

By: Representative Guice

To: Appropriations

## HOUSE BILL NO. 694

1 AN ACT TO PROHIBIT THE LEGISLATURE FROM ENACTING ANY LAW THAT  
2 PROVIDES FOR THE TRANSFER OF MONIES FROM RESERVED SPECIAL FUNDS TO  
3 THE STATE GENERAL FUND OR TO ANY OTHER FUND IN THE TREASURY FROM  
4 WHICH THE LEGISLATURE MAKES APPROPRIATIONS TO FUND THE GENERAL  
5 OPERATIONS AND PURPOSES OF STATE GOVERNMENT; TO DEFINE "RESERVED  
6 SPECIAL FUND" AS A SPECIAL FUND COMPOSED OF MONIES DERIVED FROM  
7 PAYMENTS MADE BY MEMBERS OF PROFESSIONS, OCCUPATIONS, BUSINESSES,  
8 INDUSTRIES, ORGANIZATIONS, ASSOCIATIONS, GOVERNMENTAL UNITS OR  
9 OTHER ENTITIES, WHICH MONIES ARE TO BE USED TO FUND REGULATORY  
10 ACTIVITIES REGARDING THOSE MEMBERS OR ENTITIES, OR TO PROVIDE  
11 SERVICES OR BENEFITS TO THOSE MEMBERS OR ENTITIES; AND FOR RELATED  
12 PURPOSES.

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

14 **SECTION 1.** (1) For the purposes of this section, the term  
15 "reserved special fund" means a special fund or account in the  
16 State Treasury that is composed of monies derived from fees,  
17 taxes, assessments, fines or other funds paid by members of a  
18 profession, occupation, business, industry, organization,  
19 association, governmental unit or other entity, which monies are  
20 reserved by law to be used to fund regulatory activities regarding  
21 those members or entities, or to provide services or benefits to  
22 those members or entities.

23 (2) The Legislature shall not enact any law that provides  
24 for the transfer of monies from any reserved special fund to the  
25 State General Fund or to any other fund or account in the State  
26 Treasury from which the Legislature makes appropriations to fund  
27 the general operations and purposes of state government.

28 (3) This section does not prohibit the enactment or  
29 existence of laws that authorize temporary transfers or loans of  
30 monies in reserved special funds to the State General Fund for the  
31 purpose of offsetting temporary cash flow deficiencies in the  
32 General Fund or maintaining a sufficient working balance in the

33 General Fund, if the law provides that (a) the transfers or loans  
34 may be made only from those reserved special funds that have cash  
35 balances in excess of their immediate needs, and (b) the monies  
36 transferred or loaned from the reserved special funds must be  
37 repaid in full before the end of the fiscal year in which the  
38 transfer or loan is made.

39       **SECTION 2.** This act shall take effect and be in force from  
40 and after July 1, 2005.