SENATE BILL NO. 2115

AN ACT TO AMEND SECTIONS 27-103-103 AND 27-104-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT COURT-ORDERED PAYMENTS TO ANY STATE AGENCY SHALL BE CONSIDERED "STATE-SOURCE SPECIAL FUNDS" AND SUBJECT TO BUDGETING AND LEGISLATIVE APPROPRIATION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 27-103-103, Mississippi Code of 1972, is amended as follows:

27-103-103. (1) For the purpose of Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-27, the term "state general-fund agency" or "general-fund agency" shall mean any agency, department, institution, board or commission of the State of Mississippi which is supported in whole or in part by appropriations from the General Fund; but such term shall not include the Legislature.

(2) For the purposes of Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-27, the term "state special-fund agency" or "special-fund agency" shall mean any agency, department, institution, board or commission of the State of Mississippi which receives no appropriation from the General Fund, but which is supported entirely from special-fund sources, by appropriation, or otherwise, but such term shall not include the State Highway Department; nor shall such term include the Mississippi Industries for the Blind.

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

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

(5) For the purposes of Sections 27-103-101 through
27-103-139 and 27-104-1 through 27-104-27, the term "special
funds" shall include revolving funds and all funds received from
the United States Government by any state general-fund agency or
special-fund agency, but shall not include any revolving fund
established prior to July 1, 1984, for the purpose of paying or
retiring any indebtedness as is authorized by statute.

(6) For the purposes of Sections 27-103-101 through
27-103-139 and 27-104-1 through 27-104-27, the term "special
funds" shall include any court-ordered settlement payments or
other payments received by any state general-fund agency or
special-fund agency as the result of litigation.

SECTION 2. Section 27-104-13, Mississippi Code of 1972, is
amended as follows:

27-104-13. The State Fiscal Officer shall have the right to
disapprove or reduce and revise such estimates of general funds
and state-source special funds for any general-fund or
special-fund agency, and for the "administration and other
expenses" budget of the State Highway Department, in an amount not
to exceed five percent (5%) if he finds that funds will not be
available within the period for which the budget is drawn, or if
he finds that the requested expenditures, or any part thereof, are
not authorized by law, and such action shall be reported to the
Legislative Budget Office. The State Fiscal Officer may, upon his
determination of need based upon a finding that funds will not be
available within the period for which the budget is drawn,
transfer funds as provided in Section 27-103-203, from the Working
Cash-Stabilization Reserve Fund to the General Fund to supplement
the general-fund revenue. In the event that the estimates of
general funds and state-source special funds of all general-fund
and special-fund agencies, and of the "administration and other
expenses" budget of the State Highway Department, have been
reduced by five percent (5%), additional reductions may be made
but shall consist of a uniform percentage reduction of general
funds and state-source special funds to all general-fund and
special-fund agencies, and to the "administration and other
expenses" budget of the State Highway Department. Any
state-source special funds reduced under the provisions of this
section shall be transferred to the State General Fund upon
requisitions for warrants signed by the respective agency head and
said transfer shall be made within a reasonable period to be
determined by the State Fiscal Officer.

For the purpose of this section, "state-source special funds"
shall be construed to mean any special funds in any agency derived
from any source, including, any court-ordered settlement or other
payments received by a state general-fund agency or special-fund
agency as the result of litigation, but shall not include, the
following special funds: special funds derived from federal
sources, from local or regional political subdivisions, or from
donations; special funds held in a fiduciary capacity for the
benefit of specific persons or classes of persons; self-generated

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

SECTION 3. This act shall take effect and be in force from
and after its passage.