

By: Senator(s) Hewes

To: Appropriations

SENATE BILL NO. 2882

1 AN ACT TO AMEND SECTION 27-104-103, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO
3 PURCHASE ON BEHALF OF THE STATE OF MISSISSIPPI AN INSURANCE POLICY
4 OR POLICIES TO PROTECT AGAINST A DEFICIT IN BUDGET REVENUE
5 RESULTING FROM THE OCCURRENCE OF ANY CATASTROPHIC EVENT; AND FOR
6 RELATED PURPOSES.

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

8 SECTION 1. Section 27-104-103, Mississippi Code of
9 1972, is amended as follows:

10 27-104-103. (1) The Department of Finance and
11 Administration shall have the following duties and powers:

12 (a) To provide administrative guidance to the various
13 departments and agencies of state government;

14 (b) To facilitate the expedient delivery of services
15 and programs for the benefit of the citizens of the state;

16 (c) To analyze and develop efficient management
17 practices and assist departments and agencies in implementing
18 effective and efficient work management systems;

19 (d) To conduct management review of state agencies and
20 departments and recommend a management plan to state departments
21 and agencies when corrective action is required;

22 (e) To, at least annually, report to the Governor and
23 the Legislature on programs and actions taken to improve the
24 conduct of state operations and to prepare and recommend
25 management programs for effective and efficient management of the
26 operations of state government;

27 (f) To allocate the federal-state programs funds to the
28 departments responsible for the delivery of the programs and
29 services for which the appropriation was made;

30 (g) To coordinate the planning functions of all
31 agencies in the executive branch of government and review any and
32 all plans which are developed by those agencies and departments;

33 (h) To collect and maintain the necessary data on which
34 to base budget and policy development issues;

35 (i) To develop and analyze policy recommendations to
36 the Governor;

37 (j) To develop and manage the executive budget process;

38 (k) To prepare the executive branch budget
39 recommendations;

40 (l) To review and monitor the expenditures of the
41 executive agencies and departments of government;

42 (m) To manage the state's fiscal affairs;

43 (n) To administer programs relating to general
44 services, public procurement, insurance and the Bond Advisory
45 Division;

46 (o) To administer the state's aircraft operation.

47 (j) To purchase on behalf of the State an insurance
48 policy or policies to protect against a deficit in budget revenue
49 resulting from the occurrence of any catastrophic event. The
50 department shall comply with the bidding procedures provided in
51 the Public Purchasing Law, Section 31-7-13, when making this
52 purchase.

53 (2) The department shall have the following additional
54 powers and duties under Chapter 18 of Title 17:

55 (a) It shall acquire the site submitted by the
56 Mississippi Hazardous Waste Facility Siting Authority and, if
57 determined necessary, design, finance, construct and operate a
58 state commercial hazardous waste management facility;

59 (b) It may acquire by deed, purchase, lease, contract,
60 gift, devise or otherwise any real or personal property,
61 structures, rights-of-way, franchises, easements and other
62 interest in land which is necessary and convenient for the

63 construction or operation of the state commercial hazardous waste
64 management facility, upon such terms and conditions as it deems
65 advisable, hold, mortgage, pledge or otherwise encumber the same,
66 and lease, sell, convey or otherwise dispose of the same in such a
67 manner as may be necessary or advisable to carry out the purposes
68 of Chapter 18 of Title 17;

69 (c) It shall develop and implement, in consultation
70 with the Department of Environmental Quality, schedules of user
71 fees, franchise fees and other charges, including nonregulatory
72 penalties and surcharges applicable to the state commercial
73 hazardous waste management facility;

74 (d) It may employ consultants and contractors to
75 provide services including site acquisition, design, construction,
76 operation, closure, post-closure and perpetual care of the state
77 commercial hazardous waste management facility;

78 (e) It may apply for and accept loans, grants and gifts
79 from any federal or state agency or any political subdivision or
80 any private or public organization;

81 (f) It shall make plans, surveys, studies and
82 investigations as may be necessary or desirable with respect to
83 the acquisition, development and use of real property and the
84 design, construction, operation, closure and long-term care of the
85 state commercial hazardous waste management facility;

86 (g) It shall have the authority to preempt any local
87 ordinance or restriction which prohibits or has the effect of
88 prohibiting the establishment or operation of the state commercial
89 hazardous waste management facility;

90 (h) It may negotiate any agreement for site
91 acquisition, design, construction, operation, closure,
92 post-closure and perpetual care of the state commercial hazardous
93 waste management facility and may negotiate any agreement with any
94 local governmental unit pursuant to Chapter 18 of Title 17;

95 (i) It may promulgate rules and regulations necessary
96 to effectuate the purposes of Chapter 18 of Title 17 not
97 inconsistent therewith;

98 (j) If funds are not appropriated or if the
99 appropriated funds are insufficient to carry out the provisions of
100 Chapter 18 of Title 17, the department shall expend any funds
101 available to it from any source to defray its costs to implement
102 Chapter 18 of Title 17 through February 1, 1991.

103 **SECTION 2.** This act shall take effect and be in force from
104 and after July 1, 2005.