

By: McReynolds

H.J.R. No. 2

A JOINT RESOLUTION

1 proposing a constitutional amendment clarifying that the  
2 legislature may provide in a general appropriations bill that  
3 appropriations are automatically reduced to the extent necessary to  
4 stay within the estimated available revenue and imposing a deadline  
5 for certification of appropriations bills.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 49a(b), Article III, Texas Constitution,  
8 is amended to read as follows:

9 (b) (1) Except in the case of emergency and imperative  
10 public necessity and with a four-fifths vote of the total  
11 membership of each House, no appropriation in excess of the cash and  
12 anticipated revenue of the funds from which such appropriation is  
13 to be made shall be valid.

14 (2) No bill containing an appropriation shall be  
15 considered as passed or be sent to the Governor for consideration  
16 until and unless the Comptroller of Public Accounts makes a written  
17 certification attached to the bill [~~endorses his certificate~~  
18 ~~thereon~~] showing that the amount appropriated is within the amount  
19 estimated to be available in the affected funds.

20 (3) In a general appropriations bill, the Legislature  
21 may provide that, if appropriations made by the bill exceed the  
22 amount estimated to be available in the affected funds,  
23 appropriations are reduced in a manner specified by the Legislature  
24 to the extent necessary to bring the appropriations to within the

1 estimated revenue.

2           (A) If the bill contains such a provision, the  
3 Comptroller not later than ten days after the Legislature adjourns  
4 shall certify the bill under this subsection and provide the  
5 Governor and the Legislature, if the Legislature has not adjourned,  
6 or, the Legislative Budget Board, if the Legislature by its  
7 adjournment prevents its return an accounting attached to the bill  
8 of the amounts by which appropriations are reduced under the  
9 provision.

10           (B) If an appropriations bill does not contain  
11 such a provision, and [When] the Comptroller finds that the [an]  
12 appropriations [appropriation] bill exceeds the estimated revenue,  
13 the Comptroller [he] shall endorse such finding on the bill  
14 [thereon] and return the bill to the House in which the bill [same]  
15 originated, unless the Legislature, by its adjournment prevents its  
16 return. Such information shall be immediately made known to both  
17 the House of Representatives and the Senate and the necessary steps  
18 shall be taken to bring such appropriations to within the revenue,  
19 either by providing additional revenue or reducing the  
20 appropriation. If the Legislature, by its adjournment, prevents  
21 its return, the Comptroller shall file the bill with the Secretary  
22 of State.

23           SECTION 2. This proposed constitutional amendment shall be  
24 submitted to the voters at an election to be held November 2, 2004.  
25 The ballot shall be printed to permit voting for or against the  
26 proposition: "The constitutional amendment clarifying that the  
27 legislature may provide in a general appropriations bill that

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