

By: Representative Chism

To: Appropriations

HOUSE BILL NO. 1373

1 AN ACT TO AMEND SECTIONS 27-103-125, 27-103-139 AND  
2 27-103-211, MISSISSIPPI CODE OF 1972, TO REVISE THE PERCENTAGE  
3 LIMITATION ON LEGISLATIVE APPROPRIATIONS FROM THE STATE GENERAL  
4 FUND FOR FISCAL YEAR 2006; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 27-103-125, Mississippi Code of 1972, is  
7 amended as follows:

8 27-103-125. The proposed budget of each state agency shall  
9 show the amounts required for operating expenses separately from  
10 the amounts required for permanent improvements. The overall  
11 budget shall show, separately by each source, the estimated amount  
12 of general fund revenue and of special fund revenues of general  
13 fund agencies. The total proposed expenditures in Part 1 of the  
14 overall budget shall not exceed the amount of estimated revenues  
15 that will be available in the general and special funds for  
16 appropriation or use during the succeeding fiscal year, including  
17 any balances that will be on hand in the general and special funds  
18 at the close of the then current fiscal year. The total proposed  
19 expenditures from the State General Fund in Part 1 of the overall  
20 budget shall not exceed ninety-eight percent (98%) of the amount  
21 of general fund revenue estimate for the succeeding fiscal year,  
22 plus any unencumbered balances in general funds that will be  
23 available and on hand at the close of the then current fiscal  
24 year. However, for fiscal years 2004, 2005 and 2006 only, the  
25 total proposed expenditures from the State General Fund in Part 1  
26 of the overall budget shall not exceed one hundred percent (100%)  
27 of the amount of the general fund revenue estimate for the  
28 succeeding fiscal year, plus any unencumbered balances in general

29 funds that will be available and on hand at the close of the then  
30 current fiscal year. The general fund revenue estimate shall be  
31 the estimate jointly adopted by the Governor and the Joint  
32 Legislative Budget Committee. Unencumbered balances in general  
33 funds that will be available and on hand at the close of the  
34 current fiscal year shall not include projected amounts required  
35 to be deposited into the Working Cash-Stabilization Reserve Fund  
36 under Section 27-103-203. The Legislative Budget Office may  
37 recommend additional taxes or sources of revenue if in its  
38 judgment those additional funds are necessary to adequately  
39 support the functions of the state government.

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

62 However, for fiscal years 2004, 2005 and 2006 only, the total  
63 proposed expenditures from the State General Fund in the balanced  
64 budget shall not exceed one hundred percent (100%) of the amount  
65 of the general fund revenue estimate for the succeeding fiscal  
66 year, plus any unencumbered balances in general funds that will be  
67 available and on hand at the close of the then current fiscal  
68 year. The general fund revenue estimate shall be the estimate  
69 jointly 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 Governor has any recommendations for additional proposed  
81 expenditures or proposed revenues that are not included in his  
82 balanced budget, he shall submit those recommendations in a  
83 supplement that is separate from his balanced budget, and whenever  
84 the Governor recommends any such additional proposed expenditures,  
85 he also shall recommend proposed revenues that are sufficient to  
86 fund the additional proposed expenditures, providing specific  
87 details regarding the sources and the total amount of those  
88 proposed revenues.

89 The Governor may employ a budget officer for the purpose of  
90 receiving information from the State Fiscal Officer and preparing  
91 his recommendations on the budget. If the Governor determines  
92 that information received from the State Fiscal Officer is not  
93 sufficient to enable him to prepare his budget recommendations, he  
94 may request an appropriation from the Legislature to provide

95 additional staff within the Governor's Office for that purpose.  
96 At the first regular session after his election for Governor, the  
97 Governor shall submit any budget recommendations plus the required  
98 revenue source recommendations no later than January 31 of that  
99 year.

100       **SECTION 3.** Section 27-103-211, Mississippi Code of 1972, is  
101 amended as follows:

102       27-103-211. The total sum appropriated by the Legislature  
103 from the State General Fund for any fiscal year shall not exceed  
104 ninety-eight percent (98%) of the general fund revenue estimate  
105 for that fiscal year developed by the Tax Commission and the  
106 University Research Center and adopted by the Joint Legislative  
107 Budget Committee, plus any unencumbered balances in general funds  
108 that will be available and on hand at the close of the then  
109 current fiscal year. The unencumbered balances in general funds  
110 that will be available and on hand at the close of the fiscal year  
111 shall not include projected amounts required to be deposited into  
112 the Working Cash-Stabilization Reserve Fund under Section  
113 27-103-203. However, for fiscal years 2004, 2005 and 2006 only,  
114 the total sum appropriated by the Legislature from the State  
115 General Fund shall not exceed one hundred percent (100%) of the  
116 amount of the general fund revenue estimate for that fiscal year,  
117 plus any unencumbered balances in general funds that will be  
118 available and on hand at the close of the then current fiscal  
119 year.

120       **SECTION 4.** This act shall take effect and be in force from  
121 and after July 1, 2005.