

By: Senator(s) Dearing

To: Appropriations

SENATE BILL NO. 2092

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 2007 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  
 32 practicable. \* \* \* The Legislative Budget Office shall have made  
 33 a sufficient number of copies of its proposed budget in order that  
 34 the data contained therein will be available to the members of the  
 35 Legislature for consideration, and to provide a copy for each  
 36 state agency included in the budget proposal, and shall forward a  
 37 copy to each member or member-elect of the Legislature and to each

38 state agency on or about November 15 prior to the 2007 Regular  
39 Session and on 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 2007  
43 Regular Session and each regular session of the Legislature,  
44 except the first regular session of a new term of office, the  
45 Joint Legislative Budget Committee shall submit to the members of  
46 the Legislature, \* \* \* or the members-elect, as the case may be,  
47 and to the executive head of each state agency a balanced budget  
48 for the succeeding fiscal year. The budget submitted shall be  
49 prepared in a format that will include performance measurement  
50 data associated with the various programs operated by each agency.  
51 The total proposed expenditures in the balanced budget shall not  
52 exceed the amount of estimated revenues that will be available for  
53 appropriation or use during the succeeding fiscal year, including  
54 any balances that will be on hand at the close of the then current  
55 fiscal year, as determined by the revenue estimate jointly adopted  
56 by the Governor and the Legislative Budget Committee. The total  
57 proposed expenditures from the State General Fund in the balanced  
58 budget shall not exceed ninety-eight percent (98%) of the amount  
59 of general fund revenue estimate for the succeeding fiscal year,  
60 plus any unencumbered balances in general funds that will be  
61 available and on hand at the close of the then current fiscal  
62 year. However, for fiscal year 2006 only, the total proposed  
63 expenditures from the State General Fund in the balanced budget  
64 shall not exceed one hundred percent (100%) of the amount of the  
65 general fund revenue estimate for the succeeding fiscal year, plus  
66 any unencumbered balances in general funds that will be available  
67 and on hand at the close of the then current fiscal year. The  
68 general fund revenue estimate shall be the estimate jointly  
69 adopted by the Governor and the Joint Legislative Budget  
70 Committee. Unencumbered balances in general funds that will be

71 available and on hand at the close of the fiscal year shall not  
72 include projected amounts required to be deposited into the  
73 Working Cash-Stabilization Reserve Fund and the Education  
74 Enhancement Fund under Section 27-103-203.

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

90 \* \* \*

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

93 27-103-161. The Office of Budget and Fund Management within  
94 the Department of Finance and Administration shall be known as the  
95 Executive Budget Office.

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

98 27-103-163. It shall be the duty of the Executive Budget  
99 Office to prepare the overall balanced budget of the entire  
100 expenses and income of the state for each fiscal year, which  
101 budget shall encompass the operations of all general-fund agencies  
102 and all special-fund agencies and the Mississippi Department of  
103 Transportation. Said overall budget shall be completed prior to

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

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

112 27-103-165. It shall be the further duty of the Executive  
113 Budget Office to make continuous and careful study of all state  
114 agencies, and it may make recommendations to the state Legislature  
115 for abolition or consolidation or creation of state agencies.

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

118 27-103-167. It shall be the duty of the Director of the  
119 Executive Budget Office to familiarize himself with the  
120 operations, needs, requirements and anticipated expenses and  
121 income of all state agencies and, for such purpose, he shall have  
122 the authority to require any state agency to furnish him with any  
123 and all necessary information.

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

126 27-103-169. The overall budget so prepared shall be in three  
127 (3) parts as specified in Sections 27-103-151 through 27-103-155  
128 and 27-104-1 through 27-104-27 and shall contain a general summary  
129 of the three (3) parts.

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

132 27-103-171. Part 1 of the overall budget shall include  
133 therein the requested budget and the recommended budget for each  
134 general-fund agency, in addition to such other information as may  
135 be prescribed by the Executive Budget Office, the following:

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

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

145           (c) The estimated aggregate amount of funds which will  
146 be needed by the agency for the succeeding fiscal year; beginning  
147 with the 2007 fiscal year and in the event that any services  
148 proposed to be provided by the agency in the succeeding fiscal  
149 year are Medicaid reimbursable, any state general matching funds  
150 necessary for such reimbursements shall be included in the  
151 agency's proposed budget, and the appropriation to the Division of  
152 Medicaid in the 2007 fiscal year shall be adjusted accordingly;

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

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

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

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

168           27-103-173. The proposed budget of each state agency shall  
169 show the amounts required for operating expenses separately from  
170 the amounts required for permanent improvements. The overall  
171 budget shall show, separately by each source, the estimated amount  
172 of general-fund revenues and of special-fund revenues of  
173 general-fund agencies. The total proposed expenditures in Part 1  
174 of the overall budget shall not exceed the amount of estimated  
175 revenues which will be available in the general and special funds  
176 for appropriation or use during the succeeding fiscal year,  
177 including any balances which will be on hand in the general and  
178 special funds at the close of the then current fiscal year.  
179 Beginning with the budget for fiscal year 2007, the total proposed  
180 expenditures from the State General Fund in Part 1 of the overall  
181 budget shall not exceed ninety-eight percent (98%) of the amount  
182 of the general-fund revenue estimate for the succeeding fiscal  
183 year, plus any unencumbered balances in general funds that will be  
184 available and on hand at the close of the then current fiscal  
185 year. The general-fund revenue estimate shall be the estimate  
186 jointly adopted by the Governor and the Joint Legislative Budget  
187 Committee. Unencumbered balances in general funds that will be  
188 available and on hand at the close of the current fiscal year  
189 shall not include projected amounts required to be deposited into  
190 the Working Cash-Stabilization Reserve Fund pursuant to Section  
191 27-103-203. The Executive Budget Office may recommend additional  
192 taxes or sources of revenue if, in its judgment, such additional  
193 funds are necessary to adequately support the functions of the  
194 state government.

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

197           27-103-175. To the end that the overall budget shall present  
198 in comparable terms a complete summary of all financial operations  
199 of all state agencies, Part 2 of the overall budget shall include  
200 therein the requested budget and the recommended budget for each

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

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

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

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

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

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

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

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

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



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

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

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

321       27-103-179. To enable the Executive Budget Office to prepare  
322 such budget, it shall have full and plenary power and authority to  
323 require all general-fund and special-fund agencies and the  
324 Mississippi Department of Transportation and the Division of State  
325 Aid Road Construction of the Mississippi Department of  
326 Transportation to file a budget request with such information and  
327 in such form and in such detail as it may deem necessary and  
328 advisable, and it shall have the further power and authority to  
329 reduce or eliminate any item or items of requested appropriation  
330 by any state agency in the Executive Budget Office's recommended  
331 budget to the Legislature. However, where any item of requested  
332 appropriation shall be so reduced or eliminated, the head of the

333 agency involved shall have the right to appear before the  
334 appropriate legislative committee to urge a revision of the budget  
335 to restore the item reduced or eliminated. Beginning with the  
336 2007 fiscal year, the budget requests shall include a definition  
337 of the mission of the agency, a description of the duties and  
338 responsibilities of the agency, financial data relative to the  
339 various programs operated by the agency and performance measures  
340 associated with each program of the agency. The performance  
341 measures to be contained within the agency budget request shall be  
342 developed by cooperative efforts of the Executive Budget Office,  
343 the Legislative Budget Office and the agency itself and shall be  
344 approved jointly by the Executive Budget Office prior to inclusion  
345 within the agency budget request. Beginning with the 2007 fiscal  
346 year, the budget requests shall also include in an addendum format  
347 a five-year strategic plan for the agency which shall include, but  
348 not be limited to, the following items of information:

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

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

364 27-103-181. If any officer or employee of any state agency  
365 whose duty it is to do so shall refuse or fail to file a budget

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

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

381       27-103-183. The Director of the Executive Budget Office, in  
382 person or by assistant, may visit such state agencies as he deems  
383 necessary to obtain information as to the needs or requirements  
384 thereof and may hold hearings at such place or places as may be  
385 designated for such purpose.

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

388       27-103-185. (1) At such regular or special times and on  
389 such forms as the Executive Budget Office may require, every tax  
390 or fee-collecting or other revenue-producing agency shall furnish  
391 the Executive Budget Office with complete and detailed information  
392 as to the amount of revenue collected or otherwise received by it  
393 during the then current fiscal year, together with an estimate of  
394 the revenue that is anticipated for such succeeding periods as the  
395 Executive Budget Office may require.

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

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

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

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

417 27-103-187. The Executive Budget Office shall hold such  
418 hearings as may be necessary to determine the actual budget  
419 requirements of the agencies jointly and in conjunction with the  
420 Joint Legislative Budget Committee. Such budget hearings shall be  
421 coordinated and held at the same time, to the extent that this is  
422 practicable. The Executive Budget Office shall have made a  
423 sufficient number of copies of its proposed budget in order that  
424 the data contained therein will be available to the members of the  
425 Legislature for consideration, and to provide a copy for each  
426 state agency included in the budget proposal, and shall forward a  
427 copy to each member or member-elect of the Legislature and to each  
428 state agency on or about December 15 of each year.

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

431           27-103-101. (1) There is created the Joint Legislative  
432 Budget Committee and the Legislative Budget Office which shall be  
433 governed by such committee. The joint committee shall be composed  
434 of the following members: The Chairman of the Senate Finance  
435 Committee, the President Pro Tempore of the Mississippi State  
436 Senate, the Lieutenant Governor of the State of Mississippi, the  
437 Chairman of the Senate Appropriations Committee and three (3)  
438 members of the Senate to be named by the Lieutenant Governor; the  
439 Chairman of the Ways and Means Committee of the House of  
440 Representatives, the Chairman of the Appropriations Committee of  
441 the House of Representatives, the Speaker of the House of  
442 Representatives and four (4) members of the House of  
443 Representatives to be named by the Speaker of the House. In the  
444 event any ex officio member of the joint committee holds two (2)  
445 positions entitling him to membership on the committee, the  
446 Lieutenant Governor or the Speaker of the House, as the case may  
447 be, shall appoint another member of the respective house to  
448 membership on the committee. The chairmanship shall alternate for  
449 twelve-month periods between the Speaker of the House of  
450 Representatives and the Lieutenant Governor, with the Speaker of  
451 the House of Representatives serving as the first chairman. In  
452 the absence of the Chairman of the Senate Finance Committee,  
453 Senate Appropriations Committee, House Appropriations Committee  
454 and Ways and Means Committee, the vice chairman of any such  
455 committee shall be entitled to attend; if the vice chairman is  
456 unable to attend or if an appointed member is unable to attend,  
457 another legislator may be designated to attend by the Lieutenant  
458 Governor or the Speaker of the House, as the case may be. If the  
459 Lieutenant Governor or Speaker of the House is unable to attend a  
460 meeting, he may designate a legislator to substitute for him at  
461 that meeting. If the President Pro Tempore of the State Senate is  
462 unable to attend a meeting, the Lieutenant Governor shall  
463 designate a member of the Senate to substitute for him at that

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

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

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

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

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

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

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

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

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

509 27-103-103. (1) For the purposes of Sections 27-103-101  
510 through 27-103-187 and 27-104-1 through 27-104-27, the term "state  
511 general-fund agency" or "general-fund agency" shall mean any  
512 agency, department, institution, board or commission of the State  
513 of Mississippi which is supported in whole or in part by  
514 appropriations from the General Fund; but such term shall not  
515 include the Legislature.

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

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



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

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

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

551 **SECTION 18.** This act shall take effect and be in force from  
552 and after July 1, 2006.