MISSISSIPPI LEGISLATURE REGULAR SESSION 2002
By: Senator(s) Dearing, Gordon
To: Highways and Transportation; Appropriations

SENATE BILL NO. 2133
(As Sent to Governor)

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

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

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

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

27-104-27. Notwithstanding anything in Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29 contained, the
same shall not be construed to apply to any agency supported
wholly by funds granted or allotted under any act of Congress.

The State Auditor of Public Accounts and after July 1, 1986, the
State Fiscal Officer shall determine which special fund accounts
in the State Treasury require an appropriation act and request an
appropriation for such special fund accounts. For all other
special fund accounts, the State Auditor of Public Accounts, or
the State Fiscal Officer after July 1, 1986, shall certify that
such accounts do not require an appropriation. The Legislative
Budget Office shall recommend an appropriation for each special
fund account existing in the State Treasury so certified as
requiring an appropriation, unless exempted as hereinafter
provided. In the event the Legislative Budget Committee and the
State Fiscal Officer find that any state agency should not be
included under the provisions of Sections 27-103-101 through
27-103-139 and 27-104-1 through 27-104-29, then the said committee
and officer may, in their discretion, exempt said state agency
from the provisions thereof. Sections 27-103-101 through
27-103-139 and 27-104-1 through 27-104-29 shall not apply to funds
collected and disbursed by a state agency created and existing
under the provisions of Sections 73-3-101 through 73-3-169.
Sections 27-103-101 through 27-103-139 and 27-104-1 through
27-104-29 shall not apply to funds deposited into the special fund
created pursuant to Section 45-9-101, the special fund created
pursuant to Section 69-37-39, the special fund created pursuant to
Section 1 of Chapter 521, Laws of 1999, the special fund created
pursuant to Section 31-17-127 or the special fund created pursuant
to Section 1 of Senate Bill No. 2133, 2002 Regular Session.

The State Fiscal Officer shall not promulgate or attempt to
enforce any rule, order or regulation which is not in accordance
with the provisions of a legally executed trust indenture
agreement, nor shall Sections 27-103-101 through 27-103-139 and
27-104-1 through 27-104-29 be construed to apply to funds
collected and disbursed by a state agency under Sections 65-33-45
and 65-33-47.

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