

By: Representative Moak

To: Appropriations

HOUSE BILL NO. 277

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. (1) The State Fiscal Officer may disapprove or
8 reduce and revise the estimates of general funds and state-source
9 special funds for any general fund or special fund agency and for
10 the "administration and other expenses" budget of the Mississippi
11 Department of Transportation, in an amount not to exceed five
12 percent (5%), if at any time he finds that funds will not be
13 available within the period for which the budget is drawn, or if
14 at any time he finds that the requested expenditures, or any part
15 thereof, are not authorized by law, and that action shall be
16 reported to the Legislative Budget Office.

17 The State Fiscal Officer may, upon his determination of need
18 based upon a finding that funds will not be available within the
19 period for which the budget is drawn, transfer funds as provided
20 in Section 27-103-203, from the Working Cash-Stabilization Reserve
21 Fund to the General Fund to supplement the general fund revenue.

22 If the estimates of general funds and state-source special
23 funds of 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 to
29 the "administration and other expenses" budget of the Mississippi
30 Department of Transportation.

31 Any state-source special funds reduced under the provisions
32 of this subsection (1) shall be transferred to the State General
33 Fund upon requisitions for warrants signed by the respective
34 agency head, and the transfer shall be made within a reasonable
35 period to be determined by the State Fiscal Officer.

36 (2) The State Tax Commission and University Research Center,
37 utilizing all available revenue forecast data, shall annually
38 develop a general fund revenue estimate to be adopted by the
39 Legislative Budget Office as of the date of sine die adjournment.

40 If, at the end of October, or at the end of any month
41 thereafter of any fiscal year, the revenues received for the
42 fiscal year fall below ninety-eight percent (98%) of the
43 Legislative Budget Office general fund revenue estimate at the
44 date of sine die adjournment, the State Fiscal Officer shall
45 reduce allocations of general funds and state-source special funds
46 to general fund and special fund agencies and to the
47 "administration and other expenses" budget of the Mississippi
48 Department of Transportation, in an amount necessary to keep
49 expenditures within the sum of actual general fund receipts,
50 including any transfers to the General Fund from the Working
51 Cash-Stabilization Reserve Fund for the fiscal year.

52 The State Fiscal Officer may, upon his determination of need
53 based on the revenue shortfall, transfer funds as provided in
54 Section 27-103-203 from the Working Cash-Stabilization Reserve
55 Fund to the General Fund to supplement the general fund revenue.
56 State-source special funds in an amount equal to any reduction
57 made under the provisions of this subsection (2) shall be
58 transferred to the State General Fund upon requisitions for
59 warrants signed by the respective agency head, and the transfer

60 shall be made within a reasonable period to be determined by the
61 State Fiscal Officer.

62 No agency's allocation shall be reduced in an amount to
63 exceed five percent (5%); however, if the allocations of general
64 funds and state-source special funds to all general fund and
65 special fund agencies and to the "administration and other
66 expenses" budget of the Mississippi Department of Transportation
67 have been reduced by five percent (5%), any additional reductions
68 required to be made under this subsection (2) shall consist of a
69 uniform percentage reduction of general funds and state-source
70 special funds to all general fund and special fund agencies and to
71 the "administration and other expenses" budget of the Mississippi
72 Department of Transportation. Any receipt from loans authorized
73 by Sections 31-17-101 through 31-17-123 shall not be included as
74 revenue receipts.

75 The State Fiscal Officer shall immediately send notice of any
76 action taken under authority of this subsection (2) to the
77 Legislative Budget Office.

78 The provisions of this subsection (2) requiring the State
79 Fiscal Officer to reduce allocations of general funds and
80 state-source special funds to general fund and special fund
81 agencies and to the "administration and other expenses" budget of
82 the Mississippi Department of Transportation shall be suspended
83 during the period from the effective date of this act through June
84 30, 2006.

85 (3) For the purpose of this section, the term "state-source
86 special funds" means any special funds in any agency derived from
87 any source, but shall not include the following special funds:
88 special funds derived from federal sources, from local or regional
89 political subdivisions, from agricultural commodity assessments,
90 or from donations; special funds held in a fiduciary capacity for
91 the benefit of specific persons or classes of persons;
92 self-generated special funds of the state institutions of higher

93 learning or the state community or junior colleges; special funds
94 of Mississippi Industries for the Blind, the State Port at
95 Gulfport, Yellow Creek Inland Port, Pat Harrison Waterway
96 District, Pearl River Basin Development District, Pearl River
97 Valley Water Management District, Tombigbee River Valley Water
98 Management District, Yellow Creek Watershed Authority, or Coast
99 Coliseum Commission; special funds of the Department of Wildlife,
100 Fisheries and Parks derived from the issuance of hunting or
101 fishing licenses; and special funds generated by agencies whose
102 primary function includes the establishment of standards and the
103 issuance of licenses for the practice of a profession within the
104 State of Mississippi.

105 (4) Notwithstanding any provision of this section, it being
106 vital to the maintenance of the economy and economic growth of the
107 state and for the maintenance of law and order in the state that
108 the criminal and civil justice systems continue to function, there
109 shall be no reduction in the budgets of the district attorneys,
110 including salaries of district attorneys, assistant district
111 attorneys, investigators, office allowance and in-state travel;
112 the Supreme Court justices, court of appeals justices, the circuit
113 and chancery court judges, the in-state travel for those justices
114 and judges and the budget of the Administrative Office of Courts;
115 the Mississippi Office of Capital Post Conviction Council and
116 their in-state travel; the Mississippi Office of Capital Defense
117 Council and their in-state travel; and the Office of the Attorney
118 General.

119 **SECTION 2.** This act shall take effect and be in force from
120 and after July 1, 2006.