

By: Representative Brown

To: Appropriations

HOUSE BILL NO. 1153

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 2008; 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 year 2008 only, the total proposed
25 expenditures from the State General Fund in Part 1 of the overall
26 budget shall not exceed one hundred percent (100%) of the amount
27 of the general fund revenue estimate for the succeeding fiscal
28 year, plus any unencumbered balances in general funds that will be

29 available and on hand at the close of the then current fiscal
30 year. The general fund revenue estimate shall be the estimate
31 jointly adopted by the Governor and the Joint Legislative Budget
32 Committee. Unencumbered balances in general funds that will be
33 available and on hand at the close of the current fiscal year
34 shall not include projected amounts required to be deposited into
35 the Working Cash-Stabilization Reserve Fund under Section
36 27-103-203. The Legislative Budget Office may recommend
37 additional taxes or sources of revenue if in its judgment those
38 additional funds are necessary to adequately support the functions
39 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 year 2008 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 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 year 2008 only, the total sum
114 appropriated by the Legislature from the State General Fund shall
115 not exceed one hundred percent (100%) of the amount of the general
116 fund revenue estimate for that fiscal year, plus any unencumbered
117 balances in general funds that will be available and on hand at
118 the close of the then current fiscal year.

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