOUS ASPECTS OF THE  
 4 BUDGET PROCESS, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO PROVIDE  
 5 FOR CERTAIN TRANSFERS TO THE CAPITAL EXPENSE FUND DURING FISCAL  
 6 YEAR 2018; TO REPEAL SECTION 22, CHAPTER 99, LAWS OF 2017, WHICH  
 7 PROVIDES FOR THE FUNDING OF A CERTAIN NUMBER OF HOME- AND  
 8 COMMUNITY-BASED WAIVER SLOTS BY THE STATE DEPARTMENT OF MENTAL  
 9 HEALTH; TO AMEND SECTION 37, CHAPTER 102, LAWS OF 2017, TO  
 10 INCREASE THE MAXIMUM AMOUNT OF GENERAL FUNDS APPROPRIATED TO THE  
 11 STATE DEPARTMENT OF EDUCATION THAT SHALL BE USED FOR THE SCHOOL  
 12 RECOGNITION PROGRAM; TO REPEAL SECTION 13, CHAPTER 64, LAWS OF  
 13 2017, WHICH AUTHORIZES THE COMMISSIONER OF THE DEPARTMENT OF  
 14 CORRECTIONS TO TRANSFER SPENDING AUTHORITY BETWEEN AND WITHIN  
 15 BUDGETS; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 27-103-125, Mississippi Code of 1972, is  
 18 brought forward as follows:

19 27-103-125. The proposed budget of each state agency shall  
 20 show the amounts required for operating expenses separately from  
 21 the amounts required for permanent improvements. The overall  
 22 budget shall show, separately by each source, the estimated amount  
 23 of general fund revenue and of special fund revenues of general  
 24 fund agencies. The total proposed expenditures in Part 1 of the



25 overall budget shall not exceed the amount of estimated revenues  
26 that will be available in the general and special funds for  
27 appropriation or use during the succeeding fiscal year, including  
28 any balances other than unencumbered balances in general funds  
29 that will be on hand in the general and special funds at the close  
30 of the then current fiscal year. The total proposed expenditures  
31 from the State General Fund in Part 1 of the overall budget shall  
32 not exceed ninety-eight percent (98%) of the amount of general  
33 fund revenue estimate for the succeeding fiscal year. However,  
34 for fiscal years 2010, 2011, 2012, 2016 and 2017 only, the total  
35 proposed expenditures from the State General Fund in Part 1 of the  
36 overall budget shall not exceed one hundred percent (100%) of the  
37 amount of the general fund revenue estimate for the succeeding  
38 fiscal year, and for fiscal year 2018, the total proposed  
39 expenditures from the State General Fund in Part 1 of the overall  
40 budget shall not exceed ninety-nine percent (99%) of the amount of  
41 general fund revenue estimate for the succeeding fiscal year. The  
42 general fund revenue estimate shall be the estimate jointly  
43 adopted by the Governor and the Joint Legislative Budget  
44 Committee. The Legislative Budget Office may recommend additional  
45 taxes or sources of revenue if in its judgment those additional  
46 funds are necessary to adequately support the functions of the  
47 state government.

48       **SECTION 2.** Section 27-103-139, Mississippi Code of 1972, is  
49 brought forward as follows:



50           27-103-139. On or before November 15 preceding each regular  
51 session of the Legislature, except the first regular session of a  
52 new term of office, the Governor shall submit to the members of  
53 the Legislature, the Legislative Budget Office or the  
54 members-elect, as the case may be, and to the executive head of  
55 each state agency a balanced budget for the succeeding fiscal  
56 year. The budget submitted shall be prepared in a format that  
57 will include performance measurement data associated with the  
58 various programs operated by each agency. The total proposed  
59 expenditures in the balanced budget shall not exceed the amount of  
60 estimated revenues that will be available for appropriation or use  
61 during the succeeding fiscal year, including any balances other  
62 than unencumbered balances in general funds that will be on hand  
63 at the close of the then current fiscal year, as determined by the  
64 revenue estimate jointly adopted by the Governor and the  
65 Legislative Budget Committee. The total proposed expenditures  
66 from the State General Fund in the balanced budget shall not  
67 exceed ninety-eight percent (98%) of the amount of general fund  
68 revenue estimate for the succeeding fiscal year. However, for  
69 fiscal years 2010, 2011, 2012, 2016 and 2017 only, the total  
70 proposed expenditures from the State General Fund in the balanced  
71 budget shall not exceed one hundred percent (100%) of the amount  
72 of the general fund revenue estimate for the succeeding fiscal  
73 year, and for fiscal year 2018, the total proposed expenditures  
74 from the State General Fund in the balanced budget shall not



75 exceed ninety-nine percent (99%) of the amount of general fund  
76 revenue estimate for the succeeding fiscal year. The general fund  
77 revenue estimate shall be the estimate jointly adopted by the  
78 Governor and the Joint Legislative Budget Committee.

79         The revenues used in preparing the balanced budget shall be  
80 only those revenues that will be available under the general laws  
81 of the state as they exist when the balanced budget is prepared,  
82 and shall not include any proposed revenues that would become  
83 available only after the enactment of new legislation. If the  
84 Governor has any recommendations for additional proposed  
85 expenditures or proposed revenues that are not included in his  
86 balanced budget, he shall submit those recommendations in a  
87 supplement that is separate from his balanced budget, and whenever  
88 the Governor recommends any such additional proposed expenditures,  
89 he also shall recommend proposed revenues that are sufficient to  
90 fund the additional proposed expenditures, providing specific  
91 details regarding the sources and the total amount of those  
92 proposed revenues.

93         The Governor may employ a budget officer for the purpose of  
94 receiving information from the State Fiscal Officer and preparing  
95 his recommendations on the budget. If the Governor determines  
96 that information received from the State Fiscal Officer is not  
97 sufficient to enable him to prepare his budget recommendations, he  
98 may request an appropriation from the Legislature to provide  
99 additional staff within the Governor's office for that purpose.



100 At the first regular session after his election for Governor, the  
101 Governor shall submit any budget recommendations plus the required  
102 revenue source recommendations no later than January 31 of that  
103 year.

104 **SECTION 3.** Section 27-103-203, Mississippi Code of 1972, is  
105 brought forward as follows:

106 27-103-203. (1) There is created in the State Treasury a  
107 special fund, separate and apart from any other fund, to be  
108 designated the Working Cash-Stabilization Reserve Fund.

109 (2) The Working Cash-Stabilization Reserve Fund shall not be  
110 considered as a surplus or available funds when adopting a  
111 balanced budget as required by law. The State Treasurer shall  
112 invest all sums in the Working Cash-Stabilization Reserve Fund not  
113 needed for the purposes provided for in this section in  
114 certificates of deposit, repurchase agreements and other  
115 securities as authorized in Section 27-105-33(d) or Section  
116 7-9-103, as the State Treasurer may determine to yield the highest  
117 market rate available. If the Ayers Settlement Fund is created  
118 under Section 37-101-27(5), the first Five Million Dollars  
119 (\$5,000,000.00) of interest earned on those sums each fiscal year  
120 shall be deposited into that fund until a total of Seventy Million  
121 Dollars (\$70,000,000.00) has been deposited into the fund. The  
122 interest, or the remaining interest if the Ayers Settlement Fund  
123 is created, that is earned on those sums shall be deposited in the  
124 Working Cash-Stabilization Reserve Fund until the balance of



125 principal and interest in the fund reaches ten percent (10%) of  
126 the total General Fund appropriations for the current fiscal year,  
127 and all interest earned in excess of amounts necessary to maintain  
128 the ten percent (10%) fund balance requirement shall be deposited  
129 by the State Treasurer into the State General Fund.

130 (3) The Working Cash-Stabilization Reserve Fund, except for  
131 Fifteen Million Dollars (\$15,000,000.00) and the amount of the  
132 interest and income earned on the principal of the Ayers Endowment  
133 Trust created by Section 37-101-27, shall be used by the State  
134 Treasurer for cash flow needs throughout the year when the  
135 Executive Director of the Department of Finance and Administration  
136 certifies that in his opinion there will be cash flow deficiencies  
137 in the State General Fund. No borrowing of monies from other  
138 special funds for such purposes as authorized by Section 31-17-101  
139 et seq., shall be made as long as an unencumbered balance in  
140 excess of Fifteen Million Dollars (\$15,000,000.00) and the  
141 interest and income earned on the principal of the Ayers Endowment  
142 Trust created by Section 37-101-27 remains in the fund. The State  
143 Treasurer shall reimburse the fund for all sums borrowed for those  
144 purposes from General Fund revenues collected during the fiscal  
145 year in which those funds are used. The State Treasurer shall  
146 immediately notify the Legislative Budget Office and the State  
147 Department of Finance and Administration of each transfer into and  
148 out of the fund. Fifteen Million Dollars (\$15,000,000.00) in the  
149 Working Cash-Stabilization Reserve Fund shall remain available for



150 exclusive use of the Ayers Endowment Trust created by Section  
151 37-101-27. If the Ayers Settlement Fund is created under Section  
152 37-101-27(5), beginning when a total of Fifty-five Million Dollars  
153 (\$55,000,000.00) has been deposited into the fund, for each annual  
154 deposit of interest to that fund under subsection (2) of this  
155 section, the Ayers Endowment Trust created under Section  
156 37-101-27(1) shall be reduced by an equal amount annually until  
157 the Ayers Endowment Trust reaches Zero Dollars (\$0.00), at which  
158 time any requirements concerning the Ayers Endowment Trust in this  
159 section shall be null and void.

160 (4) The Working Cash-Stabilization Reserve Fund, except for  
161 Forty Million Dollars (\$40,000,000.00), shall also be used for the  
162 purpose of covering any projected deficits that may occur in the  
163 General Fund at the end of a fiscal year as a result of revenue  
164 shortfalls. If the Governor determines that a deficit in revenues  
165 from all sources may occur, it shall be the duty of the Executive  
166 Director of the Department of Finance and Administration to  
167 transfer such funds as necessary to the General Fund to alleviate  
168 the deficit in accordance with Sections 27-104-13 and 31-17-123;  
169 however, not more than Fifty Million Dollars (\$50,000,000.00) may  
170 be transferred from the fund for that purpose in any one (1)  
171 fiscal year with the exception of fiscal year 2016. However, for  
172 fiscal year 2017, not more than One Hundred Million Dollars  
173 (\$100,000,000.00) may be transferred from the fund for that  
174 purpose.



175           (5) The Working Cash-Stabilization Reserve Fund also shall  
176 be used to provide funds for the Disaster Assistance Trust Fund  
177 when those funds are immediately needed to provide for disaster  
178 assistance under Sections 33-15-301 through 33-15-317. Any  
179 transfer of funds from the Working Cash-Stabilization Reserve Fund  
180 to the Disaster Assistance Trust Fund shall be made in accordance  
181 with the provisions of subsection (5) of Section 33-15-307.

182           (6) The Department of Finance and Administration shall  
183 immediately send notice of any transfers made, or other action  
184 taken under authority of this section, to the Legislative Budget  
185 Office.

186           (7) Funds deposited in the Working Cash-Stabilization  
187 Reserve Fund shall be used only for the purposes specified in this  
188 section, and as long as the provisions of this section remain in  
189 effect, no other expenditure, appropriation or transfer of funds  
190 in the Working Cash-Stabilization Reserve Fund shall be made  
191 except by act of the Legislature making specific reference to the  
192 Working Cash-Stabilization Reserve Fund as the source of those  
193 funds.

194           (8) Any funds appropriated from the Working  
195 Cash-Stabilization Reserve Fund that are unexpended at the end of  
196 a fiscal year shall lapse into the Working Cash-Stabilization  
197 Reserve Fund.

198           **SECTION 4.** Section 27-103-211, Mississippi Code of 1972, is  
199 brought forward as follows:





200           27-103-211. The total sum appropriated by the Legislature  
201 from the State General Fund for any fiscal year shall not exceed  
202 ninety-eight percent (98%) of the general fund revenue estimate  
203 for that fiscal year developed by the Department of Revenue and  
204 the University Research Center and adopted by the Joint  
205 Legislative Budget Committee. The unencumbered balances in  
206 general funds that will be available and on hand at the close of  
207 the fiscal year shall not include projected amounts required to be  
208 deposited into the Working Cash-Stabilization Reserve Fund under  
209 Section 27-103-203. However, for fiscal years 2010, 2011, 2012,  
210 2015, 2016 and 2017 only, the total sum appropriated by the  
211 Legislature from the State General Fund shall not exceed one  
212 hundred percent (100%) of the amount of the general fund revenue  
213 estimate for that fiscal year, and for fiscal year 2018, the total  
214 sum appropriated by the Legislature from the State General Fund  
215 shall not exceed ninety-nine percent (99%) of the amount of the  
216 general fund revenue estimate adopted by the Joint Legislative  
217 Budget Committee for that fiscal year.

218           **SECTION 5.** Section 27-103-213, Mississippi Code of 1972, is  
219 brought forward as follows:

220           27-103-213. (1) The unencumbered cash balance in the  
221 General Fund in the State Treasury at the close of each fiscal  
222 year shall be distributed to the Municipal Revolving Fund, the  
223 Working Cash-Stabilization Reserve Fund and the Capital Expense  
224 Fund in the manner provided in this section, except for fiscal



225 year 2014 in which the unencumbered cash balance at the close of  
226 fiscal year 2014 shall be distributed as provided in subsection  
227 (4) of this section, and fiscal year 2016 in which the  
228 unencumbered cash balance at the close of fiscal year 2016 shall  
229 be distributed as provided in subsection (5) of this section.

230 (2) (a) At the end of each fiscal year, the Executive  
231 Director of the Department of Finance and Administration and the  
232 State Treasurer shall determine the extent of the unencumbered  
233 cash balance existing in the General Fund in the State Treasury.

234 (b) As used in this section, the term "unencumbered  
235 cash balance" or "unencumbered General Fund cash balance" means  
236 the amount in the State General Fund after deducting all  
237 appropriations and other expenditures. However, if the  
238 Legislature has authorized additional or deficit appropriations or  
239 transfers from the State General Fund for that fiscal year, those  
240 amounts shall be subtracted from the unencumbered cash balance in  
241 the General Fund before determining the amount available for  
242 distribution. The unencumbered General Fund cash balance shall  
243 not be determined until after August 31 of each year, and it shall  
244 not be made until the State Treasurer has received a certificate  
245 in writing from the Executive Director of the Department of  
246 Finance and Administration, with notification to the Legislative  
247 Budget Office, showing the amount of the unencumbered General Fund  
248 cash balance.



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

253 (a) To the Municipal Revolving Fund, an amount equal to  
254 Seven Hundred Fifty Thousand Dollars (\$750,000.00); however, if  
255 the amount of the unencumbered General Fund cash balance is less  
256 than Seven Hundred Fifty Thousand Dollars (\$750,000.00), then the  
257 total amount of the unencumbered General Fund cash balance shall  
258 be distributed to the Municipal Revolving Fund.

259 (b) To the Working Cash-Stabilization Reserve Fund,  
260 fifty percent (50%) of the amount of the unencumbered General Fund  
261 cash balance after the distributions are made under paragraph (a),  
262 not to exceed ten percent (10%) of the General Fund appropriations  
263 for the fiscal year that the unencumbered General Fund cash  
264 balance represents. For the purposes of this paragraph (b), the  
265 appropriations for the fiscal year shall be the total amount  
266 contained in the actual appropriation bills passed by the  
267 Legislature.

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

271 (4) For fiscal year 2014, if any unencumbered General Fund  
272 cash balance is available for distribution under this section at  
273 the close of the fiscal year, the distribution of those funds



274 shall be made by the Executive Director of the Department of  
275 Finance and Administration in the following order:

276 (a) To the Municipal Revolving Fund, an amount equal to  
277 Seven Hundred Fifty Thousand Dollars (\$750,000.00); however, if  
278 the amount of the unencumbered General Fund cash balance is less  
279 than Seven Hundred Fifty Thousand Dollars (\$750,000.00), then the  
280 total amount of the unencumbered General Fund cash balance shall  
281 be distributed to the Municipal Revolving Fund.

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

286 (c) To the Working Cash-Stabilization Reserve Fund, Two  
287 Hundred Eighty-six Million Nine Hundred Fifty-nine Thousand Seven  
288 Hundred Ninety-eight Dollars (\$286,959,798.00) of the amount of  
289 the unencumbered General Fund cash balance after the distributions  
290 are made under paragraphs (a) and (b); however, if the amount of  
291 the unencumbered General Fund cash balance is less than Two  
292 Hundred Eighty-six Million Nine Hundred Fifty-nine Thousand Seven  
293 Hundred Ninety-eight Dollars (\$286,959,798.00), then the total  
294 amount of the unencumbered General Fund cash balance after the  
295 distributions are made under paragraphs (a) and (b) shall be  
296 distributed to the Working Cash-Stabilization Reserve Fund. For  
297 the purposes of this paragraph (c), the appropriations for the



298 fiscal year shall be the total amount contained in the actual  
299 appropriation bills passed by the Legislature.

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

303 (5) For fiscal year 2016, if any unencumbered General Fund  
304 cash balance is available for distribution under this section at  
305 the close of the fiscal year, the distribution of those funds  
306 shall be made by the Executive Director of the Department of  
307 Finance and Administration in the following order:

308 (a) To the Municipal Revolving Fund, an amount equal to  
309 Seven Hundred Fifty Thousand Dollars (\$750,000.00); however, if  
310 the amount of the unencumbered General Fund cash balance is less  
311 than Seven Hundred Fifty Thousand Dollars (\$750,000.00), then the  
312 total amount of the unencumbered General Fund cash balance shall  
313 be distributed to the Municipal Revolving Fund.

314 (b) To the Capital Expense Fund, any remaining amount  
315 of the unencumbered General Fund cash balance after the  
316 distributions are made under paragraph (a).

317 **SECTION 6.** Section 27-103-303, Mississippi Code of 1972, is  
318 brought forward as follows:

319 27-103-303. (1) There is created in the State Treasury a  
320 special fund, separate and apart from any other fund, to be  
321 designated the Capital Expense Fund.



322           (2) The Capital Expense Fund shall not be considered as a  
323 surplus or available funds when adopting a balanced budget as  
324 required by law. The State Treasurer shall invest all sums in the  
325 Capital Expense Fund not needed for the purposes provided for in  
326 this section in certificates of deposit, repurchase agreements and  
327 other securities as authorized in Section 27-105-33(d) or Section  
328 7-9-103, as the State Treasurer may determine to yield the highest  
329 market rate available. Interest earned on this fund shall be  
330 deposited by the State Treasurer into the State General Fund.

331           (3) The Capital Expense Fund shall be used for capital  
332 expense needs, repair and renovation of state-owned properties and  
333 specific expenditures authorized by the Legislature. The  
334 Legislature shall designate those capital expense projects, repair  
335 and renovation projects and other authorized projects in an  
336 appropriation act passed by the Legislature, which shall direct  
337 the Director of the Department of Finance and Administration to  
338 administer the projects.

339           (4) In addition to the purposes specified in subsection (3)  
340 of this section, the Capital Expense Fund shall be used to provide  
341 funds for emergency repairs on state-owned buildings and the  
342 emergency plugging of orphaned wells identified by the Oil and Gas  
343 Board, upon requisition of the Director of the Department of  
344 Finance and Administration. Whenever the director determines that  
345 funds are immediately needed for emergency repairs on state-owned  
346 buildings or the Oil and Gas Board has requested funds for the



347 emergency plugging of orphaned wells identified by the board, he  
348 shall requisition the funds needed from the Capital Expense Fund,  
349 which shall be subject to the limitations set forth in this  
350 subsection. At the same time he makes the requisition, the  
351 director shall notify the Lieutenant Governor, the Speaker of the  
352 House of Representatives, the respective Chairmen of the Senate  
353 Appropriations Committee, the Senate Finance Committee, the House  
354 Appropriations Committee and the House Ways and Means Committee  
355 and the Legislative Budget Office of his determination of the need  
356 for the funds, the amount that he has requisitioned and where the  
357 funds will be used. If the amount requisitioned is available in  
358 the Capital Expense Fund, is not allocated for any specific  
359 projects as authorized in subsection (3) of this section and is  
360 within the limitations set forth below in this subsection, then  
361 the director may escalate the budget of the Bureau of Building,  
362 Grounds and Real Property Management or the Oil and Gas Board to  
363 use the full amount of the requisitioned funds for the emergency  
364 repairs or plugging of orphaned wells, and transfer that amount to  
365 the bureau or board for that purpose. If the amount requisitioned  
366 is more than the amount available in the Capital Expense Fund or  
367 above the limitations set forth below in this subsection, then the  
368 director may escalate the budget of the bureau or board to use the  
369 amount that is available within the limitations for the emergency  
370 repairs or plugging of orphaned wells, and transfer that amount to  
371 the bureau or board for that purpose. The maximum amount that may



372 be transferred from the Capital Expense Fund to the bureau or  
373 board for any single emergency shall be One Million Dollars  
374 (\$1,000,000.00), and the maximum amount that may be transferred to  
375 the bureau or board for all emergencies during any fiscal year  
376 shall be Five Million Dollars (\$5,000,000.00).

377 (5) Funds deposited in the Capital Expense Fund shall be  
378 used only for the purposes specified in this section, and as long  
379 as the provisions of this section remain in effect, no other  
380 expenditure, appropriation or transfer of funds in the Capital  
381 Expense Fund shall be made except by act of the Legislature making  
382 specific reference to the Capital Expense Fund as the source of  
383 those funds.

384 (6) Unexpended funds in the Capital Expense Fund at the end  
385 of a fiscal year shall not lapse into the State General Fund but  
386 shall remain in the fund for use under this section. Any funds  
387 appropriated from the Capital Expense Fund that are unexpended at  
388 the end of a fiscal year shall lapse into the Capital Expense  
389 Fund.

390 **SECTION 7.** Section 65-37-13, Mississippi Code of 1972, is  
391 brought forward as follows:

392 65-37-13. (1) There is created in the State Treasury a  
393 special fund to be designated as the "Local System Bridge  
394 Replacement and Rehabilitation Fund." The fund shall consist of  
395 monies that the Legislature appropriates under subsection (2) of  
396 this section, the proceeds of bonds issued under Section 10 of





397 Chapter 557, Laws of 2009, and any other monies that the  
398 Legislature may designate for deposit into the fund. Monies in  
399 the fund may be expended upon legislative appropriation in  
400 accordance with the provisions of Sections 65-37-1 through  
401 65-37-15.

402 (2) (a) During each regular legislative session held in  
403 calendar years 1995, 1996, 1997 and 1998, if the official General  
404 Fund revenue estimate for the succeeding fiscal year for which  
405 appropriations are being made reflects a growth in General Fund  
406 revenues of three percent (3%) or more for that succeeding fiscal  
407 year, then the Legislature shall appropriate Twenty-five Million  
408 Dollars (\$25,000,000.00) from the State General Fund for deposit  
409 into the Local System Bridge Replacement and Rehabilitation Fund.

410 (b) During the regular legislative session held in  
411 calendar year 1999, if the official General Fund revenue estimate  
412 for the succeeding fiscal year for which appropriations are being  
413 made reflects a growth in General Fund revenues of two percent  
414 (2%) or more for the succeeding fiscal year, then the Legislature  
415 shall appropriate Ten Million Dollars (\$10,000,000.00) from the  
416 State General Fund for deposit into the Local System Bridge  
417 Replacement and Rehabilitation Fund.

418 (c) Except as otherwise provided in this paragraph (c),  
419 during each regular legislative session held in calendar years  
420 2001 through 2017, if the official General Fund revenue estimate  
421 for the succeeding fiscal year for which appropriations are being



422 made reflects a growth in General Fund revenues of two percent  
423 (2%) or more for the succeeding fiscal year, then the Legislature  
424 shall appropriate Twenty Million Dollars (\$20,000,000.00) from the  
425 State General Fund for deposit into the Local System Bridge  
426 Replacement and Rehabilitation Fund. However, during the regular  
427 legislative sessions held in calendar years 2003, 2004, 2005,  
428 2006, 2007, 2008, 2009, 2010, 2011, 2014, 2015 and 2016 the  
429 Legislature shall not be required to appropriate funds for deposit  
430 into the Local System Bridge Replacement and Rehabilitation Fund.

431 (3) Monies that are deposited into the fund under the  
432 provisions of this section may be expended upon requisition  
433 therefor by the State Aid Engineer in accordance with the  
434 provisions of Sections 65-37-1 through 65-37-15. The Office of  
435 State Aid Road Construction shall be entitled to reimbursement  
436 from monies in the fund, upon requisitions therefor by the State  
437 Aid Engineer, for the actual expenses incurred by the office in  
438 administering the provisions of the Local System Bridge  
439 Replacement and Rehabilitation Program. Unexpended amounts  
440 remaining in the fund at the end of a fiscal year shall not lapse  
441 into the State General Fund, and any interest earned on amounts in  
442 the fund shall be deposited to the credit of the fund.

443 (4) Monies in the Local System Bridge Replacement and  
444 Rehabilitation Fund shall be allocated and become available for  
445 distribution to counties in accordance with the formula prescribed  
446 in Section 65-37-3 beginning January 1, 1995, on a



447 project-by-project basis. Monies in the Local System Bridge  
448 Replacement and Rehabilitation Fund may not be used or expended  
449 for any purpose except as authorized under Sections 65-37-1  
450 through 65-37-15.

451 (5) Monies in the Local System Bridge Replacement and  
452 Rehabilitation Fund may be credited to a county in advance of the  
453 normal accrual to finance certain projects, subject to the  
454 approval of the State Aid Engineer and subject further to the  
455 following limitations:

456 (a) That the maximum amount of such monies that may be  
457 advanced to any county shall not exceed ninety percent (90%) of  
458 the funds estimated to accrue to such county during the remainder  
459 of the term of office of the board of supervisors of such county;

460 (b) That no advance credit of funds will be made to any  
461 county when the unobligated balance in the Local System Bridge  
462 Replacement and Rehabilitation Fund is less than One Million  
463 Dollars (\$1,000,000.00); and

464 (c) That such advance crediting of funds be effected by  
465 the State Aid Engineer at the time of the approval of the plans  
466 and specifications for the proposed projects.

467 It is the intent of this provision to utilize to the fullest  
468 practicable extent the balance of monies in the Local System  
469 Bridge Replacement and Rehabilitation Fund on hand at all times.

470 **SECTION 8.** During fiscal year 2018, the State Fiscal



471 Officer shall transfer to the Capital Expense Fund out of the  
472 following enumerated funds, the amounts listed below from each  
473 fund:

474 FUND	FUND NUMBER	AMOUNT
475 General Fund	2999000000	\$1.00
476 Treasurer's Office -		
477 Abandoned Property	3317800000	<u>\$1.00</u>
478 TOTAL		\$2.00

479 **SECTION 9.** Section 22, Chapter 99, Laws of 2017, which  
480 provides for the funding of a certain number of Home and  
481 Community-Based Waiver slots by the State Department of Mental  
482 Health, is repealed.

483 **SECTION 10.** Section 37, Chapter 102, Laws of 2017, is  
484 amended as follows:

485 Section 37. Of the funds appropriated in Section 1(a), \* \* \*  
486 Twenty Million Four Hundred Forty-seven Thousand Sixty-six Dollars  
487 (\$20,447,066.00) shall be used for the School Recognition Program  
488 authorized by Section 37-19-10, Mississippi Code of 1972.

489 **SECTION 11.** Section 13, Chapter 64, Laws of 2017, which  
490 authorizes the Commissioner of the Department of Corrections to  
491 transfer spending authority between and within budgets, is  
492 repealed.

493 **SECTION 12.** This act shall take effect and be in force from  
494 and after its passage.

