

By: Representative Moak

To: Appropriations

HOUSE BILL NO. 1042

1 AN ACT TO AMEND SECTION 27-104-13, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THERE SHALL BE NO REDUCTION IN BUDGETS RELATED TO
3 THE CIVIL AND CRIMINAL JUSTICE SYSTEMS; AND FOR RELATED PURPOSES.

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

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

7 27-104-13. The State Fiscal Officer shall have the right to
8 disapprove or reduce and revise such estimates of general funds
9 and state-source special funds for any general-fund or
10 special-fund agency, and for the "administration and other
11 expenses" budget of the State Highway Department, in an amount not
12 to exceed five percent (5%) if he finds that funds will not be
13 available within the period for which the budget is drawn, or if
14 he finds that the requested expenditures, or any part thereof, are
15 not authorized by law, and such action shall be reported to the
16 Legislative Budget Office. The State Fiscal Officer may, upon his
17 determination of need based upon a finding that funds will not be
18 available within the period for which the budget is drawn,
19 transfer funds as provided in Section 27-103-203, from the Working
20 Cash-Stabilization Reserve Fund to the General Fund to supplement
21 the general-fund revenue. In the event that the estimates of
22 general funds and state-source special funds of all general-fund
23 and special-fund agencies, and of the "administration and other
24 expenses" budget of the State Highway Department, have been
25 reduced by five percent (5%), additional reductions may be made
26 but shall consist of a uniform percentage reduction of general
27 funds and state-source special funds to all general-fund and

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

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

54 It being vital to the maintenance of the economy and economic
55 growth of the state and for the maintenance of law and order in
56 the state that the criminal and civil justice systems continue to
57 function; there shall be no reduction in the budgets of the
58 district attorneys, including salaries of district attorneys,
59 assistant district attorneys, investigators, office allowance and
60 in-state travel; the supreme court justices, court of appeals

61 justices, the circuit and chancery court judges, the in-state
62 travel for those justices and judges and the budget of the
63 Administrative Office of Courts; the Mississippi Office of Capital
64 Post Conviction Council and their in-state travel and the
65 Mississippi Office of Capital Defense Council and their in-state
66 travel and the Office of the Attorney General.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2004.