

Lost

AMENDMENT No. 1 TO AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1200

By Senator(s) Chaney

1 **AMEND** by inserting the following after line 757 and
2 **renumbering accordingly:**

3 (5) From and after January 1, 2002, no chancellor or judge
4 of this state shall order any portion of the tobacco settlement
5 monies to be diverted or deposited into any account, person,
6 agency or corporation other than into the State Treasury to the
7 credit of the Health Care Expendable Fund established under this
8 Section 43-13-407, and any such order which is not in compliance
9 with this subsection (5) is hereby abated and of no effect.

10 **SECTION *.** Section 27-103-103, Mississippi Code of 1972, is
11 amended as follows:

12 27-103-103. (1) For the purpose of Sections 27-103-101
13 through 27-103-139 and 27-104-1 through 27-104-27, the term "state
14 general-fund agency" or "general-fund agency" shall mean any
15 agency, department, institution, board or commission of the State
16 of Mississippi which is supported in whole or in part by
17 appropriations from the General Fund; but such term shall not
18 include the Legislature.

19 (2) For the purposes of Sections 27-103-101 through
20 27-103-139 and 27-104-1 through 27-104-27, the term "state
21 special-fund agency" or "special-fund agency" shall mean any
22 agency, department, institution, board or commission of the State
23 of Mississippi which receives no appropriation from the General

24 Fund, but which is supported entirely from special fund sources,
25 by appropriation, or otherwise, but such term shall not include
26 the State Highway Department; nor shall such term include the
27 Mississippi Industries for the Blind.

28 (3) For the purposes of Sections 27-103-101 through
29 27-103-139 and 27-104-1 through 27-104-27, the term "state agency"
30 shall mean any general fund agency or special fund agency as
31 defined in this section, or the State Highway Department, or the
32 Division of State Aid Road Construction of the State Highway
33 Department as is evident from the context wherein it is used.

34 (4) For the purposes of Sections 27-103-101 through
35 27-103-139 and 27-104-1 through 27-104-27, the term "special
36 funds" shall mean all revenues and/or income other than
37 appropriations from the State General Fund which are received,
38 collected by, or available for the support of or expenditure by
39 any state general-fund agency or special-fund agency or the State
40 Highway Department or the Division of State Aid Road Construction
41 of the State Highway Department, whether such funds be derived
42 from taxes or fees collected by or for such general-fund agency or
43 special-fund agency or the State Highway Department or the
44 Division of State Aid Road Construction of the State Highway
45 Department, as the case may be, or from any other types of revenue
46 from any other source.

47 (5) For the purposes of Sections 27-103-101 through
48 27-103-139 and 27-104-1 through 27-104-27, the term "special
49 funds" shall include revolving funds and all funds received from
50 the United States government by any state general-fund agency or
51 special-fund agency, but shall not include any revolving fund
52 established prior to July 1, 1984, for the purpose of paying or
53 retiring any indebtedness as is authorized by statute.

54 (6) For the purposes of Sections 27-103-101 through
55 27-103-139 and 27-104-1 through 27-104-27, the term "special
56 funds" shall include any court-ordered settlement payments or
57 other payments received by any state general-fund agency or
58 special-fund agency as the result of litigation.

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

61 27-104-13. The State Fiscal Officer shall have the right to
62 disapprove or reduce and revise such estimates of general funds
63 and state-source special funds for any general fund or special
64 fund agency, and for the "administration and other expenses"
65 budget of the State Highway Department, in an amount not to exceed
66 five percent (5%) if he finds that funds will not be available
67 within the period for which the budget is drawn, or if he finds
68 that the requested expenditures, or any part thereof, are not
69 authorized by law, and such action shall be reported to the
70 Legislative Budget Office. The State Fiscal Officer may, upon his
71 determination of need based upon a finding that funds will not be
72 available within the period for which the budget is drawn,
73 transfer funds as provided in Section 27-103-203, from the Working
74 Cash-Stabilization Reserve Fund to the General Fund to supplement
75 the general fund revenue. In the event that the estimates of
76 general funds and state-source special funds of all general fund
77 and special fund agencies, and of the "administration and other
78 expenses" budget of the State Highway Department, have been
79 reduced by five percent (5%), additional reductions may be made
80 but shall consist of a uniform percentage reduction of general
81 funds and state-source special funds to all general fund and
82 special fund agencies, and to the "administration and other
83 expenses" budget of the State Highway Department. Any
84 state-source special funds reduced under the provisions of this
85 section shall be transferred to the State General Fund upon
86 requisitions for warrants signed by the respective agency head and
87 said transfer shall be made within a reasonable period to be
88 determined by the State Fiscal Officer.

89 For the purpose of this section, "state-source special funds"
90 shall be construed to mean any special funds in any agency derived
91 from any source, including any court-ordered settlement or other
92 payments received by a state general-fund agency or special-fund
93 agency as the result of litigation, but shall not include the

94 following special funds: special funds derived from federal
95 sources, from local or regional political subdivisions, or from
96 donations; special funds held in a fiduciary capacity for the
97 benefit of specific persons or classes of persons; self-generated
98 special funds of the state institutions of higher learning or the
99 state junior colleges; special funds of Mississippi Industries for
100 the Blind, the State Port at Gulfport, Yellow Creek Inland Port,
101 Pat Harrison Waterway District, Pearl River Basin Development
102 District, Pearl River Valley Water Management District, Tombigbee
103 River Valley Water Management District, Yellow Creek Watershed
104 Authority, or Coast Coliseum Commission; special funds of the
105 Department of Wildlife, Fisheries and Parks derived from the
106 issuance of hunting or fishing licenses; and special funds
107 generated by agencies whose primary function includes the
108 establishment of standards and the issuance of licenses for the
109 practice of a profession within the State of Mississippi.

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

112 31-17-123. The intent of the Legislature is to authorize
113 borrowing funds under the provisions of Sections 31-17-101 through
114 31-17-123 to offset any temporary cash flow deficiencies and
115 should not be construed to authorize the borrowing of any funds in
116 an amount which cannot be repaid during the fiscal year in which
117 such funds are borrowed. The State Tax Commission and University
118 Research Center, utilizing all available revenue forecast data,
119 shall annually develop a general fund revenue estimate to be
120 adopted by the Legislative Budget Office as of the date of sine
121 die adjournment. If, at the end of October, or at the end of any
122 month thereafter of any fiscal year, the revenues received for the
123 fiscal year shall fall below ninety-eight percent (98%) of the
124 Legislative Budget Office general fund revenue estimate at the
125 date of sine die adjournment, the State Fiscal Officer shall
126 reduce allocations of general funds and state-source special funds
127 to general fund and special fund agencies and to the
128 "administration and other expenses" budget of the State Highway

129 Department in an amount necessary to keep expenditures within the
130 sum of actual general fund receipts including any transfers to the
131 General Fund from the Working Cash-Stabilization Reserve Fund for
132 the fiscal year. The State Fiscal Officer may, upon his
133 determination of need based on the revenue shortfall, transfer
134 funds as provided in Section 27-103-203, from the Working
135 Cash-Stabilization Reserve Fund to the General Fund to supplement
136 the general fund revenue. State-source special funds in an amount
137 equal to any reduction made under the provisions of this section
138 shall be transferred to the State General Fund upon requisitions
139 for warrants signed by the respective agency head and such
140 transfer shall be made within a reasonable period to be determined
141 by the State Fiscal Officer. No agency's allocation shall be
142 reduced in an amount to exceed five percent (5%); however, in the
143 event that the allocations of general funds and state-source
144 special funds to all general fund and special fund agencies and to
145 the "administration and other expenses" budget of the State
146 Highway Department have been reduced by five percent (5%), any
147 additional reductions required to be made hereunder shall consist
148 of a uniform percentage reduction of general funds and
149 state-source special funds to all general fund and special fund
150 agencies, and to the "administration and other expenses" budget of
151 the State Highway Department. Any receipt from loans authorized
152 by Sections 31-17-101 through 31-17-123 shall not be included as
153 revenue receipts. The State Fiscal Officer shall immediately send
154 notice of any action taken under authority of this section to the
155 Legislative Budget Office.

156 For the purpose of this section, "state-source special funds"
157 shall be construed to mean any special funds in any agency derived
158 from any source, including any court-ordered settlement or other
159 payments received by a state general-fund agency or special-fund
160 agency as the result of litigation, but shall not include the
161 following special funds: special funds derived from federal
162 sources, from local or regional political subdivisions, or from
163 donations; special funds held in a fiduciary capacity for the

164 benefit of specific persons or classes of persons; self-generated
165 special funds of the state institutions of higher learning or the
166 state junior colleges; special funds of Mississippi Industries for
167 the Blind, the State Port at Gulfport, Yellow Creek Inland Port,
168 Pat Harrison Waterway District, Pearl River Basin Development
169 District, Pearl River Valley Water Management District, Tombigbee
170 River Valley Water Management District, Yellow Creek Watershed
171 Authority, or Coast Coliseum Commission; special funds of the
172 Department of Wildlife, Fisheries and Parks derived from the
173 issuance of hunting or fishing licenses; and special funds
174 generated by agencies whose primary function includes the
175 establishment of standards and the issuance of licenses for the
176 practice of a profession within the State of Mississippi.

177 **FURTHER, AMEND the title to conform.**