

HOUSE JOINT RESOLUTION NO. 67

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZPATRICK.

5522H.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 24 and 27 of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to limitations on the governor's expenditure authority.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Sections 24 and 27, article IV, Constitution of Missouri, are repealed and three new sections adopted in lieu thereof, to be known as sections 24, 25(a), and 27, to read as follows:

Section 24. The governor shall, within thirty days after it convenes in each regular session, submit to the general assembly a budget for the ensuing appropriation period, containing the estimated available revenues of the state and a complete and itemized plan of proposed expenditures of the state and all its agencies[, together with his recommendations of any laws necessary to provide revenues sufficient to meet the expenditures]. **The governor shall not determine estimated available revenues of the state using any projection of new revenues to be created from proposed legislation that has not been passed into law by the general assembly. Estimates of any unspent fund balances that will constitute a surplus during a fiscal year, without regard to actual revenues during such fiscal year, may be included in the estimated revenue available for expenditure during a subsequent fiscal year.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

Section 25(a). Any revenue collected and money received by the state that is not specifically directed to a particular account or fund under the authority of general law shall be immediately deposited by the state treasurer in the general fund and the governor shall have no power to divert the same by use of any administratively created account.

Section 27. **1.** The governor may control the rate at which any appropriation is expended during the period of the appropriation by allotment or other means, and may reduce the expenditures of the state or any of its agencies below their appropriations whenever the actual revenues are less than the revenue estimates upon which the appropriations were based.

2. The power to reduce expenditures below appropriations granted in subsection 1 of this section, shall be subject to the veto power of a budget council consisting of the lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, a member of the senate budget committee or another designee appointed by the president pro tem of the senate, and a member of the house budget committee or another designee appointed by the speaker of the house of representatives. The senate and house members of the council may be appointed in accordance with the rules of the senate and house respectively. A majority of the council may submit a veto message signed by a majority of the council to the governor at any time and on receipt of such message the governor shall immediately cease any reduction of expenditures as directed by the veto message. The veto message may specify whether the budget council objects to one or more items or portions of items within the governor's reduction of expenditures or to an entire act of expenditure reduction by the governor, and shall be effective with regard to such specifications. The budget council may adopt its own rules of procedure by majority vote insofar as the rules are not inconsistent with this section or the constitution of this state, however, no physical meeting or actual vote shall be required to issue a veto message.

Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in section A shall be as follows:

“Shall the Constitution of the State of Missouri be amended to require that all revenues be deposited in the general revenue fund and to empower a council consisting of all statewide elected officials, with the exception of the governor, and an appointee from each house of the general assembly, to veto the governor's reductions on appropriations expenditures?”

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