HOUSE BILL NO. 1212

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

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

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

27-104-13. The State Fiscal Officer shall have the right to disapprove or reduce and revise the estimates of general funds and state-source special funds for any general fund or special fund agency, and for the "administration and other expenses" budget of the Department of Transportation, in an amount not to exceed five percent (5%) if he finds that funds will not be available within the period for which the budget is drawn, or if he finds that the requested expenditures, or any part thereof, are not authorized by law, and that action shall be reported to the Legislative Budget Office. The State Fiscal Officer may, upon his determination of need based upon a finding that funds will not be available within the period for which the budget is drawn, transfer funds as provided in Section 27-103-203, from the Working Cash-Stabilization Reserve Fund to the General Fund to supplement the general fund revenue. If the estimates of general funds and state-source special funds of all general fund and special fund agencies, and of the "administration and other expenses" budget of the Department of Transportation, have been reduced by five percent (5%), additional reductions may be made but shall consist of a uniform percentage reduction of general funds and
state-source special funds to all general fund and special fund
agencies, and to the "administration and other expenses" budget of
the Department of Transportation. Any state-source special funds
reduced under the provisions of this section shall be transferred
to the State General Fund upon requisitions for warrants signed by
the respective agency head and the transfer shall be made within a
reasonable period to be determined by the State Fiscal Officer.

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

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

31-17-123. The intent of the Legislature is to authorize
borrowing funds under the provisions of Sections 31-17-101 through
31-17-123 to offset any temporary cash flow deficiencies and
should not be construed to authorize the borrowing of any funds in
an amount that cannot be repaid during the fiscal year in which the funds are borrowed.

The State Tax Commission and University Research Center, utilizing all available revenue forecast data, shall annually develop a general fund revenue estimate to be adopted by the Legislative Budget Office as of the date of sine die adjournment. If, at the end of October, or at the end of any month thereafter of any fiscal year, the revenues received for the fiscal year *** fall below ninety-eight percent (98%) of the Legislative Budget Office general fund revenue estimate at the date of sine die adjournment, the State Fiscal Officer shall reduce allocations of general funds and state-source special funds to general fund and special fund agencies and to the "administration and other expenses" budget of the Department of Transportation in an amount necessary to keep expenditures within the sum of actual general fund receipts including any transfers to the General Fund from the Working Cash-Stabilization Reserve Fund for the fiscal year. The State Fiscal Officer may, upon his determination of need based on the revenue shortfall, transfer funds as provided in Section 27-103-203, from the Working Cash-Stabilization Reserve Fund to the General Fund to supplement the general fund revenue. State-source special funds in an amount equal to any reduction made under the provisions of this section shall be transferred to the State General Fund upon requisitions for warrants signed by the respective agency head, and the transfer shall be made within a reasonable period to be determined by the State Fiscal Officer. No agency's allocation shall be reduced in an amount to exceed five percent (5%); however, if the allocations of general funds and state-source special funds to all general fund and special fund agencies and to the "administration and other expenses" budget of the Department of Transportation have been reduced by five percent (5%), any additional reductions required to be made under this section shall consist of a uniform
percentage reduction of general funds and state-source special funds to all general fund and special fund agencies, and to the "administration and other expenses" budget of the Department of Transportation. Any receipt from loans authorized by Sections 31-17-101 through 31-17-123 shall not be included as revenue receipts. The State Fiscal Officer shall immediately send notice of any action taken under authority of this section to the Legislative Budget Office.

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

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