

By: Representative Guice

To: Constitution;
Appropriations

HOUSE CONCURRENT RESOLUTION NO. 24

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI
2 CONSTITUTION OF 1890 BY CREATING A NEW SECTION 101A TO PROHIBIT
3 THE LEGISLATURE FROM ENACTING ANY LAW THAT PROVIDES FOR THE
4 TRANSFER OF MONIES FROM RESERVED SPECIAL FUNDS TO THE STATE
5 GENERAL FUND OR TO ANY OTHER FUND IN THE TREASURY FROM WHICH THE
6 LEGISLATURE MAKES APPROPRIATIONS TO FUND THE GENERAL OPERATIONS
7 AND PURPOSES OF STATE GOVERNMENT; TO DEFINE "RESERVED SPECIAL
8 FUND" AS A SPECIAL FUND COMPOSED OF MONIES DERIVED FROM PAYMENTS
9 MADE BY MEMBERS OF PROFESSIONS, OCCUPATIONS, BUSINESSES,
10 INDUSTRIES, ORGANIZATIONS, ASSOCIATIONS, GOVERNMENTAL UNITS OR
11 OTHER ENTITIES, WHICH MONIES ARE TO BE USED TO FUND REGULATORY
12 ACTIVITIES REGARDING THOSE MEMBERS OR ENTITIES, OR TO PROVIDE
13 SERVICES OR BENEFITS TO THOSE MEMBERS OR ENTITIES; AND FOR RELATED
14 PURPOSES.

15 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
16 MISSISSIPPI, That the following amendment to the Mississippi
17 Constitution of 1890 is proposed to the qualified electors of the
18 state:

19 Amend the Mississippi Constitution of 1890 to create a new
20 Section 101A to read as follows:

21 Section 101A. (1) For the purposes of this section, the
22 term "reserved special fund" means a special fund or account in
23 the State Treasury that is composed of monies derived from fees,
24 taxes, assessments, fines or other funds paid by members of a
25 profession, occupation, business, industry, organization,
26 association, governmental unit or other entity, which monies are
27 reserved by law to be used to fund regulatory activities regarding
28 those members or entities, or to provide services or benefits to
29 those members or entities.

30 (2) The Legislature shall not enact any law that provides
31 for the transfer of monies from any reserved special fund to the
32 State General Fund or to any other fund or account in the State

33 Treasury from which the Legislature makes appropriations to fund
34 the general operations and purposes of state government.

35 (3) This section does not prohibit the enactment or
36 existence of laws that authorize temporary transfers or loans of
37 monies in reserved special funds to the State General Fund for the
38 purpose of offsetting temporary cash flow deficiencies in the
39 General Fund or maintaining a sufficient working balance in the
40 General Fund, if the law provides that (a) the transfers or loans
41 may be made only from those reserved special funds that have cash
42 balances in excess of their immediate needs, and (b) the monies
43 transferred or loaned from the reserved special funds must be
44 repaid in full before the end of the fiscal year in which the
45 transfer or loan is made."

46 BE IT FURTHER RESOLVED, That this proposed amendment shall be
47 submitted by the Secretary of State to the qualified electors at
48 an election to be held on the first Tuesday after the first Monday
49 of November 2006, as provided by Section 273 of the Constitution
50 and by general law.

51 BE IT FURTHER RESOLVED, That the explanation of this proposed
52 amendment for the ballot shall read as follows: "This proposed
53 constitutional amendment prohibits the Legislature from enacting
54 laws that provide for monies to be transferred from reserved
55 special funds to the State General Fund to fund the general
56 operations of state government; and defines "reserved special
57 fund" as a fund composed of monies from members of professions,
58 businesses, organizations or other entities, which monies are to
59 be used to fund regulatory activities regarding, or provide
60 services or benefits to, those members or entities."