

By: Representative Moak

To: Appropriations

HOUSE BILL NO. 50

1 AN ACT TO AMEND SECTION 27-104-13, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE STATE FISCAL OFFICER SHALL NOT REDUCE THE
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 may disapprove or
9 reduce and revise the estimates of general funds and state-source
10 special funds for any general fund or special fund agency and for
11 the "administration and other expenses" budget of the Mississippi
12 Department of Transportation, in an amount not to exceed five
13 percent (5%), if at any time he finds that funds will not be
14 available within the period for which the budget is drawn, or if
15 at any time he finds that the requested expenditures, or any part
16 thereof, are not authorized by law, and that action shall be
17 reported to the Legislative Budget Office.

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

23 If the estimates of general funds and state-source special
24 funds of all general fund and special fund agencies and of the
25 "administration and other expenses" budget of the Mississippi
26 Department of Transportation have been reduced by five percent
27 (5%), additional reductions may be made, but shall consist of a
28 uniform percentage reduction of general funds and state-source



29 special funds to all general fund and special fund agencies and to
30 the "administration and other expenses" budget of the Mississippi
31 Department of Transportation.

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

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

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

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



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

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

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

79 The provisions of this subsection (2) requiring the State
80 Fiscal Officer to reduce allocations of general funds and
81 state-source special funds to general fund and special fund
82 agencies and to the "administration and other expenses" budget of
83 the Mississippi Department of Transportation shall be suspended
84 during the period from the effective date of this act through June
85 30, 2006.

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



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

106 (4) Notwithstanding any provision of this section, it being
107 vital to the maintenance of the economy and economic growth of the
108 state and for the maintenance of law and order in the state that
109 the criminal and civil justice systems function at the levels
110 authorized by the Legislature in the appropriation bills for that
111 purpose, the State Fiscal Officer shall not reduce the budgets of
112 the district attorneys, including salaries of district attorneys,
113 assistant district attorneys, investigators, office allowance and
114 in-state travel; the Supreme Court justices, Court of Appeals
115 justices, the circuit and chancery court judges, the in-state
116 travel for those justices and judges and the budget of the
117 Administrative Office of Courts; the Mississippi Office of Capital
118 Post Conviction Council and their in-state travel; the Mississippi
119 Office of Capital Defense Council and their in-state travel; and
120 the Office of the Attorney General.

121 **SECTION 2.** This act shall take effect and be in force from
122 and after July 1, 2007.

