

By: Senator(s) Horhn

To: Education;
Appropriations

SENATE BILL NO. 2328

1 AN ACT TO AMEND SECTION 27-104-13, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM FROM MID-YEAR
3 BUDGET REDUCTIONS; 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 and the Office of State Aid Road
12 Construction, in an amount not to exceed five percent (5%), if at
13 any time he finds that funds will not be available within the
14 period for which the budget is drawn, or if at any time he finds
15 that the requested expenditures, or any part thereof, are not
16 authorized by law, and that action shall be reported to the
17 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 and the Office of State Aid Road
27 Construction have been reduced by five percent (5%), additional
28 reductions may be made, but shall consist of a uniform percentage
29 reduction of general funds and state-source special funds to all
30 general fund and special fund agencies and to the "administration
31 and other expenses" budget of the Mississippi Department of
32 Transportation and the Office of State Aid Road Construction.

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

38 The provisions of this subsection (1) authorizing the State
39 Fiscal Officer to disapprove or reduce and revise the estimates of
40 general funds and state-source special funds for the
41 "administration and other expenses" budget of the Mississippi
42 Department of Transportation and the Office of State Aid Road



43 Construction shall be suspended during the period from June 30,
44 2009, through June 30, 2010.

45 (2) The Department of Revenue and University Research
46 Center, utilizing all available revenue forecast data, shall
47 annually develop a general fund revenue estimate to be adopted by
48 the Joint Legislative Budget Committee as of the date of sine die
49 adjournment. If, at the end of October, or at the end of any
50 month thereafter of any fiscal year, the revenues received for the
51 fiscal year fall below ninety-eight percent (98%) of the general
52 fund revenue estimate adopted by the Joint Legislative Budget
53 Committee at the date of sine die adjournment, the State Fiscal
54 Officer shall reduce allocations of general funds and state-source
55 special funds to general fund and special fund agencies and to the
56 "administration and other expenses" budget of the Mississippi
57 Department of Transportation and the Office of State Aid Road
58 Construction, in an amount necessary to keep expenditures within
59 the sum of actual general fund receipts, including any transfers
60 to the General Fund from the Working Cash-Stabilization Reserve
61 Fund for the fiscal year.

62 The State Fiscal Officer may, upon his determination of need
63 based on the revenue shortfall, transfer funds as provided in
64 Section 27-103-203 from the Working Cash-Stabilization Reserve
65 Fund to the General Fund to supplement the general fund revenue.
66 State-source special funds in an amount equal to any reduction
67 made under the provisions of this subsection (2) shall be



68 transferred to the State General Fund upon requisitions for
69 warrants signed by the respective agency head, and the transfer
70 shall be made within a reasonable period to be determined by the
71 State Fiscal Officer.

72 No agency's allocation shall be reduced in an amount to
73 exceed five percent (5%); however, if the allocations of general
74 funds and state-source special funds to all general fund and
75 special fund agencies and to the "administration and other
76 expenses" budget of the Mississippi Department of Transportation
77 and the Office of State Aid Road Construction have been reduced by
78 five percent (5%), any additional reductions required to be made
79 under this subsection (2) shall consist of a uniform percentage
80 reduction of general funds and state-source special funds to all
81 general fund and special fund agencies and to the "administration
82 and other expenses" budget of the Mississippi Department of
83 Transportation and the Office of State Aid Road Construction. Any
84 receipt from loans authorized by Sections 31-17-101 through
85 31-17-123 shall not be included as revenue receipts.

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

89 The provisions of this subsection (2) requiring the State
90 Fiscal Officer to reduce allocations of general funds and
91 state-source special funds to general fund and special fund
92 agencies and to the "administration and other expenses" budget of



93 the Mississippi Department of Transportation shall be suspended
94 during the period from June 30, 2009, through June 30, 2010.

95 (3) For the purpose of this section, the term "state-source
96 special funds" means any special funds in any agency derived from
97 any source, but shall not include the following special funds:
98 special funds derived from federal sources, from local or regional
99 political subdivisions, from agricultural commodity assessments,
100 or from donations; special funds derived from additional fees paid
101 for the issuance of distinctive motor vehicle license tags or
102 plates authorized under the provisions of Chapter 19, Title 27,
103 Mississippi Code of 1972; special funds held in a fiduciary
104 capacity for the benefit of specific persons or classes of
105 persons; special funds of the Mississippi Veterans Affairs Board
106 that are paid to the board by the veteran residents of state
107 veterans homes to fund their monthly expenses at the state
108 veterans homes; self-generated special funds of the state
109 institutions of higher learning or the state community or junior
110 colleges; special funds of Mississippi Industries for the Blind,
111 the State Port at Gulfport, Yellow Creek Inland Port, Pat Harrison
112 Waterway District, Pearl River Basin Development District, Pearl
113 River Valley Water Management District, Tombigbee River Valley
114 Water Management District, Yellow Creek Watershed Authority, or
115 Coast Coliseum Commission; special funds of the Department of
116 Wildlife, Fisheries and Parks and the Department of Marine
117 Resources derived from the issuance of hunting or fishing



118 licenses; and special funds generated by agencies whose primary
119 function includes the establishment of standards and the issuance
120 of licenses for the practice of a profession within the State of
121 Mississippi. The Mississippi School of the Arts established in
122 Section 37-140-1 et seq., the Mississippi School for the Blind and
123 Deaf established in Section 43-5-1 et seq., and the Mississippi
124 School for Mathematics and Science established in Section 37-139-1
125 et seq., shall be subject to any mid-year budget revisions or
126 reductions imposed by the State Fiscal Officer under this section
127 only to the same extent as is applicable to other school districts
128 in the state. Funds allocated for the Mississippi Adequate
129 Education Program shall be exempt from any budget reductions
130 required under this section.

131 **SECTION 2.** This act shall take effect and be in force from
132 and after July 1, 2023.

