

By: Representative Watson

To: Appropriations

HOUSE BILL NO. 1375

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 event that the estimates of
24 general funds and state-source special funds of all general-fund
25 and special-fund agencies, and of the "administration and other
26 expenses" budget of the Department of Transportation, have been
27 reduced by five percent (5%), additional reductions may be made
28 but shall consist of a uniform percentage reduction of general



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

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

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

59 31-17-123. The intent of the Legislature is to authorize
60 borrowing funds under the provisions of Sections 31-17-101 through
61 31-17-123 to offset any temporary cash flow deficiencies and



62 should not be construed to authorize the borrowing of any funds in
63 an amount that cannot be repaid during the fiscal year in which
64 the funds are borrowed.

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



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

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

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

