

By: Raymond

H.J.R. No. 103

A JOINT RESOLUTION

proposing a constitutional amendment providing for an annual state budget and annual legislative sessions for budget purposes.

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

SECTION 1. Section 5(a), Article III, Texas Constitution, is amended to read as follows:

(a) The Legislature shall meet every odd-numbered year in regular session and every even-numbered year in budget session [~~two years~~] at such times [~~time~~] as may be provided by law. The Legislature also shall meet [~~and~~] at other times when convened by the Governor.

SECTION 2. Article III, Texas Constitution, is amended by adding Section 40a to read as follows:

Sec. 40a. (a) A budget session of the legislature may not exceed 60 days in duration, except that the legislature by majority vote of the membership of each house may extend a budget session by not more than 30 days. When convened in budget session, a house of the legislature may not consider a bill or proposed constitutional amendment on a matter other than:

(1) appropriations, transfers of state money among funds and accounts, or state revenue; or

(2) an emergency matter submitted by the governor in a special message to the legislature.

(b) Except as otherwise provided by this constitution, a budget session is treated in the same manner as a special session of

1 the legislature for purposes of this constitution.

2 (c) Unless otherwise provided by general law, a budget  
3 session shall be convened at noon on the third Tuesday in April.

4 SECTION 3. Section 49(c), Article III, Texas Constitution,  
5 is amended to read as follows:

6 (c) The legislature may call an election during any regular  
7 session or budget session of the legislature or during any special  
8 session of the legislature in which the subject of the election is  
9 designated in the governor's proclamation for that special session.  
10 The election may be held on any date, and notice of the election  
11 shall be given for the period and in the manner required for  
12 amending this constitution. The election shall be held in each  
13 county in the manner provided by law for other statewide elections.

14 SECTION 4. Subsection (a), Section 49a, Article III, Texas  
15 Constitution, is amended to read as follows:

16 (a) It shall be the duty of the Comptroller of Public  
17 Accounts in advance of each Regular Session and Budget Session of  
18 the Legislature to prepare and submit to the Governor and to the  
19 Legislature upon its convening a statement under oath showing fully  
20 the financial condition of the State Treasury at the close of the  
21 last fiscal period and an estimate of the probable receipts and  
22 disbursements for the then current fiscal year. There shall also be  
23 contained in said statement an itemized estimate of the anticipated  
24 revenue based on the laws then in effect that will be received by  
25 and for the State from all sources showing the fund accounts to be  
26 credited during each of the next two fiscal years, [~~the succeeding~~  
27 ~~biennium~~] and said statement shall contain such other information

as may be required by law. Supplemental statements shall be submitted at any Special Session of the Legislature and at such other times as may be necessary to show probable changes.

SECTION 5. Subsections (b), (c), (g), (h), (j), (k), and (l), Section 49-g, Article III, Texas Constitution, are amended to read as follows:

(b) The comptroller shall, not later than the 90th day of each fiscal year [~~biennium~~], transfer to the economic stabilization fund one-half of any unencumbered positive balance of general revenues on the last day of the preceding fiscal year [~~biennium~~]. If necessary, the comptroller shall reduce the amount transferred in proportion to the other amounts prescribed by this section to prevent the amount in the fund from exceeding the limit in effect for that fiscal year [~~biennium~~] under Subsection (g) of this section.

(c) Not later than the 90th day of each fiscal year, the comptroller of public accounts shall transfer from general revenue to the economic stabilization fund the amounts prescribed by Subsections (d) and (e) of this section. However, if necessary, the comptroller shall reduce proportionately the amounts transferred to prevent the amount in the fund from exceeding the limit in effect for that fiscal year [~~biennium~~] under Subsection (g) of this section.

(g) During each fiscal year [~~biennium~~], the amount in the economic stabilization fund may not exceed an amount equal to 20 [~~10~~] percent of the total amount, excluding investment income, interest income, and amounts borrowed from special funds, deposited

1 in general revenue during the preceding fiscal year [~~biennium~~].

2 (h) In preparing an estimate of anticipated revenues for a  
3 succeeding fiscal year [~~biennium~~] as required by Article III,  
4 Section 49a, of this constitution, the comptroller shall estimate  
5 the amount of the transfers that will be made under Subsections (b),  
6 (d), and (e) of this section. The comptroller shall deduct that  
7 amount from the estimate of anticipated revenues as if the  
8 transfers were made on August 31 of that fiscal year.

9 (j) The comptroller may transfer money from the economic  
10 stabilization fund to general revenue to prevent or eliminate a  
11 temporary cash deficiency in general revenue. The comptroller  
12 shall return the amount transferred to the economic stabilization  
13 fund as soon as practicable, but not later than August 31 of the  
14 fiscal year in which the transfer is made [~~each odd-numbered year~~].  
15 The comptroller shall allocate the depository interest as if the  
16 transfers had not been made. If the comptroller submits a statement  
17 to the governor and the legislature under Article III, Section 49a,  
18 of this constitution when money from the economic stabilization  
19 fund is in general revenue, the comptroller shall state that the  
20 transferred money is not available for appropriation from general  
21 revenue.

22 (k) Amounts from the economic stabilization fund may be  
23 appropriated during a regular or budget [~~legislative~~] session only  
24 for a purpose for which an appropriation from general revenue was  
25 made for the current fiscal year [~~by the preceding legislature~~] and  
26 may be appropriated in a special session only for a purpose for  
27 which an appropriation from general revenue was made in a preceding

1 legislative session of the same legislature. An appropriation from  
2 the economic stabilization fund may be made under this subsection  
3 only if the comptroller certifies that appropriations from general  
4 revenue made for the current fiscal year [~~by the preceding~~  
5 ~~legislature for the current biennium~~] exceed available general  
6 revenues and cash balances for the remainder of that fiscal year  
7 [~~biennium~~]. The amount of the [~~an~~] appropriation [~~from the~~  
8 ~~economic stabilization fund~~] may not exceed the difference between  
9 the comptroller's estimate of general revenue for the current  
10 fiscal year [~~biennium~~] at the time the comptroller receives for  
11 certification the bill making the appropriation and the amount of  
12 general revenue appropriations for that fiscal year [~~biennium~~]  
13 previously certified by the comptroller. Appropriations from the  
14 economic stabilization fund under this subsection may not extend  
15 beyond the last day of the current fiscal year [~~biennium~~]. An  
16 appropriation from the economic stabilization fund under this  
17 subsection must be approved by a three-fifths vote of the members  
18 present in each house of the legislature.

19 (1) If an estimate of anticipated revenues for the [~~a~~]  
20 succeeding fiscal year [~~biennium~~] prepared by the comptroller  
21 pursuant to Article III, Section 49a, of this constitution is less  
22 than the revenues that are estimated at the same time by the  
23 comptroller to be available for the current fiscal year [~~biennium~~],  
24 the legislature may, by a three-fifths vote of the members present  
25 in each house, appropriate for the succeeding fiscal year  
26 [~~biennium~~] from the economic stabilization fund an amount not to  
27 exceed this difference. Following each fiscal year, the actual

1 amount of revenue shall be computed, and if the estimated  
2 difference exceeds the actual difference, the comptroller shall  
3 transfer the amount necessary from general revenue to the economic  
4 stabilization fund so that the actual difference shall not be  
5 exceeded. If all or a portion of the difference in revenue from one  
6 fiscal year [~~biennium~~] to the next results, at least in part, from a  
7 change in a tax rate or base adopted by the legislature, the  
8 computation of revenue difference shall be adjusted to the amount  
9 that would have been available had the rate or base not been  
10 changed.

11 SECTION 6. Section 6, Article VIII, Texas Constitution, is  
12 amended to read as follows:

13 Sec. 6. No money shall be drawn from the Treasury but in  
14 pursuance of specific appropriations made by law; nor shall any  
15 appropriation of money be made for a longer term than one year [~~two~~  
16 ~~years~~].

17 SECTION 7. Section 22(a), Article VIII, Texas Constitution,  
18 is amended to read as follows:

19 (a) In no fiscal year [~~biennium~~] shall the rate of growth of  
20 appropriations from state tax revenues not dedicated by this  
21 constitution exceed the estimated rate of growth of the state's  
22 economy. The legislature shall provide by general law procedures  
23 to implement this subsection.

24 SECTION 8. The following temporary provision is added to  
25 the Texas Constitution:

26 TEMPORARY PROVISION. (a) The constitutional amendment  
27 proposed by the 81st Legislature, Regular Session, 2009, providing

1 for an annual state budget and annual legislative sessions for  
2 budget purposes takes effect September 1, 2011.

3 (b) The amendment does not affect the validity of an  
4 appropriation made before that date for any part of the two  
5 consecutive state fiscal years ending August 31, 2013.

6 (c) This temporary provision expires January 1, 2014.

7 SECTION 9. This proposed constitutional amendment shall be  
8 submitted to the voters at an election to be held November 3, 2009.  
9 The ballot shall be printed to permit voting for or against the  
10 proposition: "The constitutional amendment providing for an annual  
11 state budget and annual legislative sessions for budget purposes."