

By: Senator(s) Albritton

To: Appropriations

SENATE BILL NO. 2818

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

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

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

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

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

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