

By: Wilson

H.J.R. No. 93

A JOINT RESOLUTION

1 proposing a constitutional amendment to abolish and prohibit
2 constitutional and statutory dedications of and restrictions on the
3 use of state funds and revenue.

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

5 SECTION 1. Article XVI, Texas Constitution, is amended by
6 adding Section 72 to read as follows:

7 Sec. 72. (a) Notwithstanding any other provision of this
8 constitution to the contrary, all dedications of state funds and
9 revenue for a particular purpose and all restrictions on the use of
10 state funds and revenue made by this constitution are abolished,
11 other than:

12 (1) dedications under which the money is held in trust
13 for the benefit of private persons, state or local government
14 employees or retirees, or local governmental entities; and

15 (2) dedications under which the money is appropriated
16 or designated by the constitution to pay the principal or interest
17 on bonds or other public securities issued before January 1, 2004.

18 (b) A dedication of state money or a restriction on the use
19 of state money provided by statute is invalid and of no effect
20 unless the dedication or restriction is:

21 (1) required by federal law or necessary to meet
22 conditions prescribed for participation or qualification in a
23 program under federal law;

24 (2) applicable to money held in trust for the benefit

1 of private persons, state or local government employees or
2 retirees, or local governmental entities; or

3 (3) applicable to money held or designated to pay the
4 principal of or interest on bonds or other public securities.

5 (c) The comptroller has exclusive authority to determine
6 what state money or funds are included within the exceptions listed
7 in Subsections (a) and (b) of this section, subject to judicial
8 review as provided by law for judicial review of an administrative
9 action of the comptroller. A court may reverse a determination of
10 the comptroller only if the determination is clearly erroneous.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 4, 2003.
13 The ballot shall be printed to provide for voting for or against the
14 proposition: "The constitutional amendment to abolish and prohibit
15 constitutional and statutory dedications of and restrictions on the
16 use of state funds and revenue."