

By: Representative Read

To: Appropriations

HOUSE BILL NO. 109
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 27-103-125 AND 27-103-139,
2 MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY EXCEPTIONS FROM
3 THE REQUIREMENTS FOR PREPARING THE PROPOSED STATE BUDGET; TO AMEND
4 SECTION 27-103-203, MISSISSIPPI CODE OF 1972, TO DELETE SOME
5 TEMPORARY LANGUAGE REGARDING TRANSFERS FROM THE WORKING
6 CASH-STABILIZATION RESERVE FUND; TO AMEND SECTION 27-103-211,
7 MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY EXCEPTIONS TO
8 THE LIMIT ON GENERAL FUND APPROPRIATIONS FOR THE STATE BUDGET; TO
9 AMEND SECTION 27-103-213, MISSISSIPPI CODE OF 1972, TO DELETE SOME
10 TEMPORARY LANGUAGE REGARDING THE DISTRIBUTION OF THE UNENCUMBERED
11 CASH BALANCE IN THE STATE GENERAL FUND AT THE END OF THE FISCAL
12 YEAR; TO AMEND SECTION 27-103-303, MISSISSIPPI CODE OF 1972, TO
13 DELETE SOME TEMPORARY LANGUAGE AUTHORIZING FUNDS IN THE CAPITAL
14 EXPENSE FUND TO BE USED FOR THE EMERGENCY PLUGGING OF ORPHANED
15 WELLS IDENTIFIED BY THE OIL AND GAS BOARD; TO AMEND SECTIONS 1 AND
16 9 OF CHAPTER 43, LAWS OF 2020, TO TRANSFER A PORTION OF THE FUNDS
17 APPROPRIATED FOR THE SUPPORT OF THE PUBLIC COMMUNITY COLLEGES TO
18 FUND LIFE AND HEALTH INSURANCE FOR EMPLOYEES OF THE PUBLIC
19 COMMUNITY COLLEGES; TO REPEAL SECTION 16 OF CHAPTER 78, LAWS OF
20 2020, WHICH APPROPRIATES A CERTAIN AMOUNT FROM THE CAPITAL EXPENSE
21 FUND TO THE DIVISION OF MEDICAID; TO CREATE IN THE STATE TREASURY
22 A SPECIAL FUND TO BE DESIGNATED AS THE "MDA SITE DEVELOPMENT GRANT
23 PROGRAM FUND," WHICH SHALL BE USED BY THE MISSISSIPPI DEVELOPMENT
24 AUTHORITY TO MAKE GRANTS TO ASSIST ELIGIBLE ENTITIES UNDER THE
25 MISSISSIPPI SITE DEVELOPMENT GRANT PROGRAM; TO DIRECT THE STATE
26 FISCAL OFFICER TO TRANSFER THE FULL BALANCE IN THE MISSISSIPPI
27 DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND INTO THE CAPITAL
28 EXPENSE FUND; TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER THE
29 FULL BALANCE IN THE STATE PUBLIC SCHOOL EDUCATION TECHNOLOGY FUND
30 INTO THE CAPITAL EXPENSE FUND; TO REPEAL SECTION 57-1-451,
31 MISSISSIPPI CODE OF 1972, WHICH CREATES THE MISSISSIPPI
32 DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO CREATE IN THE
33 STATE TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE "DEQ WATER,
34 LAND AND AIR CONTAMINATION PROJECTS FUND," WHICH SHALL BE USED BY



35 THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE
36 PURPOSE OF ASSESSMENT, REMEDIATION, OPERATION AND MAINTENANCE,
37 COST-SHARING, OVERSIGHT AND ADMINISTRATION OF WATER, LAND AND AIR
38 CONTAMINATION PROJECTS WITHIN THE STATE OF MISSISSIPPI; TO DIRECT
39 THE STATE FISCAL OFFICER TO TRANSFER A CERTAIN SUM FROM THE
40 ATTORNEY GENERAL CONTINGENT FUND TO THE DEQ WATER, LAND AND AIR
41 CONTAMINATION PROJECTS FUND; TO AUTHORIZE CERTAIN SPECIAL FUND
42 AGENCIES TO ESCALATE THEIR BUDGETS DURING FISCAL YEAR 2022 TO
43 IMPLEMENT AND FUND INCREASES IN THE ANNUAL SALARIES OF THEIR
44 EMPLOYEES; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE
45 DESIGNATED AS THE "CORONAVIRUS STATE FISCAL RECOVERY FUND," WHICH
46 SHALL CONSIST OF ALL FUNDS RECEIVED BY OR ON BEHALF OF THE STATE
47 OF MISSISSIPPI THROUGH THE CORONAVIRUS STATE FISCAL RECOVERY FUND
48 OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO PROVIDE THAT MONIES IN
49 THE FUND SHALL ONLY BE SPENT UPON APPROPRIATION BY THE LEGISLATURE
50 AND SHALL ONLY BE USED AS PROVIDED IN THE CORONAVIRUS STATE FISCAL
51 RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO CREATE
52 IN THE STATE TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE
53 "CORONAVIRUS LOCAL FISCAL RECOVERY FUND," WHICH SHALL CONSIST OF
54 ALL FUNDS RECEIVED BY OR ON BEHALF OF THE STATE OF MISSISSIPPI
55 THROUGH THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND OF THE AMERICAN
56 RESCUE PLAN ACT OF 2021 FOR DISTRIBUTION TO NONENTITLEMENT UNITS
57 OF LOCAL GOVERNMENT; TO PROVIDE THAT THE FUND SHALL BE
58 ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO
59 PROVIDE THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL
60 DISTRIBUTE THE FUNDS TO NONENTITLEMENT UNITS OF LOCAL GOVERNMENT
61 IN ACCORDANCE WITH THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND OF
62 THE AMERICAN RESCUE PLAN ACT OF 2021; TO PROVIDE THAT THE FUNDS
63 SHALL ONLY BE USED AS PROVIDED IN THE CORONAVIRUS LOCAL FISCAL
64 RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO CREATE A
65 SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE ROSS BARNETT
66 RESERVOIR DREDGING FUND, WHICH SHALL CONSIST OF MONIES DEPOSITED
67 INTO FUND BY THE BOARD OF DIRECTORS OF THE PEARL RIVER VALLEY
68 WATER SUPPLY DISTRICT FROM THE LEASE PAYMENTS, FEES AND OTHER
69 FUNDS RECEIVED BY THE DISTRICT DURING THE FISCAL YEAR; AND FOR
70 RELATED PURPOSES.

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

72 **SECTION 1.** Section 27-103-125, Mississippi Code of 1972, is
73 amended as follows:

74 27-103-125. The proposed budget of each state agency shall
75 show the amounts required for operating expenses separately from
76 the amounts required for permanent improvements. The overall
77 budget shall show, separately by each source, the estimated amount



78 of general fund revenue and of special fund revenues of general
79 fund agencies. The total proposed expenditures in Part 1 of the
80 overall budget shall not exceed the amount of estimated revenues
81 that will be available in the general and special funds for
82 appropriation or use during the succeeding fiscal year, including
83 any balances other than unencumbered balances in general funds
84 that will be on hand in the general and special funds at the close
85 of the then current fiscal year. The total proposed expenditures
86 from the State General Fund in Part 1 of the overall budget shall
87 not exceed ninety-eight percent (98%) of the amount of general
88 fund revenue estimate for the succeeding fiscal year. * * * The
89 general fund revenue estimate shall be the estimate jointly
90 adopted by the Governor and the Joint Legislative Budget
91 Committee. The Legislative Budget Office may recommend additional
92 taxes or sources of revenue if in its judgment those additional
93 funds are necessary to adequately support the functions of the
94 state government.

95 **SECTION 2.** Section 27-103-139, Mississippi Code of 1972, is
96 amended as follows:

97 27-103-139. On or before November 15 preceding each regular
98 session of the Legislature, except the first regular session of a
99 new term of office, the Governor shall submit to the members of
100 the Legislature, the Legislative Budget Office or the
101 members-elect, as the case may be, and to the executive head of
102 each state agency a balanced budget for the succeeding fiscal



103 year. The budget submitted shall be prepared in a format that
104 will include performance measurement data associated with the
105 various programs operated by each agency. The total proposed
106 expenditures in the balanced budget shall not exceed the amount of
107 estimated revenues that will be available for appropriation or use
108 during the succeeding fiscal year, including any balances other
109 than unencumbered balances in general funds that will be on hand
110 at the close of the then current fiscal year, as determined by the
111 revenue estimate jointly adopted by the Governor and the
112 Legislative Budget Committee. The total proposed expenditures
113 from the State General Fund in the balanced budget shall not
114 exceed ninety-eight percent (98%) of the amount of general fund
115 revenue estimate for the succeeding fiscal year. * * * The
116 general fund revenue estimate shall be the estimate jointly
117 adopted by the Governor and the Joint Legislative Budget
118 Committee.

119 The revenues used in preparing the balanced budget shall be
120 only those revenues that will be available under the general laws
121 of the state as they exist when the balanced budget is prepared,
122 and shall not include any proposed revenues that would become
123 available only after the enactment of new legislation. If the
124 Governor has any recommendations for additional proposed
125 expenditures or proposed revenues that are not included in his
126 balanced budget, he shall submit those recommendations in a
127 supplement that is separate from his balanced budget, and whenever



128 the Governor recommends any such additional proposed expenditures,
129 he also shall recommend proposed revenues that are sufficient to
130 fund the additional proposed expenditures, providing specific
131 details regarding the sources and the total amount of those
132 proposed revenues.

133 The Governor may employ a budget officer for the purpose of
134 receiving information from the State Fiscal Officer and preparing
135 his recommendations on the budget. If the Governor determines
136 that information received from the State Fiscal Officer is not
137 sufficient to enable him to prepare his budget recommendations, he
138 may request an appropriation from the Legislature to provide
139 additional staff within the Governor's office for that purpose.
140 At the first regular session after his election for Governor, the
141 Governor shall submit any budget recommendations plus the required
142 revenue source recommendations no later than January 31 of that
143 year.

144 **SECTION 3.** Section 27-103-203, Mississippi Code of 1972, is
145 amended as follows:

146 27-103-203. (1) There is created in the State Treasury a
147 special fund, separate and apart from any other fund, to be
148 designated the Working Cash-Stabilization Reserve Fund.

149 (2) The Working Cash-Stabilization Reserve Fund shall not be
150 considered as a surplus or available funds when adopting a
151 balanced budget as required by law. The State Treasurer shall
152 invest all sums in the Working Cash-Stabilization Reserve Fund not



153 needed for the purposes provided for in this section in
154 certificates of deposit, repurchase agreements and other
155 securities as authorized in Section 27-105-33(d) or Section
156 7-9-103, as the State Treasurer may determine to yield the highest
157 market rate available. If the Ayers Settlement Fund is created
158 under Section 37-101-27(5), the first Five Million Dollars
159 (\$5,000,000.00) of interest earned on those sums each fiscal year
160 shall be deposited into that fund until a total of Seventy Million
161 Dollars (\$70,000,000.00) has been deposited into the fund. The
162 interest, or the remaining interest if the Ayers Settlement Fund
163 is created, that is earned on those sums shall be deposited in the
164 Working Cash-Stabilization Reserve Fund until the balance of
165 principal and interest in the fund reaches ten percent (10%) of
166 the total General Fund appropriations for the current fiscal year,
167 and all interest earned in excess of amounts necessary to maintain
168 the ten percent (10%) fund balance requirement shall be deposited
169 by the State Treasurer into the State General Fund.

170 (3) The Working Cash-Stabilization Reserve Fund, except for
171 Fifteen Million Dollars (\$15,000,000.00) and the amount of the
172 interest and income earned on the principal of the Ayers Endowment
173 Trust created by Section 37-101-27, shall be used by the State
174 Treasurer for cash flow needs throughout the year when the
175 Executive Director of the Department of Finance and Administration
176 certifies that in his opinion there will be cash flow deficiencies
177 in the State General Fund. No borrowing of monies from other



178 special funds for such purposes as authorized by Section 31-17-101
179 et seq., shall be made as long as an unencumbered balance in
180 excess of Fifteen Million Dollars (\$15,000,000.00) and the
181 interest and income earned on the principal of the Ayers Endowment
182 Trust created by Section 37-101-27 remains in the fund. The State
183 Treasurer shall reimburse the fund for all sums borrowed for those
184 purposes from General Fund revenues collected during the fiscal
185 year in which those funds are used. The State Treasurer shall
186 immediately notify the Legislative Budget Office and the State
187 Department of Finance and Administration of each transfer into and
188 out of the fund. Fifteen Million Dollars (\$15,000,000.00) in the
189 Working Cash-Stabilization Reserve Fund shall remain available for
190 exclusive use of the Ayers Endowment Trust created by Section
191 37-101-27. If the Ayers Settlement Fund is created under Section
192 37-101-27(5), beginning when a total of Fifty-five Million Dollars
193 (\$55,000,000.00) has been deposited into the fund, for each annual
194 deposit of interest to that fund under subsection (2) of this
195 section, the Ayers Endowment Trust created under Section
196 37-101-27(1) shall be reduced by an equal amount annually until
197 the Ayers Endowment Trust reaches Zero Dollars (\$0.00), at which
198 time any requirements concerning the Ayers Endowment Trust in this
199 section shall be null and void.

200 (4) The Working Cash-Stabilization Reserve Fund, except for
201 Forty Million Dollars (\$40,000,000.00), shall also be used for the
202 purpose of covering any projected deficits that may occur in the



203 General Fund at the end of a fiscal year as a result of revenue
204 shortfalls. If the Governor determines that a deficit in revenues
205 from all sources may occur, it shall be the duty of the Executive
206 Director of the Department of Finance and Administration to
207 transfer such funds as necessary to the General Fund to alleviate
208 the deficit in accordance with Sections 27-104-13 and 31-17-123;
209 however, not more than Fifty Million Dollars (\$50,000,000.00) may
210 be transferred from the fund for that purpose in any one (1)
211 fiscal year * * *.

212 (5) The Working Cash-Stabilization Reserve Fund also shall
213 be used to provide funds for the Disaster Assistance Trust Fund
214 when those funds are immediately needed to provide for disaster
215 assistance under Sections 33-15-301 through 33-15-317. Any
216 transfer of funds from the Working Cash-Stabilization Reserve Fund
217 to the Disaster Assistance Trust Fund shall be made in accordance
218 with the provisions of subsection (5) of Section 33-15-307.

219 (6) The Department of Finance and Administration shall
220 immediately send notice of any transfers made, or other action
221 taken under authority of this section, to the Legislative Budget
222 Office.

223 (7) Funds deposited in the Working Cash-Stabilization
224 Reserve Fund shall be used only for the purposes specified in this
225 section, and as long as the provisions of this section remain in
226 effect, no other expenditure, appropriation or transfer of funds
227 in the Working Cash-Stabilization Reserve Fund shall be made



228 except by act of the Legislature making specific reference to the
229 Working Cash-Stabilization Reserve Fund as the source of those
230 funds.

231 (8) Any funds appropriated from the Working
232 Cash-Stabilization Reserve Fund that are unexpended at the end of
233 a fiscal year shall lapse into the Working Cash-Stabilization
234 Reserve Fund.

235 **SECTION 4.** Section 27-103-211, Mississippi Code of 1972, is
236 amended as follows:

237 27-103-211. The total sum appropriated by the Legislature
238 from the State General Fund for any fiscal year shall not exceed
239 ninety-eight percent (98%) of the general fund revenue estimate
240 for that fiscal year developed by the Department of Revenue and
241 the University Research Center and adopted by the Joint
242 Legislative Budget Committee. The unencumbered balances in
243 general funds that will be available and on hand at the close of
244 the fiscal year shall not include projected amounts required to be
245 deposited into the Working Cash-Stabilization Reserve Fund under
246 Section 27-103-203. * * *

247 **SECTION 5.** Section 27-103-213, Mississippi Code of 1972, is
248 amended as follows:

249 27-103-213. (1) The unencumbered cash balance in the
250 General Fund in the State Treasury at the close of each fiscal
251 year shall be distributed to the Municipal Revolving Fund, the



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

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

258 (b) As used in this section, the term "unencumbered
259 cash balance" or "unencumbered General Fund cash balance" means
260 the amount in the State General Fund after deducting all
261 appropriations and other expenditures. However, if the
262 Legislature has authorized additional or deficit appropriations or
263 transfers from the State General Fund for that fiscal year, those
264 amounts shall be subtracted from the unencumbered cash balance in
265 the General Fund before determining the amount available for
266 distribution. The unencumbered General Fund cash balance shall
267 not be determined until after August 31 of each year, and it shall
268 not be made until the State Treasurer has received a certificate
269 in writing from the Executive Director of the Department of
270 Finance and Administration, with notification to the Legislative
271 Budget Office, showing the amount of the unencumbered General Fund
272 cash balance.

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



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

283 (b) To the Working Cash-Stabilization Reserve Fund,
284 fifty percent (50%) of the amount of the unencumbered General Fund
285 cash balance after the distributions are made under paragraph (a),
286 not to exceed ten percent (10%) of the General Fund appropriations
287 for the fiscal year that the unencumbered General Fund cash
288 balance represents. For the purposes of this paragraph (b), the
289 appropriations for the fiscal year shall be the total amount
290 contained in the actual appropriation bills passed by the
291 Legislature.

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

295 * * *

296 **SECTION 6.** Section 27-103-303, Mississippi Code of 1972, is
297 amended as follows:

298 27-103-303. (1) There is created in the State Treasury a
299 special fund, separate and apart from any other fund, to be
300 designated the Capital Expense Fund.



301 (2) The Capital Expense Fund shall not be considered as a
302 surplus or available funds when adopting a balanced budget as
303 required by law. The State Treasurer shall invest all sums in the
304 Capital Expense Fund not needed for the purposes provided for in
305 this section in certificates of deposit, repurchase agreements and
306 other securities as authorized in Section 27-105-33(d) or Section
307 7-9-103, as the State Treasurer may determine to yield the highest
308 market rate available. Interest earned on this fund shall be
309 deposited by the State Treasurer into the State General Fund.

310 (3) The Capital Expense Fund shall be used for capital
311 expense needs, repair and renovation of state-owned properties and
312 specific expenditures authorized by the Legislature. The
313 Legislature shall designate those capital expense projects, repair
314 and renovation projects and other authorized projects in an
315 appropriation act passed by the Legislature, which shall direct
316 the Director of the Department of Finance and Administration to
317 administer the projects.

318 (4) In addition to the purposes specified in subsection (3)
319 of this section, the Capital Expense Fund shall be used to provide
320 funds for emergency repairs on state-owned buildings * * * upon
321 requisition of the Executive Director of the Department of Finance
322 and Administration. Whenever the executive director determines
323 that funds are immediately needed for emergency repairs on
324 state-owned buildings * * *, he or she shall requisition the funds
325 needed from the Capital Expense Fund, which shall be subject to



326 the limitations set forth in this subsection. At the same time he
327 or she makes the requisition, the executive director shall notify
328 the Lieutenant Governor, the Speaker of the House of
329 Representatives, the respective Chairmen of the Senate
330 Appropriations Committee, the Senate Finance Committee, the House
331 Appropriations Committee and the House Ways and Means Committee
332 and the Legislative Budget Office of his or her determination of
333 the need for the funds, the amount that he or she has
334 requisitioned and where the funds will be used. If the amount
335 requisitioned is available in the Capital Expense Fund, is not
336 allocated for any specific projects as authorized in subsection
337 (3) of this section and is within the limitations set forth below
338 in this subsection, then the executive director may escalate the
339 budget of the Bureau of Building, Grounds and Real Property
340 Management * * * to use the full amount of the requisitioned funds
341 for the emergency repairs * * * and transfer that amount to the
342 bureau * * * for that purpose. If the amount requisitioned is
343 more than the amount available in the Capital Expense Fund or
344 above the limitations set forth below in this subsection, then the
345 executive director may escalate the budget of the bureau * * * to
346 use the amount that is available within the limitations for the
347 emergency repairs * * * and transfer that amount to the
348 bureau * * * for that purpose. The maximum amount that may be
349 transferred from the Capital Expense Fund to the bureau * * * for
350 any single emergency shall be One Million Dollars (\$1,000,000.00),



351 and the maximum amount that may be transferred to the bureau * * *
352 for all emergencies during any fiscal year shall be Five Million
353 Dollars (\$5,000,000.00).

354 (5) Funds deposited in the Capital Expense Fund shall be
355 used only for the purposes specified in this section, and as long
356 as the provisions of this section remain in effect, no other
357 expenditure, appropriation or transfer of funds in the Capital
358 Expense Fund shall be made except by act of the Legislature making
359 specific reference to the Capital Expense Fund as the source of
360 those funds.

361 (6) Unexpended funds in the Capital Expense Fund at the end
362 of a fiscal year shall not lapse into the State General Fund but
363 shall remain in the fund for use under this section. Any funds
364 appropriated from the Capital Expense Fund that are unexpended at
365 the end of a fiscal year shall lapse into the Capital Expense
366 Fund.

367 **SECTION 7.** Section 1 of Chapter 43, Laws of 2020, is amended
368 as follows:

369 Section 1. The following sum, or so much thereof as may be
370 necessary, is hereby appropriated out of any money in the State
371 General Fund not otherwise appropriated, for the aid and support
372 of the public community and junior colleges for the fiscal year
373 beginning July 1, 2020, and ending June 30, 2021.....
374 * * * \$142,948,318.00.



375 **SECTION 8.** Section 8 of Chapter 43, Laws of 2020, is amended
376 as follows:

377 Section 8. The following sum, or so much thereof as may be
378 necessary, is hereby appropriated out of any money in the State
379 General Fund not otherwise appropriated, for the aid of the public
380 community and junior colleges, to fund life and health insurance,
381 for all employees of the public community and junior colleges for
382 the fiscal year beginning July 1, 2020, and ending
383 June 30, 2021 * * * \$24,254,533.00.

384 The funds allocated in this section shall only be used to
385 participate in the State and School Employees' Life and Health
386 Insurance Plan. Any funds appropriated in this section which are
387 not expended during the fiscal year shall be carried forward for
388 the same purposes during the next succeeding fiscal year.

389 **SECTION 9.** Section 16 of Chapter 78, Laws of 2020, which
390 appropriates a certain amount from the Capital Expense Fund to the
391 Division of Medicaid, is repealed.

392 **SECTION 10.** There is created in the State Treasury a special
393 fund to be designated as the "MDA Site Development Grant Program
394 Fund," which shall consist of funds made available by the
395 Legislature in any manner and funds from any other source
396 designated for deposit into the fund. Monies in the fund shall be
397 used by the Mississippi Development Authority, upon appropriation
398 by the Legislature, to make grants to assist eligible entities
399 under the Mississippi Site Development Grant Program as provided



400 in Section 57-1-701. Unexpended amounts remaining in the fund at
401 the end of a fiscal year shall not lapse into the State General
402 Fund, and any investment earnings or interest earned on amounts in
403 the fund shall be deposited to the credit of the fund.

404 **SECTION 11.** Not later than thirty (30) days after the
405 effective date of this act, the State Fiscal Officer shall
406 transfer the full balance in the Mississippi Development Authority
407 Job Training Grant Fund into the Capital Expense Fund.

408 **SECTION 12.** Not later than thirty (30) days after the
409 effective date of this act, the State Fiscal Officer shall
410 transfer the full balance in the State Public School Education
411 Technology Fund into the Capital Expense Fund.

412 **SECTION 13.** Section 57-1-451, Mississippi Code of 1972,
413 which creates the Mississippi Development Authority Job Training
414 Grant Fund, is repealed thirty (30) days after the effective date
415 of this act.

416 **SECTION 14.** (1) There is created in the State Treasury a
417 special fund to be designated as the "DEQ Water, Land and Air
418 Contamination Projects Fund," which shall consist of funds
419 transferred from the Attorney General Contingent Fund under the
420 provisions of subsection (2) of this section, any other funds made
421 available by the Legislature in any manner and funds from any
422 other source designated for deposit into the fund. Monies in the
423 fund shall be used by the Mississippi Department of Environmental
424 Quality, upon appropriation by the Legislature, for the purpose of



425 assessment, remediation, operation and maintenance, cost-sharing,
426 oversight and administration of water, land and air contamination
427 projects within the State of Mississippi pursuant to the 2020
428 settlement in the case of *The State of Mississippi ex rel. Lynn*
429 *Fitch, Attorney General vs. EnPro, Inc., et.al.*; Cause No.
430 CV-2017-19-JMY2. Unexpended amounts remaining in the fund at the
431 end of a fiscal year shall not lapse into the State General Fund,
432 and any investment earnings or interest earned on amounts in the
433 fund shall be deposited to the credit of the fund.

434 (2) During fiscal year 2022, the State Fiscal Officer shall
435 transfer the sum of One Million Dollars (\$1,000,000.00) from the
436 Attorney General Contingent Fund to the DEQ Water, Land and Air
437 Contamination Projects Fund created in subsection (1) of this
438 section.

439 **SECTION 15.** (1) It is the intent of the Legislature that the
440 agencies listed in subsection (2) of this section shall have the
441 authority to expend funds from any source that may become
442 available to the agency in fiscal year 2022 in accordance with the
443 rules and regulations of the Department of Finance and
444 Administration in a manner consistent with the escalation of
445 federal funds for the purpose of implementation and funding
446 Project SEC2 of the Colonel Guy Groff State Variable Compensation
447 Plan beginning January 1, 2022 and ending June 30, 2022. It shall
448 be the agency's responsibility to make certain that each person,
449 excluding executive directors, agency heads, and elected judges,



450 shall receive no more than a three percent (3%) annual increase in
451 salary which shall not exceed the market rate established by the
452 State Personnel Board pursuant to the Colonel Guy Groff State
453 Variable Compensation Plan for each classification.

454 (2) Based on data provided by the Legislative Budget Office,
455 the State Personnel Board shall determine and publish the
456 projected annual cost to fully fund all appropriated positions in
457 compliance with the provisions of this section. The agencies
458 listed are authorized to escalate other special funds for the
459 limited purpose provided in this section in an amount not to
460 exceed the following:

461 <u>AGENCY</u>		<u>AMOUNT</u>
462 Architecture, Board of	\$	650.00
463 Barber Examiners, Board of	\$	1,232.00
464 Cosmetology, Board of	\$	4,942.00
465 Dental Examiners, Board of	\$	4,492.00
466 Engineers & Land Surveyors, Board of Prof.	\$	2,412.00
467 Medical Licensure Board	\$	18,233.00
468 Motor Vehicle Commission	\$	1,399.00
469 Nursing Home Administrators, Board of	\$	608.00
470 Nursing, Board of	\$	22,876.00
471 Pat Harrison Waterway District	\$	16,539.00
472 Pearl River Valley Water Supply District	\$	64,124.00
473 Pharmacy, Board of	\$	4,827.00
474 Physical Therapy, Board of	\$	677.00



475 Public Accountancy, Board of \$ 3,441.00
476 Public Contractors, Board of \$ 10,028.00
477 Real Estate Appr. Licensing & Cert., Board of \$ 1,794.00
478 Real Estate Commission \$ 9,298.00
479 Social Workers & Marriage/Family Therapists,
480 Board of \$ 985.00
481 Veterans' Home Purchase Board \$ 13,470.00

482 **SECTION 16.** (1) All funds received by or on behalf of the
483 State of Mississippi through the Coronavirus State Fiscal Recovery
484 Fund in Section 9901 of the American Rescue Plan Act of 2021
485 (Public Law No. 117-2) shall be deposited into the Coronavirus
486 State Fiscal Recovery Fund created in subsection (2) of this
487 section.

488 (2) There is created in the State Treasury a special fund to
489 be designated as the "Coronavirus State Fiscal Recovery Fund."
490 The special fund shall consist of funds required to be deposited
491 into the special fund by subsection (1) of this section, funds
492 appropriated or otherwise made available by the Legislature in any
493 manner, and funds from any other source designated for deposit
494 into the special fund. Monies in the fund shall only be spent
495 upon appropriation by the Legislature and shall only be used as
496 provided in the Coronavirus State Fiscal Recovery Fund in Section
497 9901 of the American Rescue Plan Act of 2021 (Public Law No.
498 117-2) or as authorized by federal rule or regulation or
499 guidelines.



500 (3) Unexpended amounts remaining in the special fund at the
501 end of a fiscal year shall not lapse into the State General Fund
502 but shall remain in the Coronavirus State Fiscal Recovery Fund.
503 Any investment earnings or interest earned on amounts in the
504 special fund shall be deposited to the credit of the special fund.

505 **SECTION 17.** (1) All funds received by or on behalf of the
506 State of Mississippi through the Coronavirus Local Fiscal Recovery
507 Fund in Section 9901 of the American Rescue Plan Act of 2021
508 (Public Law No. 117-2) for distribution to nonentitlement units of
509 local government shall be deposited into the Coronavirus Local
510 Fiscal Recovery Fund created in subsection (2) of this section.

511 (2) There is created in the State Treasury a special fund to
512 be designated as the "Coronavirus Local Fiscal Recovery Fund" to
513 be administered by the Department of Finance and Administration.
514 The special fund shall consist of funds required to be deposited
515 into the special fund by subsection (1) of this section, funds
516 appropriated or otherwise made available by the Legislature in any
517 manner, and funds from any other source designated for deposit
518 into the special fund. The Department of Finance and
519 Administration shall distribute the funds to the nonentitlement
520 units of local government in accordance with the Coronavirus Local
521 Fiscal Recovery Fund in Section 9901 of the American Rescue Plan
522 Act of 2021 (Public Law No. 117-2) and any applicable federal
523 guidelines. Such funds shall only be used as provided in the
524 Coronavirus Local Fiscal Recovery Fund in Section 9901 of the



525 American Rescue Plan Act of 2021 (Public Law No. 117-2) or as
526 authorized by federal rule or regulation or guidelines.

527 (3) Unexpended amounts remaining in the special fund at the
528 end of a fiscal year shall not lapse into the State General Fund
529 but shall remain in the Coronavirus Local Fiscal Recovery Fund.
530 Any investment earnings or interest earned on amounts in the
531 special fund shall be deposited to the credit of the special fund.

532 **SECTION 18.** (1) There is created in the State Treasury a
533 special fund to be known as the Ross Barnett Reservoir Dredging
534 Fund. The fund shall consist of the monies deposited into the
535 fund as provided in subsection (2) of this section and any other
536 monies appropriated or otherwise made available for the fund by
537 the Legislature. The fund shall be administered and expended by
538 the Board of Directors of the Pearl River Valley Water Supply
539 District, upon appropriation by the Legislature, for dredging and
540 other related activities to remove sediments and debris from the
541 bottom of the Ross Barnett Reservoir.

542 (2) During fiscal year 2022 and each fiscal year thereafter,
543 the Board of Directors of the Pearl River Valley Water Supply
544 District may deposit not more than Two Hundred Thousand Dollars
545 (\$200,000.00) of the lease payments, fees and other funds received
546 by the district during the fiscal year into the Ross Barnett
547 Dredging Fund.

548 (3) Unexpended amounts remaining in the Ross Barnett
549 Dredging Fund at the end of a fiscal year shall not lapse into the



550 State General Fund, and any interest earned or investment earnings
551 on amounts in the fund shall be deposited to the credit of the
552 fund.

553 **SECTION 19.** This act shall take effect and be in force from
554 and after its passage.

