

By: Senator(s) Tollison

To: Appropriations

SENATE BILL NO. 2762

1 AN ACT TO AMEND SECTION 27-104-21, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO
3 APPROVE ESCALATIONS IN THE BUDGET OF THE STATE DEPARTMENT OF
4 EDUCATION USING GRANTS FROM A NONPROFIT ENTITY IN EXCESS OF ONE
5 MILLION DOLLARS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 27-104-21, Mississippi Code of 1972, is
8 amended as follows:

9 27-104-21. (1) All general and special fund agencies shall,
10 upon making application for federal funds, forward a summary of
11 such applications to the Legislative Budget Office. The
12 Legislative Budget Office shall have an opportunity to review such
13 applications and make its comments thereon to the Executive
14 Director of the Department of Finance and Administration and the
15 state agency making application. Unless otherwise specified in
16 the appropriation bill, the Executive Director of the Department
17 of Finance and Administration shall have the authority to approve
18 escalations in a budget using one hundred percent (100%) federal
19 money. Provided further, the Executive Director of the Department



of Finance and Administration shall have authority to approve
escalations in the budget of the State Department of Education
using grant funds from a nonprofit entity in excess of One Million
Dollars (\$1,000,000.00).

(2) New employee positions funded one hundred percent (100%) by or from federal funds may be authorized by the Executive Director of the Department of Finance and Administration subject to the rules and regulations of the State Personnel Board. No federal funds may be expended for programs or activities other than those which have been authorized by act of the Legislature or which are encompassed by a state agency's program structure as provided by law. The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the Legislative Budget Office. The Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives timely, detailed and accurate information about the amount and use of federal funds by state agencies.

(3) The Department of Finance and Administration shall require, by rule and regulation, that each agency receiving federal funds shall apply for federal reimbursement for state central services costs in accordance with Office of Management and Budget Circular A-21 or A-87, which reimbursement shall be deposited directly into the Statewide Cost Allocation Fund, which is hereby established within the State Treasury. An agency's



45 failure to timely apply for such reimbursement shall be condition
46 sufficient to authorize the Department of Finance and
47 Administration to transfer an amount equal to not less than fifty
48 percent (50%) nor more than one hundred percent (100%) of the
49 total amount designated to such agency in the applicable fixed
50 cost agreement of the state central service cost allocation plan.
51 These funds shall be transferred from any available funds within
52 such agency into the Statewide Cost Allocation Fund upon execution
53 of a requisition for issuance of warrant by the Executive Director
54 of the Department of Finance and Administration. Any funds on
55 hand in said Statewide Cost Allocation Fund at the end of the
56 fiscal year shall lapse into the State General Fund. From and
57 after July 1, 2016, any revenue generated from this fund shall be
58 used only for the maintenance, upkeep and utility costs of
59 state-owned property, and any amount on hand at the end of the
60 fiscal year that is not necessary to defray the cost of such
61 maintenance, upkeep and utility costs shall, after August 15 of
62 each year, be transferred to the State General Fund as authorized
63 by law and as determined by the State Fiscal Officer.

64 **SECTION 2.** This act shall take effect and be in force from
65 and after its passage.

