

By: Senator(s) Chaney

To: Appropriations

SENATE BILL NO. 2115

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

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

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

9 27-103-103. (1) For the purpose of Sections 27-103-101  
10 through 27-103-139 and 27-104-1 through 27-104-27, the term "state  
11 general-fund agency" or "general-fund agency" shall mean any  
12 agency, department, institution, board or commission of the State  
13 of Mississippi which is supported in whole or in part by  
14 appropriations from the General Fund; but such term shall not  
15 include the Legislature.

16 (2) For the purposes of Sections 27-103-101 through  
17 27-103-139 and 27-104-1 through 27-104-27, the term "state  
18 special-fund agency" or "special-fund agency" shall mean any  
19 agency, department, institution, board or commission of the State  
20 of Mississippi which receives no appropriation from the General  
21 Fund, but which is supported entirely from special-fund sources,  
22 by appropriation, or otherwise, but such term shall not include  
23 the State Highway Department; nor shall such term include the  
24 Mississippi Industries for the Blind.

25 (3) For the purposes of Sections 27-103-101 through  
26 27-103-139 and 27-104-1 through 27-104-27, the term "state agency"  
27 shall mean any general-fund agency or special-fund agency as  
28 defined in this section, or the State Highway Department, or the



29 Division of State Aid Road Construction of the State Highway  
30 Department as is evident from the context wherein it is used.

31 (4) For the purposes of Sections 27-103-101 through  
32 27-103-139 and 27-104-1 through 27-104-27, the term "special  
33 funds" shall mean all revenues and/or income other than  
34 appropriations from the State General Fund which are received,  
35 collected by, or available for the support of or expenditure by  
36 any state general-fund agency or special-fund agency or the State  
37 Highway Department or the Division of State Aid Road Construction  
38 of the State Highway Department, whether such funds be derived  
39 from taxes or fees collected by or for such general-fund agency or  
40 special-fund agency or the State Highway Department or the  
41 Division of State Aid Road Construction of the State Highway  
42 Department, as the case may be, or from any other types of revenue  
43 from any other source.

44 (5) 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 include revolving funds and all funds received from  
47 the United States Government by any state general-fund agency or  
48 special-fund agency, but shall not include any revolving fund  
49 established prior to July 1, 1984, for the purpose of paying or  
50 retiring any indebtedness as is authorized by statute.

51 (6) For the purposes of Sections 27-103-101 through  
52 27-103-139 and 27-104-1 through 27-104-27, the term "special  
53 funds" shall include any court-ordered settlement payments or  
54 other payments received by any state general-fund agency or  
55 special-fund agency as the result of litigation.

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

58 27-104-13. The State Fiscal Officer shall have the right to  
59 disapprove or reduce and revise such estimates of general funds  
60 and state-source special funds for any general-fund or  
61 special-fund agency, and for the "administration and other



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

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



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

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

