

By: Representative Moak

To: Appropriations

HOUSE BILL NO. 945

1 AN ACT TO AMEND SECTIONS 27-104-13 AND 31-17-123, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT THERE SHALL BE NO REDUCTION IN
3 BUDGETS RELATED TO THE CIVIL AND CRIMINAL JUSTICE SYSTEMS; AND FOR
4 RELATED PURPOSES.

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

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

8 27-104-13. (1) The State Fiscal Officer shall have the
9 right to disapprove or reduce and revise such estimates of general
10 funds and state-source special funds for any general-fund or
11 special-fund agency and for the "administration and other
12 expenses" budget of the Mississippi Department of Transportation
13 in an amount not to exceed five percent (5%) if he finds that
14 funds will not be available within the period for which the budget
15 is drawn, or if he finds that the requested expenditures, or any
16 part thereof, are not authorized by law, and that action shall be
17 reported to the Legislative Budget Office. The State Fiscal
18 Officer may, upon his determination of need based upon a finding
19 that funds will not be available within the period for which the
20 budget is drawn, transfer funds as provided in Section 27-103-203
21 from the Working Cash-Stabilization Reserve Fund to the General
22 Fund to supplement the general-fund revenue. If the estimates of
23 general funds and state-source special funds of all general-fund
24 and special-fund agencies and of the "administration and other
25 expenses" budget of the Mississippi Department of Transportation
26 have been reduced by five percent (5%), additional reductions may
27 be made but shall consist of a uniform percentage reduction of
28 general funds and state-source special funds to all general-fund

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

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

55 (3) Notwithstanding any provision of this section, it being
56 vital to the maintenance of the economy and economic growth of the
57 state and for the maintenance of law and order in the state that
58 the criminal and civil justice systems continue to function, there
59 shall be no reduction in the budgets of the district attorneys,
60 including salaries of district attorneys, assistant district
61 attorneys, investigators, office allowance and in-state travel;

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

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

71 31-17-123. (1) The intent of the Legislature is to
72 authorize borrowing funds under the provisions of Sections
73 31-17-101 through 31-17-123 to offset any temporary cash flow
74 deficiencies and should not be construed to authorize the
75 borrowing of any funds in an amount that cannot be repaid during
76 the fiscal year in which the funds are borrowed.

77 (2) The State Tax Commission and University Research Center,
78 utilizing all available revenue forecast data, shall annually
79 develop a general fund revenue estimate to be adopted by the
80 Legislative Budget Office as of the date of sine die adjournment.
81 If, at the end of October, or at the end of any month thereafter
82 of any fiscal year, the revenues received for the fiscal year
83 * * * fall below ninety-eight percent (98%) of the Legislative
84 Budget Office general fund revenue estimate at the date of sine
85 die adjournment, the State Fiscal Officer shall reduce allocations
86 of general funds and state-source special funds to general fund
87 and special fund agencies and to the "administration and other
88 expenses" budget of the Mississippi Department of Transportation
89 in an amount necessary to keep expenditures within the sum of
90 actual general fund receipts, including any transfers to the
91 General Fund from the Working Cash-Stabilization Reserve Fund for
92 the fiscal year. The State Fiscal Officer may, upon his
93 determination of need based on the revenue shortfall, transfer
94 funds as provided in Section 27-103-203 from the Working

95 Cash-Stabilization Reserve Fund to the General Fund to supplement
96 the general fund revenue. State-source special funds in an amount
97 equal to any reduction made under the provisions of this section
98 shall be transferred to the State General Fund upon requisitions
99 for warrants signed by the respective agency head, and the
100 transfer shall be made within a reasonable period to be determined
101 by the State Fiscal Officer. No agency's allocation shall be
102 reduced in an amount to exceed five percent (5%); however, if the
103 allocations of general funds and state-source special funds to all
104 general fund and special fund agencies and to the "administration
105 and other expenses" budget of the * * * Department of
106 Transportation have been reduced by five percent (5%), any
107 additional reductions required to be made under this section
108 shall consist of a uniform percentage reduction of general funds
109 and state-source special funds to all general fund and special
110 fund agencies and to the "administration and other expenses"
111 budget of the Mississippi Department of Transportation. Any
112 receipt from loans authorized by Sections 31-17-101 through
113 31-17-123 shall not be included as revenue receipts. The State
114 Fiscal Officer shall immediately send notice of any action taken
115 under authority of this section to the Legislative Budget Office.

116 (3) For the purpose of this section, "state-source special
117 funds" shall be construed to mean any special funds in any agency
118 derived from any source, but shall not include the following
119 special funds: special funds derived from federal sources, from
120 local or regional political subdivisions, or from donations;
121 special funds held in a fiduciary capacity for the benefit of
122 specific persons or classes of persons; self-generated special
123 funds of the state institutions of higher learning or the state
124 junior colleges; special funds of Mississippi Industries for the
125 Blind, the State Port at Gulfport, Yellow Creek Inland Port, Pat
126 Harrison Waterway District, Pearl River Basin Development
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129 Authority, or Coast Coliseum Commission; special funds of the
130 Department of Wildlife, Fisheries and Parks derived from the
131 issuance of hunting or fishing licenses; and special funds
132 generated by agencies whose primary function includes the
133 establishment of standards and the issuance of licenses for the
134 practice of a profession within the State of Mississippi.

135 (4) Notwithstanding any provision of this section, it being
136 vital to the maintenance of the economy and economic growth of the
137 state and for the maintenance of law and order in the state that
138 the criminal and civil justice systems continue to function, there
139 shall be no reduction in the budgets of the district attorneys,
140 including salaries of district attorneys, assistant district
141 attorneys, investigators, office allowance and in-state travel;
142 the Supreme Court justices, court of appeals justices, the circuit
143 and chancery court judges, the in-state travel for those justices
144 and judges and the budget of the Administrative Office of Courts;
145 the Mississippi Office of Capital Post Conviction Council and
146 their in-state travel; the Mississippi Office of Capital Defense
147 Council and their in-state travel; and the Office of the Attorney
148 General.

149 **SECTION 3.** This act shall take effect and be in force from
150 and after July 1, 2005.