

By: Isett

H.J.R. No. 109

A JOINT RESOLUTION

1 proposing a constitutional amendment to limit the rate of growth of
2 appropriations from all sources of revenue except the federal
3 government and to authorize the legislature to appropriate money
4 for tax rebates.

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

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

8 Sec. 22. (a) In no biennium shall the rate of growth of
9 appropriations from all sources of revenue except the federal
10 government [~~state tax revenues not dedicated by this constitution~~]
11 exceed the average biennial [~~the estimated~~] rate of growth of the
12 state's population, adjusted for monetary inflation [~~economy~~].

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

15 (c) [~~(b)~~] If the legislature by adoption of a resolution
16 approved by a record vote of a majority of the members of each house
17 finds that an emergency exists and identifies the nature of the
18 emergency, the legislature may provide for appropriations in excess
19 of the amount authorized by Subsection (a) of this section. The
20 excess authorized under this subsection may not exceed the amount
21 specified in the resolution.

22 (d) An appropriation for the sole purpose of reducing
23 property taxes imposed by a political subdivision of the state,
24 including a school district, or for the sole purpose of returning

1 money to taxpayers as authorized by Section 51h, Article III, of
2 this constitution is not counted in determining for the purposes of
3 this section whether the rate of growth in appropriations for a
4 biennium exceeds the average biennial rate of growth of the state's
5 population, adjusted for monetary inflation.

6 (e) Appropriations may not [~~(c) In no case shall~~
7 ~~appropriations~~] exceed revenues as provided in Article III, Section
8 49a, of this constitution. Nothing in this section shall be
9 construed to alter, amend, or repeal Article III, Section 49a, of
10 this constitution.

11 SECTION 2. Section 49a, Article III, Texas Constitution, is
12 amended by adding Subsections (c) and (d) to read as follows:

13 (c) No bill containing an appropriation of money from any
14 source except the federal government, other than an appropriation
15 for the sole purpose of tax relief or tax rebates as described by
16 Section 22(d), Article VIII, of this constitution, shall be
17 considered as passed or be sent to the Governor for consideration
18 until and unless the Comptroller of Public Accounts endorses the
19 Comptroller's certificate thereon showing that the appropriation
20 does not contravene the limitation on the rate of growth of
21 appropriations imposed by Section 22, Article VIII, of this
22 constitution. When the Comptroller finds that a bill contains an
23 appropriation that contravenes the limitation on the rate of growth
24 of appropriations, the Comptroller shall endorse that finding on
25 the bill, return the bill to the House from which it originated, and
26 immediately notify the House of Representatives and the Senate of
27 the finding.

1 (d) Not later than the 65th day after the date the
2 legislature adjourns a legislative session, the Comptroller shall
3 issue an estimate of the amount of anticipated general revenues for
4 the biennium that are unappropriated, unencumbered, and
5 undedicated at that time. If the legislative session is a regular
6 session or a special session that begins between final adjournment
7 of the regular session and the beginning of the subsequent state
8 fiscal biennium, the Comptroller's estimate must address that
9 subsequent biennium.

10 SECTION 3. Article III, Texas Constitution, is amended by
11 adding Section 51h to read as follows:

12 Sec. 51h. Notwithstanding any other provision of this
13 constitution, the legislature by general law may provide for
14 granting public money to natural persons in this state for the sole
15 purpose of returning public money to residents or taxpayers. The
16 legislature by general law may provide for any method to accomplish
17 that purpose the legislature considers most efficient, including
18 direct cash payments to individual residents of this state or to a
19 class of residents or taxpayers of this state.

20 SECTION 4. The following temporary provision is added to
21 the Texas Constitution:

22 TEMPORARY PROVISION. (a) This temporary provision applies
23 to the amendments to Section 22, Article VIII, and Section 49a,
24 Article III, of this constitution, proposed by the 81st
25 Legislature, Regular Session, 2009, restricting the rate of growth
26 of appropriations from all sources of revenue except the federal
27 government to a rate equal to the average rate of growth of the

1 state's population adjusted for inflation. This temporary
2 provision expires December 1, 2011.

3 (b) The changes made to Section 22, Article VIII, and the
4 addition of Subsection (c) to Section 49a, Article III, of this
5 constitution by the amendments apply only in relation to
6 appropriations made for the state fiscal biennium beginning
7 September 1, 2011, and subsequent state fiscal bienniums.
8 Appropriations for the state fiscal biennium that began September
9 1, 2009, are governed by Section 22, Article VIII, and Section 49a,
10 Article III, as they existed immediately before the amendment was
11 approved by the voters.

12 (c) The duty imposed on the comptroller of public accounts
13 by the addition of Subsection (d) to Section 49a, Article III, of
14 this constitution first applies after the legislature adjourns its
15 regular session in 2011.

16 SECTION 5. This proposed constitutional amendment shall be
17 submitted to the voters at an election to be held November 3, 2009.
18 The ballot shall be printed to permit voting for or against the
19 proposition: "The constitutional amendment to limit the rate of
20 growth of appropriations from all sources of revenue except the
21 federal government and to authorize the legislature to appropriate
22 money for tax rebates to individual residents or taxpayers."