

By: Representatives Brown, Whittington

To: Appropriations

## HOUSE BILL NO. 431

1 AN ACT TO AMEND SECTION 27-104-13, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THAT THE STATE FISCAL OFFICER HAS THE DISCRETION TO  
3 REDUCE AND REVISE THE ESTIMATES OF FUNDS FOR ANY AGENCY IF AT ANY  
4 TIME HE FINDS THAT FUNDS WILL NOT BE AVAILABLE WITHIN THE PERIOD  
5 FOR WHICH THE BUDGET IS DRAWN; TO MOVE INTO THIS CODE SECTION THE  
6 LANGUAGE FROM SECTION 31-17-123, MISSISSIPPI CODE OF 1972, THAT  
7 REQUIRES THE STATE FISCAL OFFICER TO REDUCE ALLOCATIONS OF FUNDS  
8 TO AGENCIES AT THE END OF OCTOBER IF THE REVENUES FALL BELOW 98%  
9 OF THE SINE DIE GENERAL FUND REVENUE ESTIMATE; TO AMEND SECTION  
10 31-17-123, MISSISSIPPI CODE OF 1972, TO DELETE THE LANGUAGE THAT  
11 IS MOVED TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

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

15 27-104-13. (1) The State Fiscal Officer may disapprove or  
16 reduce and revise the estimates of general funds and state-source  
17 special funds for any general fund or special fund agency and for  
18 the "administration and other expenses" budget of the Mississippi  
19 Department of Transportation, in an amount not to exceed five  
20 percent (5%), if at any time he finds that funds will not be  
21 available within the period for which the budget is drawn, or if  
22 at any time he finds that the requested expenditures, or any part  
23 thereof, are not authorized by law, and that action shall be  
24 reported to the Legislative Budget Office.

25 The State Fiscal Officer may, upon his determination of need  
26 based upon a finding that funds will not be available within the  
27 period for which the budget is drawn, transfer funds as provided  
28 in Section 27-103-203, from the Working Cash-Stabilization Reserve  
29 Fund to the General Fund to supplement the general fund revenue.

30 If the estimates of general funds and state-source special  
31 funds of all general fund and special fund agencies and of the



32 "administration and other expenses" budget of the Mississippi  
33 Department of Transportation have been reduced by five percent  
34 (5%), additional reductions may be made, but shall consist of a  
35 uniform percentage reduction of general funds and state-source  
36 special funds to all general fund and special fund agencies and to  
37 the "administration and other expenses" budget of the Mississippi  
38 Department of Transportation.

39 Any state-source special funds reduced under the provisions  
40 of this subsection (1) shall be transferred to the State General  
41 Fund upon requisitions for warrants signed by the respective  
42 agency head, and the transfer shall be made within a reasonable  
43 period to be determined by the State Fiscal Officer.

44 (2) The State Tax Commission and University Research Center,  
45 utilizing all available revenue forecast data, shall annually  
46 develop a general fund revenue estimate to be adopted by the  
47 Legislative Budget Office as of the date of sine die adjournment.

48 If, at the end of October, or at the end of any month  
49 thereafter of any fiscal year, the revenues received for the  
50 fiscal year fall below ninety-eight percent (98%) of the  
51 Legislative Budget Office general fund revenue estimate at the  
52 date of sine die adjournment, the State Fiscal Officer shall  
53 reduce allocations of general funds and state-source special funds  
54 to general fund and special fund agencies and to the  
55 "administration and other expenses" budget of the Mississippi  
56 Department of Transportation, in an amount necessary to keep  
57 expenditures within the sum of actual general fund receipts,  
58 including any transfers to the General Fund from the Working  
59 Cash-Stabilization Reserve Fund for the fiscal year.

60 The State Fiscal Officer may, upon his determination of need  
61 based on the revenue shortfall, transfer funds as provided in  
62 Section 27-103-203 from the Working Cash-Stabilization Reserve  
63 Fund to the General Fund to supplement the general fund revenue.  
64 State-source special funds in an amount equal to any reduction



65 made under the provisions of this subsection (2) shall be  
66 transferred to the State General Fund upon requisitions for  
67 warrants signed by the respective agency head, and the transfer  
68 shall be made within a reasonable period to be determined by the  
69 State Fiscal Officer.

70 No agency's allocation shall be reduced in an amount to  
71 exceed five percent (5%); however, if the allocations of general  
72 funds and state-source special funds to all general fund and  
73 special fund agencies and to the "administration and other  
74 expenses" budget of the Mississippi Department of Transportation  
75 have been reduced by five percent (5%), any additional reductions  
76 required to be made under this subsection (2) shall consist of a  
77 uniform percentage reduction of general funds and state-source  
78 special funds to all general fund and special fund agencies and to  
79 the "administration and other expenses" budget of the Mississippi  
80 Department of Transportation. Any receipt from loans authorized  
81 by Sections 31-17-101 through 31-17-123 shall not be included as  
82 revenue receipts.

83 The State Fiscal Officer shall immediately send notice of any  
84 action taken under authority of this subsection (2) to the  
85 Legislative Budget Office.

86 (3) For the purpose of this section, the term "state-source  
87 special funds" \* \* \* means any special funds in any agency derived  
88 from any source, but shall not include the following special  
89 funds: special funds derived from federal sources, from local or  
90 regional political subdivisions, or from donations; special funds  
91 held in a fiduciary capacity for the benefit of specific persons  
92 or classes of persons; self-generated special funds of the state  
93 institutions of higher learning or the state community or junior  
94 colleges; special funds of Mississippi Industries for the Blind,  
95 the State Port at Gulfport, Yellow Creek Inland Port, Pat Harrison  
96 Waterway District, Pearl River Basin Development District, Pearl  
97 River Valley Water Management District, Tombigbee River Valley



98 Water Management District, Yellow Creek Watershed Authority, or  
99 Coast Coliseum Commission; special funds of the Department of  
100 Wildlife, Fisheries and Parks derived from the issuance of hunting  
101 or fishing licenses; and special funds generated by agencies whose  
102 primary function includes the establishment of standards and the  
103 issuance of licenses for the practice of a profession within the  
104 State of Mississippi.

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

107 31-17-123. The intent of the Legislature is to authorize  
108 borrowing funds under the provisions of Sections 31-17-101 through  
109 31-17-123 to offset any temporary cash flow deficiencies and  
110 should not be construed to authorize the borrowing of any funds in  
111 an amount that cannot be repaid during the fiscal year in which  
112 the funds are borrowed. \* \* \*

113 \* \* \*

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

