

By: Representative Watson

To: Appropriations

HOUSE BILL NO. 1212

1 AN ACT TO AMEND SECTIONS 27-104-13 AND 31-17-123, MISSISSIPPI  
2 CODE OF 1972, TO EXEMPT SPECIAL FUNDS RECEIVED BY THE ATTORNEY  
3 GENERAL UNDER LEGAL SERVICES CONTRACTS WITH STATE AGENCIES FROM  
4 THE PROVISIONS AUTHORIZING THE STATE FISCAL OFFICER TO REDUCE  
5 STATE AGENCY BUDGETS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 27-104-13, Mississippi Code of 1972, is  
8 amended as follows:

9 27-104-13. The State Fiscal Officer shall have the right to  
10 disapprove or reduce and revise the estimates of general funds and  
11 state-source special funds for any general fund or special fund  
12 agency, and for the "administration and other expenses" budget of  
13 the Department of Transportation, in an amount not to exceed five  
14 percent (5%) if he finds that funds will not be available within  
15 the period for which the budget is drawn, or if he finds that the  
16 requested expenditures, or any part thereof, are not authorized by  
17 law, and that action shall be reported to the Legislative Budget  
18 Office. The State Fiscal Officer may, upon his determination of  
19 need based upon a finding that funds will not be available within  
20 the period for which the budget is drawn, transfer funds as  
21 provided in Section 27-103-203, from the Working  
22 Cash-Stabilization Reserve Fund to the General Fund to supplement  
23 the general fund revenue. If the estimates of general funds and  
24 state-source special funds of all general fund and special fund  
25 agencies, and of the "administration and other expenses" budget of  
26 the Department of Transportation, have been reduced by five  
27 percent (5%), additional reductions may be made but shall consist  
28 of a uniform percentage reduction of general funds and



29 state-source special funds to all general fund and special fund  
30 agencies, and to the "administration and other expenses" budget of  
31 the Department of Transportation. Any state-source special funds  
32 reduced under the provisions of this section shall be transferred  
33 to the State General Fund upon requisitions for warrants signed by  
34 the respective agency head and the transfer shall be made within a  
35 reasonable period to be determined by the State Fiscal Officer.

36 For the purpose of this section, "state-source special funds"  
37 shall be construed to mean any special funds in any agency derived  
38 from any source, but shall not include the following special  
39 funds: special funds derived from federal sources, from local or  
40 regional political subdivisions, or from donations; special funds  
41 held in a fiduciary capacity for the benefit of specific persons  
42 or classes of persons; self-generated special funds of the state  
43 institutions of higher learning or the state junior colleges;  
44 special funds of Mississippi Industries for the Blind, the State  
45 Port at Gulfport, Yellow Creek Inland Port, Pat Harrison Waterway  
46 District, Pearl River Basin Development District, Pearl River  
47 Valley Water Management District, Tombigbee River Valley Water  
48 Management District, Yellow Creek Watershed Authority, or Coast  
49 Coliseum Commission; special funds of the Department of Wildlife,  
50 Fisheries and Parks derived from the issuance of hunting or  
51 fishing licenses; special funds received by the Attorney General  
52 under legal services contracts with state agencies; and special  
53 funds generated by agencies whose primary function includes the  
54 establishment of standards and the issuance of licenses for the  
55 practice of a profession within the State of Mississippi.

56 **SECTION 2.** Section 31-17-123, Mississippi Code of 1972, is  
57 amended as follows:

58 31-17-123. The intent of the Legislature is to authorize  
59 borrowing funds under the provisions of Sections 31-17-101 through  
60 31-17-123 to offset any temporary cash flow deficiencies and  
61 should not be construed to authorize the borrowing of any funds in



62 an amount that cannot be repaid during the fiscal year in which  
63 the funds are borrowed.

64 The State Tax Commission and University Research Center,  
65 utilizing all available revenue forecast data, shall annually  
66 develop a general fund revenue estimate to be adopted by the  
67 Legislative Budget Office as of the date of sine die adjournment.  
68 If, at the end of October, or at the end of any month thereafter  
69 of any fiscal year, the revenues received for the fiscal  
70 year \* \* \* fall below ninety-eight percent (98%) of the  
71 Legislative Budget Office general fund revenue estimate at the  
72 date of sine die adjournment, the State Fiscal Officer shall  
73 reduce allocations of general funds and state-source special funds  
74 to general fund and special fund agencies and to the  
75 "administration and other expenses" budget of the Department of  
76 Transportation in an amount necessary to keep expenditures within  
77 the sum of actual general fund receipts including any transfers to  
78 the General Fund from the Working Cash-Stabilization Reserve Fund  
79 for the fiscal year. The State Fiscal Officer may, upon his  
80 determination of need based on the revenue shortfall, transfer  
81 funds as provided in Section 27-103-203, from the Working  
82 Cash-Stabilization Reserve Fund to the General Fund to supplement  
83 the general fund revenue. State-source special funds in an amount  
84 equal to any reduction made under the provisions of this section  
85 shall be transferred to the State General Fund upon requisitions  
86 for warrants signed by the respective agency head, and the  
87 transfer shall be made within a reasonable period to be determined  
88 by the State Fiscal Officer. No agency's allocation shall be  
89 reduced in an amount to exceed five percent (5%); however, if the  
90 allocations of general funds and state-source special funds to all  
91 general fund and special fund agencies and to the "administration  
92 and other expenses" budget of the Department of Transportation  
93 have been reduced by five percent (5%), any additional reductions  
94 required to be made under this section shall consist of a uniform



95 percentage reduction of general funds and state-source special  
96 funds to all general fund and special fund agencies, and to the  
97 "administration and other expenses" budget of the Department of  
98 Transportation. Any receipt from loans authorized by Sections  
99 31-17-101 through 31-17-123 shall not be included as revenue  
100 receipts. The State Fiscal Officer shall immediately send notice  
101 of any action taken under authority of this section to the  
102 Legislative Budget Office.

103 For the purpose of this section, "state-source special funds"  
104 shall be construed to mean any special funds in any agency derived  
105 from any source, but shall not include the following special  
106 funds: special funds derived from federal sources, from local or  
107 regional political subdivisions, or from donations; special funds  
108 held in a fiduciary capacity for the benefit of specific persons  
109 or classes of persons; self-generated special funds of the state  
110 institutions of higher learning or the state junior colleges;  
111 special funds of Mississippi Industries for the Blind, the State  
112 Port at Gulfport, Yellow Creek Inland Port, Pat Harrison Waterway  
113 District, Pearl River Basin Development District, Pearl River  
114 Valley Water Management District, Tombigbee River Valley Water  
115 Management District, Yellow Creek Watershed Authority, or Coast  
116 Coliseum Commission; special funds of the Department of Wildlife,  
117 Fisheries and Parks derived from the issuance of hunting or  
118 fishing licenses; special funds received by the Attorney General  
119 under legal services contracts with state agencies; and special  
120 funds generated by agencies whose primary function includes the  
121 establishment of standards and the issuance of licenses for the  
122 practice of a profession within the State of Mississippi.

123 **SECTION 3.** This act shall take effect and be in force from  
124 and after its passage.

