

By: Senator(s) Dearing, Gordon

To: Highways and  
Transportation;  
Appropriations

SENATE BILL NO. 2133

1 AN ACT TO CREATE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
2 EQUIPMENT PURCHASE FUND; TO REQUIRE CERTAIN FUNDS TO BE DEPOSITED  
3 INTO SUCH FUND; TO AUTHORIZE MONEY IN SUCH FUND TO BE DISBURSED  
4 UPON REQUISITIONS SIGNED BY THE EXECUTIVE DIRECTOR OF THE  
5 MISSISSIPPI DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION  
6 27-104-27, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND  
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** There is hereby created in the State Treasury a  
10 special fund to be designated as the Mississippi Department of  
11 Transportation Equipment Purchase Fund into which shall be  
12 deposited such funds as may be appropriated by the Legislature,  
13 any funds obtained from the "buy back" option offered by equipment  
14 manufacturers or suppliers of certain types of equipment, funds  
15 obtained from the sale of equipment by the Mississippi Department  
16 of Transportation and funds obtained from insurance settlements  
17 with regard to equipment utilized by the Mississippi Department of  
18 Transportation. Money deposited into the fund shall not lapse at  
19 the end of any fiscal year and investment earnings on the proceeds  
20 in such special fund shall be deposited into such fund. Money  
21 from such fund shall be disbursed therefrom upon warrants issued  
22 by the State Fiscal Officer upon requisitions signed by the  
23 Executive Director of the Mississippi Department of Transportation  
24 to purchase or lease equipment for the Mississippi Department of  
25 Transportation.

26 **SECTION 2.** Section 27-104-27, Mississippi Code of 1972, is  
27 amended as follows:

28 27-104-27. Notwithstanding anything in Sections 27-103-101  
29 through 27-103-139 and 27-104-1 through 27-104-29 contained, the



30 same shall not be construed to apply to any agency supported  
31 wholly by funds granted or allotted under any act of Congress.  
32 The State Auditor of Public Accounts and after July 1, 1986, the  
33 State Fiscal Officer shall determine which special fund accounts  
34 in the State Treasury require an appropriation act and request an  
35 appropriation for such special fund accounts. For all other  
36 special fund accounts, the State Auditor of Public Accounts, or  
37 the State Fiscal Officer after July 1, 1986, shall certify that  
38 such accounts do not require an appropriation. The Legislative  
39 Budget Office shall recommend an appropriation for each special  
40 fund account existing in the State Treasury so certified as  
41 requiring an appropriation, unless exempted as hereinafter  
42 provided. In the event the Legislative Budget Committee and the  
43 State Fiscal Officer find that any state agency should not be  
44 included under the provisions of Sections 27-103-101 through  
45 27-103-139 and 27-104-1 through 27-104-29, then the said committee  
46 and officer may, in their discretion, exempt said state agency  
47 from the provisions thereof. Sections 27-103-101 through  
48 27-103-139 and 27-104-1 through 27-104-29 shall not apply to funds  
49 collected and disbursed by a state agency created and existing  
50 under the provisions of Sections 73-3-101 through 73-3-169.  
51 Sections 27-103-101 through 27-103-139 and 27-104-1 through  
52 27-104-29 shall not apply to funds deposited into the special fund  
53 created pursuant to Section 45-9-101, the special fund created  
54 pursuant to Section 69-37-39, the special fund created pursuant to  
55 Section 1 of Chapter 521, Laws of 1999, the special fund created  
56 pursuant to Section 31-17-127 or the special fund created pursuant  
57 to Section 1 of Senate Bill No. 2133, 2002 Regular Session.

58 The State Fiscal Officer shall not promulgate or attempt to  
59 enforce any rule, order or regulation which is not in accordance  
60 with the provisions of a legally executed trust indenture  
61 agreement, nor shall Sections 27-103-101 through 27-103-139 and  
62 27-104-1 through 27-104-29 be construed to apply to funds



63 collected and disbursed by a state agency under Sections 65-33-45  
64 and 65-33-47.

65           **SECTION 3.** This act shall take effect and be in force from  
66 and after July 1, 2002.

