

## **House Amendments to Senate Bill No. 2780**

**TO THE SECRETARY OF THE SENATE:**

**THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

23           **SECTION 1.** Section 27-103-125, Mississippi Code of 1972, is  
24 brought forward as follows:  
25           27-103-125. The proposed budget of each state agency shall  
26 show the amounts required for operating expenses separately from  
27 the amounts required for permanent improvements. The overall  
28 budget shall show, separately by each source, the estimated amount  
29 of general fund revenue and of special fund revenues of general  
30 fund agencies. The total proposed expenditures in Part 1 of the  
31 overall budget shall not exceed the amount of estimated revenues  
32 that will be available in the general and special funds for  
33 appropriation or use during the succeeding fiscal year, including  
34 any balances other than unencumbered balances in general funds  
35 that will be on hand in the general and special funds at the close  
36 of the then current fiscal year. The total proposed expenditures  
37 from the State General Fund in Part 1 of the overall budget shall  
38 not exceed ninety-eight percent (98%) of the amount of general  
39 fund revenue estimate for the succeeding fiscal year. The general

40 fund revenue estimate shall be the estimate jointly adopted by the  
41 Governor and the Joint Legislative Budget Committee. The  
42 Legislative Budget Office may recommend additional taxes or  
43 sources of revenue if in its judgment those additional funds are  
44 necessary to adequately support the functions of the state  
45 government.

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

48 27-103-139. On or before November 15 preceding each regular  
49 session of the Legislature, except the first regular session of a  
50 new term of office, the Governor shall submit to the members of  
51 the Legislature, the Legislative Budget Office or the  
52 members-elect, as the case may be, and to the executive head of  
53 each state agency a balanced budget for the succeeding fiscal  
54 year. The budget submitted shall be prepared in a format that  
55 will include performance measurement data associated with the  
56 various programs operated by each agency. The total proposed  
57 expenditures in the balanced budget shall not exceed the amount of  
58 estimated revenues that will be available for appropriation or use  
59 during the succeeding fiscal year, including any balances other  
60 than unencumbered balances in general funds that will be on hand  
61 at the close of the then current fiscal year, as determined by the  
62 revenue estimate jointly adopted by the Governor and the  
63 Legislative Budget Committee. The total proposed expenditures  
64 from the State General Fund in the balanced budget shall not  
65 exceed ninety-eight percent (98%) of the amount of general fund

66 revenue estimate for the succeeding fiscal year. The general fund  
67 revenue estimate shall be the estimate jointly adopted by the  
68 Governor and the Joint Legislative Budget Committee.

69 The revenues used in preparing the balanced budget shall be  
70 only those revenues that will be available under the general laws  
71 of the state as they exist when the balanced budget is prepared,  
72 and shall not include any proposed revenues that would become  
73 available only after the enactment of new legislation. If the  
74 Governor has any recommendations for additional proposed  
75 expenditures or proposed revenues that are not included in his  
76 balanced budget, he shall submit those recommendations in a  
77 supplement that is separate from his balanced budget, and whenever  
78 the Governor recommends any such additional proposed expenditures,  
79 he also shall recommend proposed revenues that are sufficient to  
80 fund the additional proposed expenditures, providing specific  
81 details regarding the sources and the total amount of those  
82 proposed revenues.

83 The Governor may employ a budget officer for the purpose of  
84 receiving information from the State Fiscal Officer and preparing  
85 his recommendations on the budget. If the Governor determines  
86 that information received from the State Fiscal Officer is not  
87 sufficient to enable him to prepare his budget recommendations, he  
88 may request an appropriation from the Legislature to provide  
89 additional staff within the Governor's office for that purpose.  
90 At the first regular session after his election for Governor, the  
91 Governor shall submit any budget recommendations plus the required

92 revenue source recommendations no later than January 31 of that  
93 year.

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

96 27-103-203. (1) There is created in the State Treasury a  
97 special fund, separate and apart from any other fund, to be  
98 designated the Working Cash-Stabilization Reserve Fund.

99 (2) The Working Cash-Stabilization Reserve Fund shall not be  
100 considered as a surplus or available funds when adopting a  
101 balanced budget as required by law. The State Treasurer shall  
102 invest all sums in the Working Cash-Stabilization Reserve Fund not  
103 needed for the purposes provided for in this section in  
104 certificates of deposit, repurchase agreements and other  
105 securities as authorized in Section 27-105-33(d) or Section  
106 7-9-103, as the State Treasurer may determine to yield the highest  
107 market rate available. If the Ayers Settlement Fund is created  
108 under Section 37-101-27(5), the first Five Million Dollars  
109 (\$5,000,000.00) of interest earned on those sums each fiscal year  
110 shall be deposited into that fund until a total of Seventy Million  
111 Dollars (\$70,000,000.00) has been deposited into the fund. The  
112 interest, or the remaining interest if the Ayers Settlement Fund  
113 is created, that is earned on those sums shall be deposited in the  
114 Working Cash-Stabilization Reserve Fund until the balance of  
115 principal and interest in the fund reaches ten percent (10%) of  
116 the total General Fund appropriations for the current fiscal year,  
117 and all interest earned in excess of amounts necessary to maintain

118 the ten percent (10%) fund balance requirement shall be deposited  
119 by the State Treasurer into the State General Fund.

120 (3) The Working Cash-Stabilization Reserve Fund, except for  
121 Fifteen Million Dollars (\$15,000,000.00) and the amount of the  
122 interest and income earned on the principal of the Ayers Endowment  
123 Trust created by Section 37-101-27, shall be used by the State  
124 Treasurer for cash flow needs throughout the year when the  
125 Executive Director of the Department of Finance and Administration  
126 certifies that in his opinion there will be cash flow deficiencies  
127 in the State General Fund. No borrowing of monies from other  
128 special funds for such purposes as authorized by Section 31-17-101  
129 et seq., shall be made as long as an unencumbered balance in  
130 excess of Fifteen Million Dollars (\$15,000,000.00) and the  
131 interest and income earned on the principal of the Ayers Endowment  
132 Trust created by Section 37-101-27 remains in the fund. The State  
133 Treasurer shall reimburse the fund for all sums borrowed for those  
134 purposes from General Fund revenues collected during the fiscal  
135 year in which those funds are used. The State Treasurer shall  
136 immediately notify the Legislative Budget Office and the State  
137 Department of Finance and Administration of each transfer into and  
138 out of the fund. Fifteen Million Dollars (\$15,000,000.00) in the  
139 Working Cash-Stabilization Reserve Fund shall remain available for  
140 exclusive use of the Ayers Endowment Trust created by Section  
141 37-101-27. If the Ayers Settlement Fund is created under Section  
142 37-101-27(5), beginning when a total of Fifty-five Million Dollars  
143 (\$55,000,000.00) has been deposited into the fund, for each annual

144 deposit of interest to that fund under subsection (2) of this  
145 section, the Ayers Endowment Trust created under Section  
146 37-101-27(1) shall be reduced by an equal amount annually until  
147 the Ayers Endowment Trust reaches Zero Dollars (\$0.00), at which  
148 time any requirements concerning the Ayers Endowment Trust in this  
149 section shall be null and void.

150 (4) The Working Cash-Stabilization Reserve Fund, except for  
151 Forty Million Dollars (\$40,000,000.00), shall also be used for the  
152 purpose of covering any projected deficits that may occur in the  
153 General Fund at the end of a fiscal year as a result of revenue  
154 shortfalls. If the Governor determines that a deficit in revenues  
155 from all sources may occur, it shall be the duty of the Executive  
156 Director of the Department of Finance and Administration to  
157 transfer such funds as necessary to the General Fund to alleviate  
158 the deficit in accordance with Sections 27-104-13 and 31-17-123;  
159 however, not more than Fifty Million Dollars (\$50,000,000.00) may  
160 be transferred from the fund for that purpose in any one (1)  
161 fiscal year.

162 (5) The Working Cash-Stabilization Reserve Fund also shall  
163 be used to provide funds for the Disaster Assistance Trust Fund  
164 when those funds are immediately needed to provide for disaster  
165 assistance under Sections 33-15-301 through 33-15-317. Any  
166 transfer of funds from the Working Cash-Stabilization Reserve Fund  
167 to the Disaster Assistance Trust Fund shall be made in accordance  
168 with the provisions of subsection (5) of Section 33-15-307.

169           (6) The Department of Finance and Administration shall  
170 immediately send notice of any transfers made, or other action  
171 taken under authority of this section, to the Legislative Budget  
172 Office.

173           (7) Funds deposited in the Working Cash-Stabilization  
174 Reserve Fund shall be used only for the purposes specified in this  
175 section, and as long as the provisions of this section remain in  
176 effect, no other expenditure, appropriation or transfer of funds  
177 in the Working Cash-Stabilization Reserve Fund shall be made  
178 except by act of the Legislature making specific reference to the  
179 Working Cash-Stabilization Reserve Fund as the source of those  
180 funds.

181           (8) Any funds appropriated from the Working  
182 Cash-Stabilization Reserve Fund that are unexpended at the end of  
183 a fiscal year shall lapse into the Working Cash-Stabilization  
184 Reserve Fund.

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

187           27-103-211. The total sum appropriated by the Legislature  
188 from the State General Fund for any fiscal year shall not exceed  
189 ninety-eight percent (98%) of the general fund revenue estimate  
190 for that fiscal year developed by the Department of Revenue and  
191 the University Research Center and adopted by the Joint  
192 Legislative Budget Committee. The unencumbered balances in  
193 general funds that will be available and on hand at the close of  
194 the fiscal year shall not include projected amounts required to be

195 deposited into the Working Cash-Stabilization Reserve Fund under  
196 Section 27-103-203.

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

199 27-103-213. (1) The unencumbered cash balance in the  
200 General Fund in the State Treasury at the close of each fiscal  
201 year shall be distributed to the Municipal Revolving Fund, the  
202 Working Cash-Stabilization Reserve Fund and the Capital Expense  
203 Fund in the manner provided in this section.

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

208 (b) As used in this section, the term "unencumbered  
209 cash balance" or "unencumbered General Fund cash balance" means  
210 the amount in the State General Fund after deducting all  
211 appropriations and other expenditures. However, if the  
212 Legislature has authorized additional or deficit appropriations or  
213 transfers from the State General Fund for that fiscal year, those  
214 amounts shall be subtracted from the unencumbered cash balance in  
215 the General Fund before determining the amount available for  
216 distribution. The unencumbered General Fund cash balance shall  
217 not be determined until after August 31 of each year, and it shall  
218 not be made until the State Treasurer has received a certificate  
219 in writing from the Executive Director of the Department of  
220 Finance and Administration, with notification to the Legislative



221 Budget Office, showing the amount of the unencumbered General Fund  
222 cash balance.

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

227 (a) To the Municipal Revolving Fund, an amount equal to  
228 Seven Hundred Fifty Thousand Dollars (\$750,000.00); however, if  
229 the amount of the unencumbered General Fund cash balance is less  
230 than Seven Hundred Fifty Thousand Dollars (\$750,000.00), then the  
231 total amount of the unencumbered General Fund cash balance shall  
232 be distributed to the Municipal Revolving Fund.

233 (b) To the Working Cash-Stabilization Reserve Fund,  
234 fifty percent (50%) of the amount of the unencumbered General Fund  
235 cash balance after the distributions are made under paragraph (a),  
236 not to exceed ten percent (10%) of the General Fund appropriations  
237 for the fiscal year that the unencumbered General Fund cash  
238 balance represents. For the purposes of this paragraph (b), the  
239 appropriations for the fiscal year shall be the total amount  
240 contained in the actual appropriation bills passed by the  
241 Legislature.

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

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

247           27-103-303. (1) There is created in the State Treasury a  
248 special fund, separate and apart from any other fund, to be  
249 designated the Capital Expense Fund.

250           (2) The Capital Expense Fund shall not be considered as a  
251 surplus or available funds when adopting a balanced budget as  
252 required by law. The State Treasurer shall invest all sums in the  
253 Capital Expense Fund not needed for the purposes provided for in  
254 this section in certificates of deposit, repurchase agreements and  
255 other securities as authorized in Section 27-105-33(d) or Section  
256 7-9-103, as the State Treasurer may determine to yield the highest  
257 market rate available. Interest earned on this fund shall be  
258 deposited by the State Treasurer into the State General Fund.

259           (3) The Capital Expense Fund shall be used for capital  
260 expense needs, repair and renovation of state-owned properties and  
261 specific expenditures authorized by the Legislature. The  
262 Legislature shall designate those capital expense projects, repair  
263 and renovation projects and other authorized projects in an  
264 appropriation act passed by the Legislature, which shall direct  
265 the Director of the Department of Finance and Administration to  
266 administer the projects.

267           (4) In addition to the purposes specified in subsection (3)  
268 of this section, the Capital Expense Fund shall be used to provide  
269 funds for emergency repairs on state-owned buildings upon  
270 requisition of the Executive Director of the Department of Finance  
271 and Administration. Whenever the executive director determines  
272 that funds are immediately needed for emergency repairs on

273 state-owned buildings, he or she shall requisition the funds  
274 needed from the Capital Expense Fund, which shall be subject to  
275 the limitations set forth in this subsection. At the same time he  
276 or she makes the requisition, the executive director shall notify  
277 the Lieutenant Governor, the Speaker of the House of  
278 Representatives, the respective Chairmen of the Senate  
279 Appropriations Committee, the Senate Finance Committee, the House  
280 Appropriations Committee and the House Ways and Means Committee  
281 and the Legislative Budget Office of his or her determination of  
282 the need for the funds, the amount that he or she has  
283 requisitioned and where the funds will be used. If the amount  
284 requisitioned is available in the Capital Expense Fund, is not  
285 allocated for any specific projects as authorized in subsection  
286 (3) of this section and is within the limitations set forth below  
287 in this subsection, then the executive director may escalate the  
288 budget of the Bureau of Building, Grounds and Real Property  
289 Management to use the full amount of the requisitioned funds for  
290 the emergency repairs and transfer that amount to the bureau for  
291 that purpose. If the amount requisitioned is more than the amount  
292 available in the Capital Expense Fund or above the limitations set  
293 forth below in this subsection, then the executive director may  
294 escalate the budget of the bureau to use the amount that is  
295 available within the limitations for the emergency repairs and  
296 transfer that amount to the bureau for that purpose. The maximum  
297 amount that may be transferred from the Capital Expense Fund to  
298 the bureau for any single emergency shall be One Million Dollars

299 (\$1,000,000.00), and the maximum amount that may be transferred to  
300 the bureau for all emergencies during any fiscal year shall be  
301 Five Million Dollars (\$5,000,000.00).

302 (5) Funds deposited in the Capital Expense Fund shall be  
303 used only for the purposes specified in this section, and as long  
304 as the provisions of this section remain in effect, no other  
305 expenditure, appropriation or transfer of funds in the Capital  
306 Expense Fund shall be made except by act of the Legislature making  
307 specific reference to the Capital Expense Fund as the source of  
308 those funds.

309 (6) Unexpended funds in the Capital Expense Fund at the end  
310 of a fiscal year shall not lapse into the State General Fund but  
311 shall remain in the fund for use under this section. Any funds  
312 appropriated from the Capital Expense Fund that are unexpended at  
313 the end of a fiscal year shall lapse into the Capital Expense  
314 Fund.

315 **SECTION 7.** Section 27-104-321, Mississippi Code of 1972, is  
316 brought forward as follows:

317 27-104-321. (1) All funds received by or on behalf of the  
318 State of Mississippi through the Coronavirus State Fiscal Recovery  
319 Fund in Section 9901 of the American Rescue Plan Act of 2021  
320 (Public Law No. 117-2) shall be deposited into the Coronavirus  
321 State Fiscal Recovery Fund created in subsection (2) of this  
322 section.

323 (2) There is created in the State Treasury a special fund to  
324 be designated as the "Coronavirus State Fiscal Recovery Fund."

325 The special fund shall consist of funds required to be deposited  
326 into the special fund by subsection (1) of this section, funds  
327 appropriated or otherwise made available by the Legislature in any  
328 manner, and funds from any other source designated for deposit  
329 into the special fund. Monies in the fund shall only be spent  
330 upon appropriation by the Legislature and shall only be used as  
331 provided in the Coronavirus State Fiscal Recovery Fund in Section  
332 9901 of the American Rescue Plan Act of 2021 (Public Law No.  
333 117-2) or as authorized by federal rule or regulation or  
334 guidelines.

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

340 **SECTION 8.** Section 27-71-29, Mississippi Code of 1972, is  
341 brought forward as follows:

342 27-71-29. All taxes levied by this article shall be paid to  
343 the Department of Revenue in cash or by personal check, cashier's  
344 check, bank exchange, post office money order or express money  
345 order and shall be deposited by the department in the State  
346 Treasury on the same day collected, but no remittances other than  
347 cash shall be a final discharge of liability for the tax herein  
348 imposed and levied unless and until it has been paid in cash to  
349 the department.

350 All taxes levied under Section 27-71-7(1) and received by the  
351 department under this article shall be paid into the General Fund,  
352 and the three percent (3%) levied under Section 27-71-7(2) and  
353 received by the department under this article shall be paid into  
354 the special fund in the State Treasury designated as the  
355 "Alcoholism Treatment and Rehabilitation Fund" as required by law.  
356 Any funds derived from the sale of alcoholic beverages in excess  
357 of inventory requirements shall be paid not less often than  
358 annually into the General Fund, except for fees charged by the  
359 department for the defraying of costs associated with shipping  
360 alcoholic beverages. The revenue derived from these fees shall be  
361 deposited by the department into a special fund, hereby created in  
362 the State Treasury, which is designated the "ABC Shipping Fund."  
363 The monies in this special fund shall be earmarked for use by the  
364 department for any expenditure made to ship alcoholic beverages.  
365 Any net proceeds remaining in the special fund on August 1 of any  
366 fiscal year shall lapse into the General Fund. "Net proceeds" in  
367 this section means the total of all fees collected by the  
368 department to defray the costs of shipping less the actual costs  
369 of shipping.

370 **SECTION 9.** (1) All funds received by or on behalf of the  
371 State of Mississippi through the Coronavirus Capital Projects Fund  
372 in Section 9901 of the American Rescue Plan Act of 2021 (Public  
373 Law No. 117-2) shall be deposited into the Coronavirus Capital  
374 Projects Fund created in subsection (2) of this section.

375 (2) There is created in the State Treasury a special fund to  
376 be designated as the "Coronavirus Capital Projects Fund." The  
377 special fund shall consist of funds required to be deposited into  
378 the special fund by subsection (1) of this section, funds  
379 appropriated or otherwise made available by the Legislature in any  
380 manner, and funds from any other source designated for deposit  
381 into the special fund. Monies in the fund shall only be spent  
382 upon appropriation by the Legislature and shall only be used as  
383 provided in the Coronavirus Capital Projects Fund in Section 9901  
384 of the American Rescue Plan Act of 2021 (Public Law No. 117-2) or  
385 as authorized by federal rule or regulation or guidelines.

386 (3) Unexpended amounts remaining in the special fund at the  
387 end of a fiscal year shall not lapse into the State General Fund  
388 but shall remain in the Coronavirus Capital Projects Fund. Any  
389 investment earnings or interest earned on amounts in the special  
390 fund shall be deposited to the credit of the special fund.

391 **SECTION 10.** During fiscal year 2022, the State Fiscal  
392 Officer shall transfer to the Capital Expense Fund out of the  
393 following enumerated funds, the amounts listed below from each  
394 fund:

395 FUND	FUND NUMBER	AMOUNT
396 General Fund	2999000000	\$1.00
397 Treasurer's Office -		
398 Abandoned Property	3317800000	<u>\$1.00</u>
399 TOTAL		\$2.00

400           **SECTION 11.** During fiscal year 2022, the State Fiscal  
401 Officer shall transfer the sum of Six Hundred Twenty-three Dollars  
402 (\$623.00) from the Secretary of State Help Mississippi Vote Fund  
403 (Fund No. 3311M00000) to the State General Fund (Fund No.  
404 2999000000).

405           **SECTION 12.** This act shall take effect and be in force from  
406 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO BRING FORWARD SECTIONS 27-103-125, 27-103-139,  
2 27-103-203, 27-103-211, 27-103-213 AND 27-103-303, MISSISSIPPI  
3 CODE OF 1972, WHICH RELATE TO VARIOUS ASPECTS OF THE BUDGET  
4 PROCESS, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
5 SECTION 27-104-321, MISSISSIPPI CODE OF 1972, WHICH CREATES THE  
6 CORONAVIRUS STATE FISCAL RECOVERY FUND, FOR THE PURPOSE OF  
7 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 27-71-29, MISSISSIPPI  
8 CODE OF 1972, WHICH PROVIDES FOR THE PAYMENT OF ALCOHOLIC BEVERAGE  
9 TAXES INTO THE STATE TREASURY, FOR THE PURPOSES OF POSSIBLE  
10 AMENDMENT; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE  
11 DESIGNATED AS THE "CORONAVIRUS CAPITAL PROJECTS FUND," WHICH SHALL  
12 CONSIST OF ALL FUNDS RECEIVED BY OR ON BEHALF OF THE STATE OF  
13 MISSISSIPPI THROUGH THE CORONAVIRUS CAPITAL PROJECTS FUND OF THE  
14 AMERICAN RESCUE PLAN ACT OF 2021; TO PROVIDE THAT MONIES IN THE  
15 FUND SHALL ONLY BE SPENT UPON APPROPRIATION BY THE LEGISLATURE AND  
16 SHALL ONLY BE USED AS PROVIDED IN THE CORONAVIRUS CAPITAL PROJECTS  
17 FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO PROVIDE FOR  
18 CERTAIN TRANSFERS TO THE GENERAL FUND DURING FISCAL YEAR 2022; TO  
19 DIRECT THE STATE FISCAL OFFICER TO MAKE CERTAIN TRANSFERS TO THE  
20 CAPITAL EXPENSE FUND AND THE STATE GENERAL FUND DURING FISCAL YEAR  
21 2022; AND FOR RELATED PURPOSES.

HR43\SB2780A.J

Andrew Ketchings  
Clerk of the House of Representatives