

By: Senator(s) Hall

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2043

1 AN ACT TO CREATE SECTION 27-103-140, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT BEGINNING WITH THE 2000 REGULAR SESSION THE
3 LEGISLATURE SHALL ENACT ONE GENERAL APPROPRIATION BILL FOR ALL
4 STATE GENERAL FUND AGENCIES; TO AMEND SECTIONS 27-103-103 AND
5 27-104-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
6 FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. The following provision shall be codified as
9 Section 27-103-140, Mississippi Code of 1972:

10 27-103-140. Beginning with the 2000 Regular Session, the
11 Legislature shall enact one (1) general appropriation bill to
12 defray the expenses of all state general fund agencies as defined
13 in Section 27-103-103, Mississippi Code of 1972. All state
14 special fund appropriations, including the appropriation for the
15 State Department of Transportation and the Division of State Aid
16 Road Construction of the State Department of Transportation, may
17 be made by separate bills.

18 SECTION 2. Section 27-103-103, Mississippi Code of 1972, is
19 amended as follows:

20 27-103-103. (1) For the purposes of Sections 27-103-101
21 through 27-103-139 and 27-104-1 through 27-104-27, the term "state
22 general fund agency" or "general fund agency" shall mean any
23 agency, department, institution, board or commission of the State
24 of Mississippi which is supported in whole or in part by an
25 appropriation from the General Fund in the single appropriation
26 bill for general fund agencies; but such term shall not include
27 the Legislature.

28 (2) For the purposes of Sections 27-103-101 through

29 27-103-139 and 27-104-1 through 27-104-27, the term "state special
30 fund agency" or "special fund agency" shall mean any agency,
31 department, institution, board or commission of the State of
32 Mississippi which receives no appropriation from the General Fund
33 but which is supported entirely from special fund sources, by
34 appropriation or otherwise; but such term shall not include the
35 State Department of Transportation nor shall such term include the
36 Mississippi Industries for the Blind.

37 (3) For the purposes of Sections 27-103-101 through
38 27-103-139 and 27-104-1 through 27-104-27, the term "state agency"
39 shall mean any general fund agency or special fund agency as
40 defined in this section, or the State Department of Transportation
41 or the Division of State Aid Road Construction of the State
42 Department of Transportation, as is evident from the context
43 wherein it is used.

44 (4) For the purposes of Sections 27-103-101 through
45 27-103-139 and 27-104-1 through 27-104-27, the term "special
46 funds" shall mean all revenues and/or income other than
47 appropriations from the State General Fund which are received,
48 collected by, or available for the support of or expenditure by
49 any state general fund agency or special fund agency or the State
50 Department of Transportation or the Division of State Aid Road
51 Construction of the State Department of Transportation, whether
52 such funds be derived from taxes or fees collected by or for such
53 general fund agency or special fund agency or the State Department
54 of Transportation or the Division of State Aid Road Construction
55 of the State Department of Transportation, as the case may be, or
56 from any other types of revenue from any other source.

57 (5) For the purposes of Sections 27-103-101 through
58 27-103-139 and 27-104-1 through 27-104-27, the term "special
59 funds" shall include revolving funds and all funds received from
60 the United States government by any state general fund agency or
61 special fund agency, but shall not include any revolving fund

62 established prior to July 1, 1984, for the purpose of paying or
63 retiring any indebtedness as is authorized by statute.

64 SECTION 3. Section 27-104-25, Mississippi Code of 1972, is
65 amended as follows:

66 27-104-25. (1) The executive head and business manager of
67 each state agency shall be responsible for all obligations or
68 indebtedness incurred in the name of the agency, or by any
69 employee for them when incurred by such employee acting within the
70 scope of his employment.

71 (2) No obligations or indebtedness shall be incurred by any
72 such person during any allotment period in excess of the amount of
73 the estimate approved by the Department of Finance and
74 Administration or in the * * * appropriation bill for the agency.

75 If a claim arising from orders for goods or services from the
76 prior fiscal year is presented within one (1) year and (a) the
77 payment of a claim does not cause an agency to exceed the amount
78 of its prior year budget estimate as approved by the Department of
79 Finance and Administration or its appropriation bill, and (b)
80 sufficient funds remain in the current fiscal year's allotment to
81 pay the claim, the State Treasurer, upon approval of the claim by
82 the Department of Finance and Administration, shall draw a warrant
83 in payment of the claim.

84 (3) Contractual obligations, such as salary contracts, shall
85 be considered as incurred within the fiscal period in which they
86 are to be paid, and are to be encumbered against funds to be
87 available in that fiscal period, and shall include appropriate
88 cancellation clauses in the event the anticipated revenues from
89 which they are to be paid do not become available.

90 (4) Agencies having special funds, as defined in Section
91 27-103-103, shall not incur obligations or indebtedness against
92 such special funds in an amount in excess of revenues actually
93 anticipated and budgeted.

94 (5) If obligations or indebtedness shall be incurred

95 contrary to the provisions hereof, then neither the State of
96 Mississippi nor the agency shall have any liability therefor, and
97 the person, firm or corporation to whom the obligation or
98 indebtedness is due may recover the amount of the obligation or
99 indebtedness and twenty-five percent (25%) of the amount as
100 liquidated damages from the responsible officers, either
101 personally or upon their official bonds, either severally or
102 jointly.

103 SECTION 4. This act shall take effect and be in force from
104 and after July 1, 1999.