

By: Senator(s) Nunnelee

To: Appropriations

SENATE BILL NO. 2238

1 AN ACT TO CREATE SECTION 27-103-140, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT THE LEGISLATURE SHALL ENACT ONE GENERAL
3 APPROPRIATION BILL FOR ALL STATE AGENCIES; TO AMEND SECTIONS
4 27-103-103 AND 27-104-25, MISSISSIPPI CODE OF 1972, TO CONFORM;
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section
8 27-103-140, Mississippi Code of 1972:

9 27-103-140. Beginning with the 2008 Regular Session, the
10 Legislature shall enact one (1) general appropriation bill to
11 defray the expenses of all State General Fund agencies as defined
12 in Section 27-103-103. All state special fund appropriations,
13 including the appropriation for the Mississippi Department of
14 Transportation and the Division of State Aid Road Construction of
15 the Mississippi Department of Transportation, may be made by
16 separate bills.

17 **SECTION 2.** Section 27-103-103, Mississippi Code of 1972, is
18 amended as follows:

19 27-103-103. (1) For the purpose of Sections 27-103-101
20 through 27-103-139 and 27-104-1 through 27-104-27, the term "state
21 general fund agency" or "general fund agency" shall mean any
22 agency, department, institution, board or commission of the State
23 of Mississippi which is supported in whole or in part by
24 appropriations from the General Fund; but such term shall not
25 include the Legislature.

26 (2) For the purposes of Sections 27-103-101 through
27 27-103-139 and 27-104-1 through 27-104-27, the term "state
28 special-fund agency" or "special-fund agency" shall mean any

29 agency, department, institution, board or commission of the State
30 of Mississippi which receives no appropriation from the General
31 Fund, but which is supported entirely from special-fund sources,
32 by appropriation, or otherwise, but such term shall not include
33 the Department of Transportation; nor shall such term include the
34 Mississippi Industries for the Blind.

35 (3) For the purposes of Sections 27-103-101 through
36 27-103-139 and 27-104-1 through 27-104-27, the term "state agency"
37 shall mean any general fund agency or special-fund agency as
38 defined in this section, or the Department of Transportation, or
39 the Division of State Aid Road Construction of the Department of
40 Transportation as is evident from the context wherein it is used.

41 (4) For the purposes of Sections 27-103-101 through
42 27-103-139 and 27-104-1 through 27-104-27, the term "special
43 funds" shall mean all revenues and/or income other than
44 appropriations from the State General Fund which are received,
45 collected by, or available for the support of or expenditure by
46 any state general fund agency or special-fund agency or the
47 Department of Transportation or the Division of State Aid Road
48 Construction of the Department of Transportation, whether such
49 funds be derived from taxes or fees collected by or for such
50 general fund agency or special-fund agency or the Department of
51 Transportation or the Division of State Aid Road Construction of
52 the Department of Transportation, as the case may be, or from any
53 other types of revenue from any other source.

54 (5) For the purposes of Sections 27-103-101 through
55 27-103-139 and 27-104-1 through 27-104-27, the term "special
56 funds" shall include revolving funds and all funds received from
57 the United States government by any state general fund agency or
58 special-fund agency, but shall not include any revolving fund
59 established prior to July 1, 1984, for the purpose of paying or
60 retiring any indebtedness as is authorized by statute.

61 **SECTION 3.** Section 27-104-25, Mississippi Code of 1972, is
62 amended as follows:

63 27-104-25. (1) The executive head and business manager of
64 each state agency shall be responsible for all obligations or
65 indebtedness incurred in the name of the agency, or by any
66 employee for them when incurred by such employee acting within the
67 scope of his employment.

68 (2) No obligations or indebtedness shall be incurred by any
69 such person during any allotment period in excess of the amount of
70 the estimate approved by the Department of Finance and
71 Administration or in the agency appropriation * * *.

72 If a claim arising from orders for goods or services from the
73 prior fiscal year is presented within one (1) year and (a) the
74 payment of a claim does not cause an agency to exceed the amount
75 of its prior year budget estimate as approved by the Department of
76 Finance and Administration or its appropriation bill, and (b)
77 sufficient funds remain in the current fiscal year's allotment to
78 pay the claim, the State Treasurer, upon approval of the claim by
79 the Department of Finance and Administration, shall draw a warrant
80 in payment of the claim.

81 (3) Contractual obligations, such as salary contracts, shall
82 be considered as incurred within the fiscal period in which they
83 are to be paid, and are to be encumbered against funds to be
84 available in that fiscal period, and shall include appropriate
85 cancellation clauses in the event the anticipated revenues from
86 which they are to be paid do not become available.

87 (4) Agencies having special funds, as defined in Section
88 27-103-103, shall not incur obligations or indebtedness against
89 such special funds in an amount in excess of revenues actually
90 anticipated and budgeted.

91 (5) If obligations or indebtedness shall be incurred
92 contrary to the provisions hereof, then neither the State of
93 Mississippi nor the agency shall have any liability therefor, and

94 the person, firm or corporation to whom the obligation or
95 indebtedness is due may recover the amount of the obligation or
96 indebtedness and twenty-five percent (25%) of the amount as
97 liquidated damages from the responsible officers, either
98 personally or upon their official bonds, either severally of
99 jointly.

100 **SECTION 4.** This act shall take effect and be in force from
101 and after July 1, 2007.