

FIRST REGULAR SESSION

HOUSE BILL NO. 760

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEARDEN.

Read 1st time April 28, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2243L.02I

AN ACT

To repeal sections 33.250 and 33.270, RSMo, and to enact in lieu thereof three new sections relating to state budget procedures.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 33.250 and 33.270, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 33.250, 33.270, and 33.544, to read as follows:

33.250. **1.** The budget director shall check all estimates submitted to see that all
2 information required is included and may require any additional information from any
3 department. He **or she** shall then submit all estimates to the governor, who may either himself
4 **or herself** or through the budget director call in any officer of any department to consider the
5 estimates of such department and may order any further investigation of any item. The governor
6 shall then prepare his **or her** tentative **budget** recommendations **based** on [each of the estimates]
7 **the revenue estimate as determined pursuant to subsection 2 of this section** and may hold
8 such further conferences with any officer as he **or she** may wish. After the preparation of such
9 recommendations they, or a summary thereof, shall be made public and a public hearing thereon
10 [may] **shall** be held by the governor at which any person may appear and make suggestions as
11 to any item or items or concerning the budget as a whole. After such hearing, the governor shall
12 prepare his **or her** final budget for submission to the general assembly. **In any fiscal year, the**
13 **governor's budget submission shall not propose expenditures nor shall the general**
14 **assembly appropriate, net of refunds, in excess of the revenue estimate pursuant to the**
15 **constitution or by law.**

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

16 **2. The revenue estimate upon which the governor's recommended budget for each**
17 **fiscal year is based shall be the lesser of:**

18 **(1) The net general revenue estimate as determined pursuant to section 33.240; or**

19 **(2) The amount actually spent for the most recently completed fiscal year exclusive**
20 **of expenditures for refunds, modified as follows:**

21 **(a) Increased or decreased by the percentage change in the general price level from**
22 **July to July of the two most recently completed fiscal years as measured by the consumer**
23 **price index for all urban consumers for the Midwest Region, or its successor publications,**
24 **as defined and officially reported by the United States Department of Labor, or its**
25 **successor agency; and**

26 **(b) Increased or decreased by the percentage change in population of the state from**
27 **July to July of the two most recently completed fiscal years as estimated and reported by**
28 **the United States Census Bureau, or its successor agency; and**

29 **(c) In any year in which the percentage change in productivity increases, measured**
30 **as nonfarm business productivity as defined by the United States Department of Labor or**
31 **its successor agency from July to July of the two most recently completed fiscal years, the**
32 **revenue estimate shall be decreased by the percentage change; and**

33 **(d) Increased by any state spending that has been approved by voters or as**
34 **provided for in article X, section 18(e) of the Constitution of Missouri.**

35 **3. Pursuant to article IV, section 24, Constitution of Missouri, the governor may**
36 **submit recommendations of any laws necessary to provide revenues sufficient to meet the**
37 **expenditures beyond those estimated in subsection 2 of this section. Such**
38 **recommendations for additional revenues shall be clearly identified within the budget**
39 **proposal submitted by the governor and may be considered by the general assembly.**

 33.270. The budget shall be submitted to the general assembly in printed form. Such
2 budget shall be in two parts:

3 (1) A budget message outlining the fiscal policy of the state for the biennium and
4 describing the important features of the budget plan; giving a summary of the budget setting forth
5 aggregate figures of proposed revenues and expenditures and the balanced relations between the
6 proposed revenues and expenditures and the total expected income and other means of financing
7 the budget compared with the corresponding figures for the preceding biennium; including
8 explanatory schedules classifying proposed expenditures by organization units, objects and
9 funds; giving estimated statements of assets and liabilities as of the close of the preceding
10 biennium and of the budget biennium; explaining any proposed major increases in revenue from
11 any existing source or any new source of revenue proposed, and giving any further information
12 or making any suggestions;

13 (2) The detailed budget estimates of revenues and expenditures for each fund as provided
14 for in this act showing the recommendations of the governor on each, compared with the figures
15 for each of the fiscal years of the preceding biennium, **including all outcome measures used**
16 **for each program and fund as compared with the attainment of the established goals and**
17 **objectives of each program and fund for the past three fiscal years and projected outcome**
18 **measures for each program and fund for the current fiscal year and the next two fiscal**
19 **years, the most recent reports done by the state auditor's office and any evaluations done**
20 **by the oversight division of the committee on legislative research for each fund and**
21 **program** and giving an explanation of each major change in the recommendations from the
22 revenues and expenditures in the previous biennium.

2 **33.544. There is hereby created in the state treasury the "Excess Revenue**
3 **Collections Fund". State revenues collected in excess of the revenue estimate, as provided**
4 **for in section 33.250, shall be deposited in the excess revenue collections fund. At no time**
5 **shall the fund balance exceed an amount equal to seven and one-half percent of the general**
6 **revenue collections in the most recently completed fiscal year. If the balance in the excess**
7 **revenue collection fund at the close of any fiscal year exceeds seven and one-half percent**
8 **of the net general revenue collections for the previous fiscal year, the commissioner of**
9 **administration shall transfer that excess amount to the general revenue fund. For**
10 **purposes of this section, "net general revenue collections" shall mean all revenue deposited**
11 **into the general revenue fund less refunds and revenues originally deposited into the**
12 **general revenue fund but designated by law for a specific distribution or transfer to**
13 **another state fund. The maximum amount that may be appropriated from the fund at any**
14 **one time shall be one-half the balance in the fund on the first day of the prior fiscal year.**
15 **Moneys deposited in the fund shall not be expended during the fiscal year in which they**
16 **are received. The general assembly may, in any successive fiscal year after the moneys are**
17 **deposited into the fund, appropriate the moneys for the purpose of nonrecurring**
18 **expenditures by a vote in the affirmative of a majority of the members of each chamber,**
19 **whether all members are present or not. All interest gained or earnings of the fund shall**
20 **be retained within the fund and shall not be transferred out of the fund without an**
21 **appropriation by the general assembly. The commissioner of administration may, after**
22 **May fifteenth of any fiscal year, transfer amounts from the excess revenue collection fund**
23 **to the general revenue fund or any other state fund without other legislative action if he**
24 **or she determines that such amounts are necessary for the cash requirements of the state.**
25 **Such transfers shall be deemed cash operating transfers. The commissioner of**
26 **administration shall transfer from the general revenue fund or other recipient fund to the**
excess collection fund an amount equal to the cash operating transfer received by such

27 **fund, together with the interest that would have been earned on such amount, prior to June**
28 **thirtieth of the fiscal year in which the transfer was made.**