

By: Estes

S.J.R. No. 26

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."