

By: Senator(s) Dearing

To: Appropriations

SENATE BILL NO. 2028

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
 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 2005 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 2006
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 Joint Legislative Budget Committee. The
57 total proposed expenditures from the State General Fund in the
58 balanced budget shall not exceed ninety-eight percent (98%) of the
59 amount of general fund revenue estimate for the succeeding fiscal
60 year, 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 years 2004 and 2005 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 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 2006 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 2006 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 2006, 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
325 State-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 2006 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 2006 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, 2005.