

By: Isett

H.J.R. No. 15

A JOINT RESOLUTION

proposing a constitutional amendment concerning the restriction on the rate of growth of appropriations.

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

SECTION 1. Section 22, Article VIII, Texas Constitution, is amended to read as follows:

Sec. 22. (a) In no biennium shall the rate of growth of appropriations from all sources of revenue except the federal government ~~[state tax revenues not dedicated by this constitution]~~ exceed the estimated rate of growth of total personal income in the state ~~[the state's economy]~~. In this subsection, the rate of growth of appropriations from the current biennium to the next biennium is the percentage difference between:

(1) the lesser of:

(A) the amount of money appropriated for the current biennium from all sources of revenue other than the federal government, as cumulatively estimated by the comptroller at the times the comptroller endorsed, in accordance with Section 49a, Article III, of this constitution, the comptroller's certificate on the bills making the appropriations; and

(B) the amount of money actually appropriated for the current biennium from all sources of revenue other than the federal government, using the most recently available information; and

(2) the amount of money appropriated for the next

1 biennium from all sources of revenue other than the federal
2 government, as finally estimated by the comptroller at the times
3 the Acts making appropriations are considered by the comptroller
4 under Section 49a, Article III, of this constitution.

5 (b) The legislature shall provide by general law procedures
6 to implement Subsection (a) of this section [~~subsection~~].

7 (c) [~~(b)~~] If the legislature by adoption of a resolution
8 approved by a record vote of two-thirds [~~a majority~~] of the members
9 of each house finds that an emergency exists and identifies the
10 nature of the emergency, the legislature may provide for
11 appropriations in excess of the amount authorized by Subsection (a)
12 of this section. The excess authorized under this subsection may
13 not exceed the amount specified in the resolution.

14 (d) [~~(c)~~] In no case shall appropriations exceed revenues
15 as provided in Article III, Section 49a, of this constitution.
16 Nothing in this section shall be construed to alter, amend, or
17 repeal Article III, Section 49a, of this constitution.

18 SECTION 2. Section 49a, Article III, Texas Constitution, is
19 amended by adding Subsection (c) to read as follows:

20 (c) No bill containing an appropriation of money from any
21 source except the federal government shall be considered as passed
22 or be sent to the Governor for consideration until and unless the
23 Comptroller of Public Accounts endorses the Comptroller's
24 certificate thereon showing that the appropriation does not
25 contravene the limitation on the rate of growth of appropriations
26 imposed by Section 22, Article VIII, of this constitution. When the
27 Comptroller finds that a bill contains an appropriation that

1 contravenes the limitation on the rate of growth of appropriations,
2 the Comptroller shall endorse that finding on the bill, return the
3 bill to the House from which it originated, and immediately notify
4 the House of Representatives and the Senate of the finding.

5 SECTION 3. The following temporary provision is added to
6 the Texas Constitution:

7 TEMPORARY PROVISION. (a) This temporary provision applies
8 to the amendment to Section 22, Article VIII, and Section 49a,
9 Article III, of this constitution, proposed by the 78th
10 Legislature, Regular Session, 2003, restricting the rate of growth
11 of appropriations from all sources of revenue except the federal
12 government to the estimated rate of growth of total personal income
13 in this state. This temporary provision expires September 2, 2005.

14 (b) The changes made to Section 22, Article VIII, and
15 Section 49a, Article III, of this constitution by the amendment
16 apply only in relation to appropriations made for the state fiscal
17 biennium beginning September 1, 2005, and subsequent state fiscal
18 bienniums. Appropriations for the state fiscal biennium that begins
19 September 1, 2003, are governed by Section 22, Article VIII, and
20 Section 49a, Article III, as they existed immediately before the
21 amendment was approved by the voters.

22 SECTION 4. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 4, 2003.
24 The ballot shall be printed to permit voting for or against the
25 proposition: "The constitutional amendment to limit the growth of
26 the state budget to the rate of growth in Texas personal income."