

By: Harless

H.J.R. No. 89

A JOINT RESOLUTION

1 proposing a constitutional amendment to prohibit using revenues,  
2 other money, or account or fund balances dedicated by law for  
3 nondedicated general governmental purposes and to limit using that  
4 money or those balances for certification of appropriations for  
5 nondedicated purposes or entities.

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

7 SECTION 1. Section 49a, Article III, Texas Constitution, is  
8 amended by adding Subsections (c), (d), and (e) to read as follows:

9 (c) In making the determinations necessary for the  
10 Comptroller of Public Accounts to endorse the certificate under  
11 Subsection (b) of this section, the Comptroller may not consider  
12 any portion of any revenue of or money received by this state, or  
13 any account or fund balance, that by law has been dedicated to a  
14 particular purpose or entity as available for the purpose of  
15 certifying that the amount of appropriations for any other purpose  
16 or entity is within the amount estimated to be available in the  
17 affected funds. The Legislature may not by general law make an  
18 unappropriated balance of a dedicated account or fund available for  
19 general governmental purposes or certification except by expressly  
20 repealing the dedication.

21 (d) Notwithstanding Subsection (c) of this section and only  
22 to the extent authorized by general law, the Comptroller may  
23 consider:

24 (1) for appropriations for any part of the state

1 fiscal year beginning September 1, 2015, not more than 37.5 percent  
2 of the total amount of revenue of or money received by this state,  
3 or any account or fund balance, that by law has been dedicated to a  
4 particular purpose or entity and that, on August 31, 2015, the  
5 Comptroller estimates to exceed the total amount of such revenues,  
6 money, and balances appropriated by the General Appropriations Act  
7 or other laws enacted by the 83rd Legislature, as available for the  
8 purpose of certifying that the amount of appropriations for any  
9 nondedicated purpose or entity is within the amount estimated to be  
10 available in the affected funds;

11 (2) for appropriations for any part of the state  
12 fiscal year beginning September 1, 2016, not more than 25 percent of  
13 the total amount of revenue of or money received by this state, or  
14 any account or fund balance, that by law has been dedicated to a  
15 particular purpose or entity and that, on August 31, 2015, the  
16 Comptroller estimates to exceed the total amount of such revenues,  
17 money, and balances appropriated by the General Appropriations Act  
18 or other laws enacted by the 83rd Legislature, as available for the  
19 purpose of certifying that the amount of appropriations for any  
20 nondedicated purpose or entity is within the amount estimated to be  
21 available in the affected funds; and

22 (3) for appropriations for any part of the state  
23 fiscal year beginning September 1, 2017, not more than 12.5 percent  
24 of the total amount of revenue of or money received by this state,  
25 or any account or fund balance, that by law has been dedicated to a  
26 particular purpose or entity and that, on August 31, 2017, the  
27 Comptroller estimates to exceed the total amount of such revenues,

1 money, and balances appropriated by the General Appropriations Act  
2 or other laws enacted by the 84th Legislature, as available for the  
3 purpose of certifying that the amount of appropriations for any  
4 nondedicated purpose or entity is within the amount estimated to be  
5 available in the affected funds.

6 (e) This subsection and Subsection (d) of this section  
7 expire September 1, 2018.

8 SECTION 2. Article VIII, Texas Constitution, is amended by  
9 adding Section 26 to read as follows:

10 Sec. 26. Revenue of or money received by this state from one  
11 or more particular sources or held in or deposited to an identified  
12 account or fund inside or outside the state treasury the  
13 appropriation or expenditure of which at the time the revenue is  
14 collected or the money is received by the state is dedicated by  
15 general law to one or more particular purposes or for one or more  
16 particular entities may not be appropriated or expended for any  
17 purpose, or to or by any entity, other than a purpose or entity to  
18 which the revenue or money is dedicated unless the legislature  
19 expressly repeals the dedication.

20 SECTION 3. The following temporary provision is added to  
21 the Texas Constitution:

22 TEMPORARY PROVISION. (a) This temporary provision applies  
23 to the constitutional amendment proposed by the 83rd Legislature,  
24 Regular Session, 2013, to prohibit using revenues, other money, or  
25 account or fund balances dedicated by law for nondedicated general  
26 governmental purposes and to limit using that money or those  
27 balances for certification of appropriations for nondedicated

1 purposes or entities.

2 (b) The amendment to Section 49a, Article III, of this  
3 constitution takes effect January 1, 2015, and applies only to the  
4 certification of an appropriation authorized for all or part of a  
5 state fiscal year beginning on or after September 1, 2015.

6 (c) Section 26, Article VIII, of this constitution takes  
7 effect September 1, 2015, and applies only to appropriations  
8 authorized for all or part of, or expenditures during, a state  
9 fiscal year beginning on or after that date.

10 (d) This temporary provision expires January 1, 2016.

11 SECTION 4. This proposed constitutional amendment shall be  
12 submitted to the voters at an election to be held November 5, 2013.  
13 The ballot shall be printed to permit voting for or against the  
14 proposition: "The constitutional amendment to end fee and other  
15 revenue diversions by prohibiting using certain money dedicated by  
16 law for nondedicated purposes or entities and to limit using that  
17 money to certify appropriations for nondedicated purposes or  
18 entities."