

By: Senator(s) Wiggins

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 529

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 73
 2 OF THE MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT THE
 3 GOVERNOR SHALL NOT VETO A CONDITION SET FORTH IN AN APPROPRIATION
 4 BILL AND TO PROVIDE THAT THE GOVERNOR'S PARTIAL VETO POWER IS ONLY
 5 APPLICABLE TO APPROPRIATION BILLS THAT FIX A DEFINITE MAXIMUM SUM
 6 TO BE PAID FROM THE STATE TREASURY AND CONTINUE TO BE IN FORCE
 7 WITHDRAWING MONEY FROM THE STATE TREASURY FOR UP TO TWO MONTHS
 8 AFTER THE EXPIRATION OF THE FISCAL YEAR ENDING AFTER THE MEETING
 9 OF THE LEGISLATURE AT ITS NEXT REGULAR SESSION.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
 11 MISSISSIPPI, TWO-THIRDS OF THE SENATE AND HOUSE OF REPRESENTATIVES
 12 CONCURRING THEREIN, WHICH TWO-THIRDS CONSISTS OF NOT LESS THAN A
 13 MAJORITY OF THE MEMBERS ELECTED TO EACH HOUSE, That the following
 14 amendment to the Mississippi Constitution of 1890 is proposed to
 15 the qualified electors of the state:

16 Amend Section 73, Mississippi Constitution of 1890, to read
 17 as follows:

18 Section 73. The Governor may veto parts of any appropriation
 19 bill, and approve parts of the same, and the portions approved
 20 shall be law. The Governor may not veto a part of an
 21 appropriation bill setting forth the conditions on which the money



22 may be drawn, and for what purposes paid. Under this section,
23 "appropriation bill" means a bill that fixes a definite maximum
24 amount as required by Article 4, Section 63, Mississippi
25 Constitution of 1890, and which allows for the withdrawal of money
26 from the State Treasury up to two (2) months after the expiration
27 of the fiscal year ending after the meeting of the Legislature as
28 set forth by Article 4, Section 64, Mississippi Constitution of
29 1890.

30 BE IT FURTHER RESOLVED, That the amendment in this resolution
31 shall be submitted by the Secretary of State to the qualified
32 electors at an election to be held on the first Tuesday after the
33 first Monday of November 2024, as provided by Section 273 of the
34 Constitution and by general law.

35 BE IT FURTHER RESOLVED, That the explanation of the amendment
36 for the ballot shall read as follows: "The Legislature is given
37 the authority to appropriate public funds by the Mississippi
38 Constitution of 1890. In *Reeves v. Gunn*, 307 So. 3d 436 (Miss.
39 2020), the Mississippi Supreme Court ruled that Mississippi's
40 Governor has a 'line item veto' in an 'appropriation bill,'
41 without clarifying which appropriation bills are subject to this
42 veto power. This provision clarifies the type of appropriation
43 bills subject to the Governor's partial veto power, by defining
44 such appropriation bills as those which actually appropriate money
45 from the State Treasury and continue in force no more than two
46 months after the succeeding fiscal year. This proposed



47 constitutional amendment prohibits the Governor from vetoing a
48 condition set forth by the Legislature in an appropriation bill."

