

By: Senator(s) Smith

To: Finance;
Appropriations

SENATE BILL NO. 2201

1 AN ACT TO AMEND SECTIONS 27-103-211 AND 31-17-123,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE THE GENERAL FUND REVENUE
3 ESTIMATE UPON WHICH APPROPRIATIONS ARE BASED TO BE ADOPTED BY THE
4 JOINT LEGISLATIVE BUDGET COMMITTEE AS OF THE FIRST MONDAY IN
5 MARCH; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
6 LEGISLATURE OF THE STATE OF MISSISSIPPI:
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8 SECTION 1. Section 27-103-211, Mississippi Code of 1972, is
9 amended as follows:

10 27-103-211. Beginning with the appropriations for Fiscal
11 Year 1994, the total sum appropriated by the Legislature from the
12 State General Fund for any fiscal year shall not exceed
13 ninety-eight percent (98%) of the General Fund revenue estimate
14 for that fiscal year developed by the Tax Commission and the
15 University Research Center and adopted by the Joint Legislative
16 Budget Committee as of the first Monday in March, plus any
17 unencumbered balances in general funds that will be available and
18 on hand at the close of the then current fiscal year. The
19 unencumbered balances in general funds that will be available and
20 on hand at the close of the fiscal year shall not include
21 projected amounts required to be deposited into the Working
22 Cash-Stabilization Reserve Fund or the Education Enhancement Fund
23 pursuant to Section 27-103-203(1).

24 SECTION 2. Section 31-17-123, Mississippi Code of 1972, is
25 amended as follows:

26 31-17-123. The intent of the Legislature is to authorize
27 borrowing funds under the provisions of Sections 31-17-101 through
28 31-17-123 to offset any temporary cash flow deficiencies and

29 should not be construed to authorize the borrowing of any funds in
30 an amount which cannot be repaid during the fiscal year in which
31 such funds are borrowed. The State Tax Commission and University
32 Research Center, utilizing all available revenue forecast data,
33 shall annually develop a General Fund revenue estimate to be
34 adopted by the Joint Legislative Budget Committee as of the first
35 Monday in March. If, at the end of October, or at the end of any
36 month thereafter of any fiscal year, the revenues received for the
37 fiscal year shall fall below ninety-eight percent (98%) of the
38 Joint Legislative Budget Committee General Fund Revenue estimate
39 as of the first Monday in March, the State Fiscal Officer shall
40 reduce allocations of general funds and state-source special funds
41 to general fund and special fund agencies and to the
42 "administration and other expenses" budget of the State Highway
43 Department in an amount necessary to keep expenditures within the
44 sum of actual general fund receipts including any transfers to the
45 General Fund from the Working Cash-Stabilization Reserve Fund for
46 the fiscal year. The State Fiscal Officer may, upon his
47 determination of need based on the revenue shortfall, transfer
48 funds as provided in Section 27-103-203, from the Working
49 Cash-Stabilization Reserve Fund to the General Fund to supplement
50 the general fund revenue. State-source special funds in an amount
51 equal to any reduction made under the provisions of this section
52 shall be transferred to the State General Fund upon requisitions
53 for warrants signed by the respective agency head and such
54 transfer shall be made within a reasonable period to be determined
55 by the State Fiscal Officer. No agency's allocation shall be
56 reduced in an amount to exceed five percent (5%); however, in the
57 event that the allocations of general funds and state-source
58 special funds to all general fund and special fund agencies and to
59 the "administration and other expenses" budget of the State
60 Highway Department have been reduced by five percent (5%), any
61 additional reductions required to be made hereunder shall consist
62 of a uniform percentage reduction of general funds and
63 state-source special funds to all general fund and special fund
64 agencies, and to the "administration and other expenses" budget of
65 the State Highway Department. Any receipt from loans authorized

66 by Sections 31-17-101 through 31-17-123 shall not be included as
67 revenue receipts. The State Fiscal Officer shall immediately send
68 notice of any action taken under authority of this section to the
69 Legislative Budget Office.

70 For the purpose of this section, "state-source special funds"
71 shall be construed to mean any special funds in any agency derived
72 from any source, but shall not include the following special
73 funds: special funds derived from federal sources, from local or
74 regional political subdivisions, or from donations; special funds
75 held in a fiduciary capacity for the benefit of specific persons
76 or classes of persons; self-generated special funds of the state
77 institutions of higher learning or the state junior colleges;
78 special funds of Mississippi Industries for the Blind, the State
79 Port at Gulfport, Yellow Creek Inland Port, Pat Harrison Waterway
80 District, Pearl River Basin Development District, Pearl River
81 Valley Water Management District, Tombigbee River Valley Water
82 Management District, Yellow Creek Watershed Authority, or Coast
83 Coliseum Commission; special funds of the Department of Wildlife,
84 Fisheries and Parks derived from the issuance of hunting or
85 fishing licenses; and special funds generated by agencies whose
86 primary function includes the establishment of standards and the
87 issuance of licenses for the practice of a profession within the
88 State of Mississippi.

89 SECTION 3. This act shall take effect and be in force from
90 and after its passage.