

By: Perry

H.J.R. No. 111

A JOINT RESOLUTION

1 proposing a constitutional amendment limiting appropriations from
2 the economic stabilization fund to a total amount that the
3 comptroller of public accounts estimates will not result at any
4 time in a fund balance of less than a prescribed minimum amount.

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

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

9 (b) Except in the case of emergency and imperative public
10 necessity and with a four-fifths vote of the total membership of
11 each House, no appropriation in excess of the cash and anticipated
12 revenue of the funds from which the ~~[such]~~ appropriation is to be
13 made is ~~[shall be]~~ valid. In addition, an appropriation from the
14 economic stabilization fund is not valid unless the Comptroller of
15 Public Accounts determines the appropriation will not exceed the
16 limitation on appropriations from that fund prescribed by Section
17 49-g(g-1) of this article. A ~~[No]~~ bill containing an appropriation
18 is not ~~[shall be]~~ considered as passed and may not ~~[or]~~ be sent to
19 the Governor for consideration until and unless the Comptroller of
20 Public Accounts endorses the Comptroller's ~~[his]~~ certificate on the
21 bill ~~[thereon]~~ showing that:

22 (1) the amount appropriated is within the amount
23 estimated to be available in the affected funds; and

24 (2) if the bill appropriates an amount from the

1 economic stabilization fund, the appropriated amount, when added to
2 other amounts appropriated from the economic stabilization fund in
3 bills certified under this subdivision, will not exceed the
4 limitation on appropriations from that fund prescribed by Section
5 49-g(g-1) of this article.

6 (c) In determining whether to certify a bill under
7 Subsection (b)(2) of this section, the Comptroller of Public
8 Accounts:

9 (1) shall consider the Comptroller's estimate of the
10 unappropriated balance of the economic stabilization fund as of the
11 first day of the period for which the appropriation is authorized,
12 the estimated amount and timing of anticipated interest to be
13 credited to the economic stabilization fund during the period for
14 which the appropriation is authorized, and the estimated amounts
15 and timing of anticipated transfers to the economic stabilization
16 fund during that period that are required by Sections 49-g(b), (c),
17 (d), and (e) of this article; and

18 (2) may not consider actual or anticipated transfers
19 of money to or from the economic stabilization fund authorized by
20 Section 49-g(j) of this article.

21 (d) When the Comptroller of Public Accounts finds that the
22 Comptroller cannot make the certification required by Subsection
23 (b)(1) or (2) of this section, the Comptroller [an appropriation
24 ~~bill exceeds the estimated revenue he~~] shall endorse the [such]
25 finding on the bill [~~thereon~~] and return the bill to the House in
26 which the bill [~~same~~] originated. The finding immediately [~~Such~~
27 ~~information~~] shall be [~~immediately~~] made known to both the House of

1 Representatives and the Senate and the necessary steps, as
2 applicable, shall be taken to bring such appropriation to within:

3 (1) the estimated revenue, either by providing
4 additional revenue or reducing the appropriation; or

5 (2) an amount that, when added to other amounts
6 appropriated from the economic stabilization fund in bills
7 certified under Subsection (b)(2) of this section, will not exceed
8 the limitation on appropriations from that fund prescribed by
9 Section 49-g(g-1) of this article.

10 SECTION 2. Section 49-g, Article III, Texas Constitution,
11 is amended by adding Subsections (g-1) and (g-2) to read as follows:

12 (g-1) The total amount of appropriations of money from the
13 economic stabilization fund for all or any part of a state fiscal
14 biennium may not exceed the estimated maximum amount the
15 comptroller determines may be appropriated so that the
16 unappropriated balance of the economic stabilization fund at all
17 times during the biennium is an amount equal to at least five
18 percent of the amount of the biennial state taxes and fees general
19 revenue estimate provided in advance of the regular legislative
20 session preceding that biennium. For purposes of this subsection,
21 "biennial state taxes and fees general revenue estimate" means the
22 amount of revenue stated in the comptroller's estimate provided in
23 advance of the regular legislative session as required by Section
24 49a(a) of this article that, based on the laws in effect at the time
25 the estimate is made, is anticipated to be received by and for the
26 state from collections of taxes and fees the revenue from which is
27 anticipated to be deposited to the credit of the general revenue

1 fund and is not set aside by law for a particular purpose or entity.
2 The term does not include probable changes to that anticipated
3 revenue as shown in supplemental statements submitted in accordance
4 with Section 49a(a) of this article.

5 (g-2) The authority to make an appropriation from the
6 economic stabilization fund under Subsection (k), (l), or (m) of
7 this section is subject to the endorsement of the comptroller's
8 certificate under Section 49a(b)(2) of this article.

9 SECTION 3. The following temporary provision is added to
10 the Texas Constitution:

11 TEMPORARY PROVISION. (a) This temporary provision applies
12 to the constitutional amendment proposed by the 83rd Legislature,
13 Regular Session, 2013, limiting appropriations from the economic
14 stabilization fund to a total amount that the comptroller of public
15 accounts estimates will not result at any time in a fund balance of
16 less than a prescribed minimum amount.

17 (b) The amendments made to Sections 49a and 49-g, Article
18 III, of this constitution take effect January 1, 2015, and apply
19 only to an appropriation made for all or part of a state fiscal year
20 beginning on or after September 1, 2015.

21 (c) This temporary provision expires January 1, 2016.

22 SECTION 4. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 5, 2013.
24 The ballot shall be printed to provide for voting for or against the
25 proposition: "The constitutional amendment limiting

26 appropriations from the economic stabilization fund ("rainy day
27 fund") to a total amount that the comptroller of public accounts

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1 estimates will not result at any time in a fund balance of less than
2 a prescribed minimum amount."