

HCS HJR 43 -- LIMITS ON STATE APPROPRIATIONS

SPONSOR: Silvey (Burlison)

COMMITTEE ACTION: Voted "do pass" by the Committee on Budget by a vote of 20 to 9.

Upon voter approval, this proposed constitutional amendment prohibits appropriations in any fiscal year from exceeding the total state general revenue appropriations from the previous year by more than the appropriations growth limit when the total state general revenue appropriations for the current fiscal year exceeds the level for Fiscal Year 2008. The appropriations growth limit is the percentage that is the greater of zero or the sum of the annual rate of inflation and the annual percentage change in Missouri's population.

In any fiscal year when the net general revenue collections are more than 1.5% but less than 2.5% of the total state general revenue appropriations allowed, the excess moneys must be appropriated solely for state debt reduction. In any fiscal year when the net general revenue collections are in excess of 2.5% of the total state general revenue appropriations allowed, 67% of the excess is to be transferred to the Cash Operating Reserve Fund and 33% to the Budget Reserve Fund which are created by the resolution. Any revenue in excess of the specified limits of the funds will be transferred to the newly created Taxpayer Protection Stabilization Fund and used to temporarily reduce the individual income tax rate when the Commissioner of the Office of Administration determines that sufficient amounts exist in the fund for at least a .25% reduction. The resolution authorizes the General Assembly, by a simple majority vote, to appropriate moneys from the Taxpayer Protection Stabilization Fund as it deems necessary if the commissioner determines that total state general revenue appropriations will exceed projected state revenues.

Total state general revenue appropriations for any fiscal year may exceed the appropriations limit only if the Governor declares an emergency and the General Assembly, by a simple majority, approves an appropriation bill to meet the emergency. These appropriated funds cannot be included in the total appropriation limit for the next fiscal year.

New or increased tax revenues or fees receiving voter approval will be exempt from the calculation of the appropriations growth limit for the year in which they are passed.

Sixty-seven percent of the balance in the Budget Reserve Fund on July 1 of each year must be transferred to the Cash Operating

Reserve Fund. If the balance in the Cash Operating Reserve Fund at the close of any fiscal year exceeds 5% of the net general revenue collected in the previous fiscal year, the commissioner must transfer the excess amount to the Taxpayer Protection Stabilization Fund.

In any fiscal year in which the Governor reduces expenditures below amounts appropriated, the Governor may request an emergency appropriation from the Budget Reserve Fund. If the request is approved by a two-thirds majority in each house of the General Assembly, funds may be restored to any expenditure authorized by existing appropriations. If the balance in the Budget Reserve Fund at the end of a fiscal year exceeds 7% of the net general revenue collections for the previous fiscal year, the commissioner must transfer the excess funds to the Taxpayer Protection Stabilization Fund. If the balance is less than 7%, the difference will be transferred from the General Revenue Fund to that fund within five years.

The provisions of the resolution will expire five years after the effective date.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of an income of \$0 or a cost of More than \$7,000,000 in FY 2013, an income of \$0 or a cost of \$61,151,038 in FY 2014, and an income of \$0 or a cost of \$61,151,038 in FY 2015. Estimated Net Income on Other State Funds of \$0 in FY 2013, \$0 or \$61,151,038 in FY 2014, and \$0 or \$61,151,038 in FY 2015.

PROPOSERS: Supporters say that the bill will limit the growth of government spending, provide long-term fiscal planning and rainy day funds, help balance the economic highs and lows, protect programs and funding, reduce income tax rates, and create a better business environment. The bill doesn't apply to local governments and will not limit the power of the legislature to appropriate funds between programs. Unlike Colorado's TABOR, adjustments have been made in the bill to prevent the ratchet-back effect.

Testifying for the bill were Representative Burlison; and Allen Icet.

OPPOSERS: Those who oppose the bill say that it places a new constitutional lid on state spending growth that contains an excessive growth restriction formula and is similar to Colorado's TABOR that hurt the state by reducing funding for education and health care for its citizens. Missouri has a current limit, the Hancock Amendment, which protects taxpayers. The bill ties state spending to population growth plus inflation, is constitutional, and has a ratchet effect since Missouri's future spending will be

tied to today's historic low budget levels. Education and other state-supported services typically grow at a pace significantly greater than inflation. Establishing the Rainy Day Fund is beneficial to the state. The bill could result in an increase in property taxes and erode Missouri's ability to fund the education formula, higher education, public transportation, highways, infrastructure, parks, health care, mental health services, and other needed programs. The bill might work for a while, when times are good, but inevitably will become a restriction that prevents needed accommodations to changing economic circumstances and causes the burden for vital services to shift to the local level and to individuals.

Testifying against the bill were Missouri Budget Project; Kansas City Civic Council; Warren Solomen, Cole County Retired Teachers Association; Susan McLoughlin, Mother and Child Health Coalition; Partnership for Children; Cooperating School Districts of Greater St. Louis; Missouri National Education Association; Missouri Municipal League; and St. Louis County Municipal League.