

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.

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

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

8 (b) Except in the case of emergency and imperative public
9 necessity and with a four-fifths vote of the total membership of
10 each House, no appropriation in excess of the cash and anticipated
11 revenue of the funds from which such appropriation is to be made
12 shall be valid. No bill containing an appropriation shall be
13 considered as passed or be sent to the Governor for consideration
14 until and unless the Comptroller of Public Accounts makes a written
15 certification attached to the bill [~~endorses his certificate~~
16 ~~thereon~~] showing that the amount appropriated is within the amount
17 estimated to be available in the affected funds. In a general
18 appropriations bill, the Legislature may provide that, if
19 appropriations made by the bill exceed the amount estimated to be
20 available in the affected funds, appropriations are reduced in a
21 manner specified by the Legislature to the extent necessary to
22 bring the appropriations to within the estimated revenue. If the
23 bill contains such a provision, the Comptroller shall certify the
24 bill under this subsection and provide the Governor and the

1 Legislature an accounting of the amounts by which appropriations
2 are reduced under the provision. If an appropriation bill does not
3 contain such a provision, and [~~When~~] the Comptroller finds that the
4 [~~an~~] appropriation bill exceeds the estimated revenue, the
5 Comptroller [~~he~~] shall endorse such finding on the bill [~~thereon~~]
6 and return the bill to the House in which the bill [~~same~~]
7 originated. Such information shall be immediately made known to
8 both the House of Representatives and the Senate and the necessary
9 steps shall be taken to bring such appropriation to within the
10 revenue, either by providing additional revenue or reducing the
11 appropriation.

12 SECTION 2. This proposed constitutional amendment shall be
13 submitted to the voters at an election to be held November 2, 2004.
14 The ballot shall be printed to permit voting for or against the
15 proposition: "The constitutional amendment clarifying that the
16 legislature may provide in a general appropriations bill that
17 appropriations are automatically reduced to the extent necessary to
18 stay within the estimated available revenue."