

By: Hughes

H.J.R. No. 93

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 available sources of revenue except the  
10 federal government [~~state tax revenues not dedicated by this~~  
11 ~~constitution~~] exceed the average biennial [~~the estimated~~] rate of  
12 growth of the state's population, adjusted for monetary inflation  
13 [~~economy~~].

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

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

23 (d) An appropriation for the sole purpose of reducing  
24 property taxes imposed by a political subdivision of the state,

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

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

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

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

1 the finding.

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

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

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

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

23 TEMPORARY PROVISION. (a) This temporary provision applies  
24 to the amendments to Section 22, Article VIII, and Section 49a,  
25 Article III, of this constitution, proposed by the 83rd  
26 Legislature, Regular Session, 2013, to limit the rate of growth of  
27 appropriations from all sources of revenue except the federal

1 government to a rate equal to the average biennial rate of growth of  
2 the state's population, adjusted for monetary inflation. This  
3 temporary provision expires December 1, 2015.

4 (b) The changes made to Section 22, Article VIII, and the  
5 addition of Subsection (c) to Section 49a, Article III, of this  
6 constitution by the amendments apply only in relation to  
7 appropriations made for the state fiscal biennium beginning  
8 September 1, 2015, and subsequent state fiscal bienniums.  
9 Appropriations for the state fiscal biennium that began September  
10 1, 2013, are governed by Section 22, Article VIII, and Section 49a,  
11 Article III, as they existed immediately before the amendment was  
12 approved by the voters.

13 (c) The duty imposed on the comptroller of public accounts  
14 by the addition of Subsection (d) to Section 49a, Article III, of  
15 this constitution first applies after the legislature adjourns its  
16 regular session in 2015.

17 SECTION 5. This proposed constitutional amendment shall be  
18 submitted to the voters at an election to be held November 5, 2013.  
19 The ballot shall be printed to permit voting for or against the  
20 proposition: "The constitutional amendment to limit the rate of  
21 growth of appropriations from all sources of revenue except the  
22 federal government and to authorize the legislature to appropriate  
23 money for tax rebates to individual residents or taxpayers."