

By: Senator(s) Dearing, Posey

To: Appropriations

SENATE BILL NO. 2965

1 AN ACT TO PROVIDE FOR THE PREPARATION OF AN EXECUTIVE BUDGET;
 2 TO AMEND SECTION 27-103-137, MISSISSIPPI CODE OF 1972, TO PROVIDE
 3 THAT THE JOINT LEGISLATIVE BUDGET COMMITTEE AND THE EXECUTIVE
 4 BUDGET OFFICE SHALL CONDUCT JOINT BUDGET HEARINGS; TO AMEND
 5 SECTION 27-103-139, MISSISSIPPI CODE OF 1972, TO REVISE THE
 6 TIMETABLE FOR PREPARATION OF THE LEGISLATIVE BUDGET BEGINNING WITH
 7 THE 2005 REGULAR SESSION; TO CODIFY SECTIONS 27-103-161 THROUGH
 8 27-103-187, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE OFFICE
 9 OF BUDGET AND FUND MANAGEMENT WITHIN THE DEPARTMENT OF FINANCE AND
 10 ADMINISTRATION SHALL BE KNOWN AS THE EXECUTIVE BUDGET OFFICE, TO
 11 PROVIDE FOR BUDGET PREPARATION, RECOMMENDATIONS AND STUDIES AS TO
 12 STATE AGENCIES, TO PROVIDE FOR EXECUTIVE BUDGET PARTS, SEPARATION
 13 OF ITEMS, LIMITATION ON EXPENDITURES, RECOMMENDATIONS AS TO
 14 ADDITIONAL TAXES OR SOURCES OF REVENUE, TO PROVIDE THAT BUDGET
 15 HEARINGS SHALL BE CONDUCTED JOINTLY WITH THE JOINT LEGISLATIVE
 16 BUDGET COMMITTEE, TO PROVIDE FOR EXECUTIVE BUDGET REQUESTS,
 17 PROCEEDINGS, FAILURE OR REFUSAL TO FILE BUDGET REQUESTS,
 18 VISITATION OF STATE AGENCIES, HEARINGS ON EXECUTIVE BUDGET
 19 REQUIREMENTS, TO PROVIDE FOR REPORTS TO BE FURNISHED BY REVENUE
 20 PRODUCING AGENCIES, TO PROVIDE FOR SUBMISSION OF THE EXECUTIVE
 21 BUDGET; TO AMEND SECTIONS 27-103-101 AND 27-103-103, MISSISSIPPI
 22 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** Section 27-103-137, Mississippi Code of 1972, is
 25 amended as follows:

26 27-103-137. The Legislative Budget Office shall hold such
 27 hearings as may be necessary to determine the actual budget
 28 requirements of the agencies, to be held jointly and in
 29 conjunction with the Executive Budget Office as provided in
 30 Section 27-103-187. Such budget hearings shall be coordinated and
 31 held at the same time, to the extent that this is practicable.

32 The Legislative Budget Office shall have made a sufficient number
 33 of copies of its proposed budget in order that the data contained
 34 therein will be available to the members of the Legislature for
 35 consideration, and to provide a copy for each state agency
 36 included in the budget proposal, and shall forward a copy to each
 37 member or member-elect of the Legislature and to each state agency

38 on or about November 15 prior to the 2005 Regular Session and on
39 or about November 15 annually thereafter.

40 **SECTION 2.** Section 27-103-139, Mississippi Code of 1972, is
41 amended as follows:

42 27-103-139. On or before November 15 preceding the 2005
43 Regular Session and each regular session of the Legislature
44 thereafter, except the first regular session of a new term of
45 office, the Joint Legislative Budget Committee shall submit to the
46 members of the Legislature * * * or the members-elect, as the case
47 may be, and to the executive head of each state agency a balanced
48 budget for the succeeding fiscal year. Beginning with the 2006
49 fiscal year, the budget submitted shall be prepared in a format
50 which will include performance measurement data associated with
51 the various programs operated by each agency. The total proposed
52 expenditures in the balanced budget shall not exceed the amount of
53 estimated revenues that will be available for appropriation or use
54 during the succeeding fiscal year, including any balances that
55 will be on hand at the close of the then current fiscal year, as
56 determined by the revenue estimate jointly adopted by the Governor
57 and the Legislative Budget Committee. Beginning with the budget
58 for fiscal year 2006, the total proposed expenditures from the
59 State General Fund in the balanced budget shall not exceed
60 ninety-eight percent (98%) of the amount of general fund revenue
61 estimate for the succeeding fiscal year, plus any unencumbered
62 balances in general funds that will be available and on hand at
63 the close of the then current fiscal year. However, for fiscal
64 year 2004 only, the total proposed expenditures from the State
65 General Fund in the balanced budget shall not exceed one hundred
66 percent (100%) of the amount of the general fund revenue estimate
67 for the succeeding fiscal year, plus any unencumbered balances in
68 general funds that will be available and on hand at the close of
69 the then current fiscal year. The general fund revenue estimate
70 shall be the estimate jointly adopted by the Governor and the

71 Joint Legislative Budget Committee. Unencumbered balances in
72 general funds that will be available and on hand at the close of
73 the fiscal year shall not include projected amounts required to be
74 deposited into the Working Cash-Stabilization Reserve Fund and the
75 Education Enhancement Fund pursuant to Section 27-103-203.

76 The revenues used in preparing the balanced budget shall be
77 only those revenues that will be available under the general laws
78 of the state as they exist when the balanced budget is prepared,
79 and shall not include any proposed revenues that would become
80 available only after the enactment of new legislation. If the
81 Joint Legislative Budget Committee has any recommendations for
82 additional proposed expenditures or proposed revenues that are not
83 included in his balanced budget, it shall submit those
84 recommendations in a supplement that is separate from his balanced
85 budget, and whenever the Joint Legislative Budget Committee
86 recommends any such additional proposed expenditures, it also
87 shall recommend proposed revenues that are sufficient to fund the
88 additional proposed expenditures, providing specific details
89 regarding the sources and the total amount of those proposed
90 revenues.

91 * * *

92 **SECTION 3.** The following provision shall be codified as
93 Section 27-103-161, Mississippi Code of 1972:

94 27-103-161. The Office of Budget and Fund Management within
95 the Department of Finance and Administration shall be known as the
96 Executive Budget Office.

97 **SECTION 4.** The following provision shall be codified as
98 Section 27-103-163, Mississippi Code of 1972:

99 27-103-163. It shall be the duty of the Executive Budget
100 Office to prepare the overall balanced budget of the entire
101 expenses and income of the state for each fiscal year, which
102 budget shall encompass the operations of all general-fund agencies
103 and all special-fund agencies and the Mississippi Department of

104 Transportation. Said overall budget shall be completed prior to
105 December 15 before the convening of the Legislature at the regular
106 session, except the first regular session of a Governor's new term
107 of office. At the first regular session after his election for
108 Governor, the Governor shall submit any budget recommendations
109 plus the required revenue source recommendations no later than
110 January 31 of such year.

111 **SECTION 5.** The following provision shall be codified as
112 Section 27-103-165, Mississippi Code of 1972:

113 27-103-165. It shall be the further duty of the Executive
114 Budget Office to make continuous and careful study of all state
115 agencies, and it may make recommendations to the state Legislature
116 for abolition or consolidation or creation of state agencies.

117 **SECTION 6.** The following provision shall be codified as
118 Section 27-103-167, Mississippi Code of 1972:

119 27-103-167. It shall be the duty of the Director of the
120 Executive Budget Office to familiarize himself with the
121 operations, needs, requirements and anticipated expenses and
122 income of all state agencies and, for such purpose, he shall have
123 the authority to require any state agency to furnish him with any
124 and all necessary information.

125 **SECTION 7.** The following provision shall be codified as
126 Section 27-103-169, Mississippi Code of 1972:

127 27-103-169. The overall budget so prepared shall be in three
128 (3) parts as specified in Sections 27-103-151 through 27-103-155
129 and 27-104-1 through 27-104-27 and shall contain a general summary
130 of the three (3) parts.

131 **SECTION 8.** The following provision shall be codified as
132 Section 27-103-171, Mississippi Code of 1972:

133 27-103-171. Part 1 of the overall budget shall include
134 therein the requested budget and the recommended budget for each
135 general-fund agency, in addition to such other information as may
136 be prescribed by the Executive Budget Office, the following:

137 (a) The amount appropriated from the General Fund for
138 the current fiscal year, all special funds receipts already
139 collected and available in the current fiscal year, and an
140 estimate of all special funds which will be collected, or
141 otherwise will become available, by the end of the then current
142 fiscal year.

143 (b) The estimated amount of all expenditures to be made
144 or obligations to be incurred payable from general or special
145 funds during the then current fiscal year;

146 (c) The estimated aggregate amount of funds which will
147 be needed by the agency for the succeeding fiscal year; beginning
148 with the 2006 fiscal year and in the event that any services
149 proposed to be provided by the agency in the succeeding fiscal
150 year are Medicaid reimbursable, any state general matching funds
151 necessary for such reimbursements shall be included in the
152 agency's proposed budget, and the appropriation to the Division of
153 Medicaid in the 2006 fiscal year shall be adjusted accordingly;

154 (d) The estimated aggregate amount of special funds, if
155 any, which will be available during the succeeding fiscal year,
156 including any balances which will be on hand at the close of the
157 then current fiscal year;

158 (e) The estimated amount which will be needed and which
159 will require change in existing law or laws;

160 (f) If any new item of expense is included in the
161 proposed budget of any general-fund agency, the reason therefor
162 shall be given; and in any case where the Executive Budget Office
163 shall eliminate or reduce any item or any items in the budget
164 request of any general-fund agency, it shall note briefly the
165 reasons therefor, together with the reasons advanced by the agency
166 in support of the item or items eliminated or reduced.

167 **SECTION 9.** The following provision shall be codified as
168 Section 27-103-173, Mississippi Code of 1972:

169 27-103-173. The proposed budget of each state agency shall
170 show the amounts required for operating expenses separately from
171 the amounts required for permanent improvements. The overall
172 budget shall show, separately by each source, the estimated amount
173 of general-fund revenues and of special-fund revenues of
174 general-fund agencies. The total proposed expenditures in Part 1
175 of the overall budget shall not exceed the amount of estimated
176 revenues which will be available in the general and special funds
177 for appropriation or use during the succeeding fiscal year,
178 including any balances which will be on hand in the general and
179 special funds at the close of the then current fiscal year.
180 Beginning with the budget for fiscal year 2006, the total proposed
181 expenditures from the State General Fund in Part 1 of the overall
182 budget shall not exceed ninety-eight percent (98%) of the amount
183 of the general-fund revenue estimate for the succeeding fiscal
184 year, plus any unencumbered balances in general funds that will be
185 available and on hand at the close of the then current fiscal
186 year. The general-fund revenue estimate shall be the estimate
187 jointly adopted by the Governor and the Joint Legislative Budget
188 Committee. Unencumbered balances in general funds that will be
189 available and on hand at the close of the current fiscal year
190 shall not include projected amounts required to be deposited into
191 the Working Cash-Stabilization Reserve Fund pursuant to Section
192 27-103-203. The Executive Budget Office may recommend additional
193 taxes or sources of revenue if, in its judgment, such additional
194 funds are necessary to adequately support the functions of the
195 state government.

196 **SECTION 10.** The following provision shall be codified as
197 Section 27-103-175, Mississippi Code of 1972:

198 27-103-175. To the end that the overall budget shall present
199 in comparable terms a complete summary of all financial operations
200 of all state agencies, Part 2 of the overall budget shall include
201 therein the requested budget and the recommended budget for each

202 special-fund agency. The overall budget shall show for each
203 special-fund agency, in addition to such other information as may
204 be prescribed by the Executive Budget Office, the following:

205 (a) The amount by source of all special-fund receipts
206 collected or otherwise available in the current fiscal year, and
207 an estimate by source of all special funds which will be collected
208 or become available by the end of the then current fiscal year;

209 (b) The estimated amount of all expenditures to be made
210 or obligations to be incurred payable from such special funds
211 during the then current fiscal year;

212 (c) The estimated aggregate amount of special funds
213 which will be needed by the agency for the succeeding fiscal year;
214 beginning with the 2006 fiscal year and in the event that any
215 services proposed to be provided by the agency in the succeeding
216 fiscal year are Medicaid reimbursable, any state general matching
217 funds necessary for such reimbursement shall be included in the
218 agency's proposed budget, and the appropriation to the Division of
219 Medicaid in the 2006 fiscal year shall be adjusted accordingly;

220 (d) The estimated amount by source of special funds
221 which will be available under existing laws during the succeeding
222 fiscal year, including any balances which will be on hand at the
223 close of the then current fiscal year;

224 (e) The estimated amount which will be needed and which
225 will require change in existing law or laws;

226 (f) If any new item of expense is included in the
227 proposed budget of any special-fund agency, the reason therefor
228 shall be given; and in any case where the Executive Budget Office
229 shall eliminate or reduce any item or items in the proposed budget
230 of any special-fund agency, it shall note briefly the reasons
231 therefor, together with the reasons advanced by the agency in
232 support of the item or items eliminated or reduced;

233 (g) The proposed budget of each special-fund agency
234 shall show the amounts required for operating expenses separately

235 from the amounts required for permanent improvements. Proposed
236 expenditures for any agency in Part 2 of the overall budget shall
237 not exceed the amount of estimated revenues which will be
238 available to it. Provided, that the Executive Budget Office may
239 recommend changes in existing law so as to decrease or increase
240 the revenues available to any agency if, in its judgment, such
241 changes are necessary or desirable. Provided further, that
242 expenditures approved or authorized by the Legislature for any
243 special-fund agency or special funds approved for general-fund
244 agency shall constitute a maximum to be expended or encumbered by
245 such agency, and shall not constitute authority to expend or
246 encumber more than the amount of revenue actually collected or
247 otherwise received. No special-fund agency or general-fund agency
248 shall make expenditures from special funds available to such
249 agency unless such expenditures are set forth in a budget approved
250 by the Legislature. Such legislative approval shall be set forth
251 in an appropriation act. Provided, however, that special funds
252 derived from the collection of taxes for any political subdivision
253 of the state shall be excepted from the foregoing provisions. The
254 executive head of the state agency shall be liable on his official
255 bond for expenditures or encumbrances which exceed the total amount
256 of the budget or the amount received if receipts are less than the
257 approved budget. Provided, however, that each university and
258 college shall submit through the Board of Trustees of State
259 Institutions of Higher Learning an annual budget to the Executive
260 Budget Office prior to the beginning of each fiscal year with such
261 information and in such form, and in such detail, as may be
262 required by the Executive Budget Office. If the Executive Budget
263 Office determines that sufficient funds will be available during
264 the fiscal year to fund the proposed budget as submitted, then and
265 in that event the proposed budget shall be approved. However, if
266 the Executive Budget Office determines that, in its judgment,
267 sufficient funds will not be available to fund the proposed

268 budget, the affected institution or institutions and the Board of
269 Trustees of State Institutions of Higher Learning shall be
270 promptly notified and given an opportunity to either justify the
271 proposed budget or proposed amendments which can be mutually
272 agreed upon. The Executive Budget Office shall then approve the
273 proposed budget or budgets of the several universities and
274 colleges. The total amount approved for each institution shall
275 constitute the maximum funds which may be expended during the
276 fiscal year. The municipal, county or combined municipal and
277 county port and harbor commissions, authorities or other port or
278 harbor agencies not owned or operated by the state, shall submit
279 annual or amended budgets of their estimated receipts and
280 expenditures to the governing bodies of such municipality, county
281 or municipality and county, for their approval, and a copy of such
282 budget as approved by such governing body or bodies shall be filed
283 with the Executive Budget Office. Such budget shall itemize all
284 estimated receipts and expenditures, and the Executive Budget
285 Office may require particularization, explanation or audit
286 thereof, and shall report such information to the Legislature. To
287 the end that the overall budget shall present in comparable terms
288 a complete summary of all financial operations of all state
289 agencies, Part 3 of such overall budget shall consist of an
290 estimated preliminary annual budget of the Department of
291 Transportation and the Division of State-Aid Road Construction of
292 the Department of Transportation and such information for the
293 current fiscal year as is necessary to make presentation
294 comparable to that specified for Part 2 special-fund agencies.
295 The annual budget request of the Department of Transportation
296 shall be divided into the following program budgets: (i)
297 administration and other expenses, (ii) construction, (iii)
298 maintenance, and (iv) debt service. In making its annual
299 appropriation to the Department of Transportation from the State
300 Highway Fund, the Legislature shall separate the appropriation

301 bill into the four (4) program budget areas herein specified. For
302 the purposes of this paragraph, "administration and other
303 expenses" shall be construed to mean those expenses incurred due
304 to departmental support activities which cannot be assigned to a
305 specific construction or maintenance project, and shall be
306 construed to include expenses incurred for office machines,
307 furniture, fixtures, automobiles, station wagons, trucks and other
308 vehicles, road machinery, farm equipment and other working
309 equipment, data processing and computer equipment, all other
310 equipment and replacements for equipment. "Construction" shall be
311 construed to mean those expenses associated with the creation and
312 development of the state highway system and its related
313 facilities; "maintenance" shall be construed to mean those
314 expenses incurred due to activities associated with preservation
315 of safe and aesthetically acceptable highways in an attempt to
316 maintain them in as close to the original condition as possible;
317 and "debt service" shall be construed to mean amounts needed to
318 pay bonds and interest coming due, bank service charges and bond
319 debt service.

320 **SECTION 11.** The following provision shall be codified as
321 Section 27-103-179, Mississippi Code of 1972:

322 27-103-179. To enable the Executive Budget Office to prepare
323 such budget, it shall have full and plenary power and authority to
324 require all general-fund and special-fund agencies and the
325 Mississippi Department of Transportation and the Division of
326 State-Aid Road Construction of the Mississippi Department of
327 Transportation to file a budget request with such information and
328 in such form and in such detail as it may deem necessary and
329 advisable, and it shall have the further power and authority to
330 reduce or eliminate any item or items of requested appropriation
331 by any state agency in the Executive Budget Office's recommended
332 budget to the Legislature. However, where any item of requested
333 appropriation shall be so reduced or eliminated, the head of the

334 agency involved shall have the right to appear before the
335 appropriate legislative committee to urge a revision of the budget
336 to restore the item reduced or eliminated. Beginning with the
337 2006 fiscal year, the budget requests shall include a definition
338 of the mission of the agency, a description of the duties and
339 responsibilities of the agency, financial data relative to the
340 various programs operated by the agency and performance measures
341 associated with each program of the agency. The performance
342 measures to be contained within the agency budget request shall be
343 developed by cooperative efforts of the Executive Budget Office,
344 the Legislative Budget Office and the agency itself and shall be
345 approved jointly by the Executive Budget Office prior to inclusion
346 within the agency budget request. Beginning with the 2006 fiscal
347 year, the budget requests shall also include in an addendum format
348 a five-year strategic plan for the agency which shall include, but
349 not be limited to, the following items of information:

- 350 (a) A comprehensive mission statement;
- 351 (b) Performance effectiveness objectives for each
352 program of the agency for each of the five (5) years covered by
353 the plan;
- 354 (c) A description of significant external factors which
355 may affect the projected levels of performance;
- 356 (d) A description of the agency's internal management
357 system utilized to evaluate its performance achievements in
358 relationship to the targeted performance levels;
- 359 (e) An evaluation by the agency of the agency's
360 performance achievements in relationship to the targeted
361 performance levels for the two (2) preceding fiscal years for
362 which accounting records have been finalized.

363 **SECTION 12.** The following provision shall be codified as
364 Section 27-103-181, Mississippi Code of 1972:

365 27-103-181. If any officer or employee of any state agency
366 whose duty it is to do so shall refuse or fail to file a budget

367 request with such information and in such form and in such detail
368 and within such time as the Executive Budget Office may require in
369 the exercise of its authority, the director shall prepare and
370 file, or cause to be prepared and filed, a budget request for such
371 agency, and the expense thereof shall be personally borne by said
372 officer or employee, and he or she shall be responsible on his or
373 her official bond for the payment of the expense; provided that a
374 negligently prepared budget shall be considered as a refusal or
375 failure under the provisions of this section. The records of the
376 Executive Budget Office and the overall budget submitted by it to
377 the Legislature shall clearly identify and set forth all the facts
378 relative to any agency budget request prepared by the director
379 under the authority of this section.

380 **SECTION 13.** The following provision shall be codified as
381 Section 27-103-183, Mississippi Code of 1972:

382 27-103-183. The Director of the Executive Budget Office, in
383 person or by assistant, may visit such state agencies as he deems
384 necessary to obtain information as to the needs or requirements
385 thereof and may hold hearings at such place or places as may be
386 designated for such purpose.

387 **SECTION 14.** The following provision shall be codified as
388 Section 27-103-185, Mississippi Code of 1972:

389 27-103-185. (1) At such regular or special times and on
390 such forms as the Executive Budget Office may require, every tax
391 or fee-collecting or other revenue-producing agency shall furnish
392 the Executive Budget Office with complete and detailed information
393 as to the amount of revenue collected or otherwise received by it
394 during the then current fiscal year, together with an estimate of
395 the revenue that is anticipated for such succeeding periods as the
396 Executive Budget Office may require.

397 (2) At such regular or special times and on such forms as
398 the State Fiscal Officer may require, every tax or fee-collecting
399 or other revenue-producing agency shall furnish the State Fiscal

400 Officer with complete and detailed information as to the amount of
401 revenue collected or otherwise received by it during the then
402 current fiscal year, together with an estimate of the revenue that
403 is anticipated for such succeeding periods as the board may
404 require. The information required to be furnished under this
405 section shall include all revenues from every fee, penalty, tax,
406 assessment or other charge levied, whether authorized by law or
407 not, and shall further include an itemized statement by the agency
408 of the costs of services for which fees are charged, comparing the
409 costs with revenues generated by the fees, and copies of said
410 information shall be furnished to the Legislative Budget Office.

411 (3) The State Fiscal Officer shall review the information so
412 furnished and report to the Legislature any fees which do not
413 appear to be reasonably calculated to recover the costs of
414 services for which such fees are charged, and any fees which are
415 collected without legal authority.

416 **SECTION 15.** The following provision shall be codified as
417 Section 27-103-187, Mississippi Code of 1972:

418 27-103-187. The Executive Budget Office shall hold such
419 hearings as may be necessary to determine the actual budget
420 requirements of the agencies jointly and in conjunction with the
421 Joint Legislative Budget Committee. Such budget hearings shall be
422 coordinated and held at the same time, to the extent that this is
423 practicable. The Executive Budget Office shall have made a
424 sufficient number of copies of its proposed budget in order that
425 the data contained therein will be available to the members of the
426 Legislature for consideration, and to provide a copy for each
427 state agency included in the budget proposal, and shall forward a
428 copy to each member or member-elect of the Legislature and to each
429 state agency on or about December 15 of each year.

430 **SECTION 16.** Section 27-103-101, Mississippi Code of 1972, is
431 amended as follows:

432 27-103-101. (1) There is created the Joint Legislative
433 Budget Committee and the Legislative Budget Office which shall be
434 governed by such committee. The joint committee shall be composed
435 of the following members: The Chairman of the Senate Finance
436 Committee, the President Pro Tempore of the Mississippi State
437 Senate, the Lieutenant Governor of the State of Mississippi, the
438 Chairman of the Senate Appropriations Committee and three (3)
439 members of the Senate to be named by the Lieutenant Governor; the
440 Chairman of the Ways and Means Committee of the House of
441 Representatives, the Chairman of the Appropriations Committee of
442 the House of Representatives, the Speaker of the House of
443 Representatives and four (4) members of the House of
444 Representatives to be named by the Speaker of the House. In the
445 event any ex officio member of the joint committee holds two (2)
446 positions entitling him to membership on the committee, the
447 Lieutenant Governor or the Speaker of the House, as the case may
448 be, shall appoint another member of the respective house to
449 membership on the committee. The chairmanship shall alternate for
450 twelve-month periods between the Speaker of the House of
451 Representatives and the Lieutenant Governor, with the Speaker of
452 the House of Representatives serving as the first chairman. In
453 the absence of the Chairman of the Senate Finance Committee,
454 Senate Appropriations Committee, House Appropriations Committee
455 and Ways and Means Committee, the vice chairman of any such
456 committee shall be entitled to attend; if the vice chairman is
457 unable to attend or if an appointed member is unable to attend,
458 another legislator may be designated to attend by the Lieutenant
459 Governor or the Speaker of the House, as the case may be. If the
460 Lieutenant Governor or Speaker of the House is unable to attend a
461 meeting, he may designate a legislator to substitute for him at
462 that meeting. If the President Pro Tempore of the State Senate is
463 unable to attend a meeting, the Lieutenant Governor shall
464 designate a member of the Senate to substitute for him at that

465 meeting. Any proxy shall have a vote at the meeting he was
466 selected to attend and also shall, when attending, receive
467 compensation and expenses in the same manner and amount as regular
468 members of the joint committee.

469 There shall be no business transacted, including adoption of
470 rules of procedure, without the presence of a quorum of the joint
471 committee. A quorum shall be eight (8) members, to consist of
472 four (4) members from the Senate and four (4) members from the
473 House of Representatives. No action shall be valid unless
474 approved by the majority of those members present and voting,
475 entered upon the minutes of the joint committee and signed by the
476 chairman and vice chairman. All actions of the joint committee
477 shall be approved by at least four (4) Senate members and four (4)
478 House members.

479 As used in Sections 27-103-101 through 27-103-187, the term
480 "committee" shall mean the Joint Legislative Budget Committee.

481 (2) The members of the committee shall receive, in addition
482 to other compensation due them, per diem as is authorized by law
483 for their services in carrying out the duties of the committee
484 and, in addition thereto, shall receive a daily expense allowance
485 equal to the maximum daily expense rate allowable to employees of
486 the federal government for travel in the high rate geographical
487 area of Jackson, Mississippi, as may be established by federal
488 regulations, including mileage as authorized by Section 25-3-41,
489 the same to be paid from the operating budget of the Legislative
490 Budget Office. However, in no case shall the members of the
491 committee draw per diem while the Legislature is in regular or
492 special session.

493 (3) The committee may meet at least once each month; and the
494 chairman or director may call additional meetings at such times as
495 they deem necessary or advisable.

496 (4) The Legislative Budget Office shall, upon the request of
497 a member or member-elect of the Senate or House of

498 Representatives, make available one (1) copy of data, reports,
499 fiscal information or related information submitted to the budget
500 office by any general or special fund agency, whether submitted in
501 support of its budget request or pursuant to any requirement of
502 law or rule of the budget committee or office.

503 (5) All expenses incurred by and on behalf of the committee
504 shall be paid from funds appropriated therefor, or from a sum to
505 be provided in equal portion from the contingency funds of the
506 Senate and House of Representatives or from transfers of funds as
507 provided in Section 7-13-7.

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

510 27-103-103. (1) For the purposes of Sections 27-103-101
511 through 27-103-187 and 27-104-1 through 27-104-27, the term "state
512 general-fund agency" or "general-fund agency" shall mean any
513 agency, department, institution, board or commission of the State
514 of Mississippi which is supported in whole or in part by
515 appropriations from the General Fund; but such term shall not
516 include the Legislature.

517 (2) For the purposes of Sections 27-103-101 through
518 27-103-187 and 27-104-1 through 27-104-27, the term "state
519 special-fund agency" or "special-fund agency" shall mean any
520 agency, department, institution, board or commission of the State
521 of Mississippi which receives no appropriation from the General
522 Fund, but which is supported entirely from special-fund sources,
523 by appropriation, or otherwise, but such term shall not include
524 the State Highway Department; nor shall such term include the
525 Mississippi Industries for the Blind.

526 (3) For the purposes of Sections 27-103-101 through
527 27-103-187 and 27-104-1 through 27-104-27, the term "state agency"
528 shall mean any general-fund agency or special-fund agency as
529 defined in this section, or the State Highway Department, or the

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

532 (4) For the purposes of Sections 27-103-101 through
533 27-103-187 and 27-104-1 through 27-104-27, the term "special
534 funds" shall mean all revenues and/or income other than
535 appropriations from the State General Fund which are received,
536 collected by, or available for the support of or expenditure by
537 any state general-fund agency or special-fund agency or the State
538 Highway Department or the Division of State Aid Road Construction
539 of the State Highway Department, whether such funds be derived
540 from taxes or fees collected by or for such general-fund agency or
541 special-fund agency or the State Highway Department or the
542 Division of State Aid Road Construction of the State Highway
543 Department, as the case may be, or from any other types of revenue
544 from any other source.

545 (5) For the purposes of Sections 27-103-101 through
546 27-103-187 and 27-104-1 through 27-104-27, the term "special
547 funds" shall include revolving funds and all funds received from
548 the United States Government by any state general-fund agency or
549 special-fund agency, but shall not include any revolving fund
550 established prior to July 1, 1984, for the purpose of paying or
551 retiring any indebtedness as is authorized by statute.

552 **SECTION 18.** This act shall take effect and be in force from
553 and after July 1, 2004.