

By: Raymond

H.J.R. No. 63

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for an annual state  
2 budget and annual legislative sessions for budget purposes.

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

4 SECTION 1. Section 5(a), Article III, Texas Constitution,  
5 is amended to read as follows:

6 (a) The Legislature shall meet every odd-numbered year in  
7 regular session and every even-numbered year in budget session [~~two~~  
8 ~~years~~] at such times [~~time~~] as may be provided by law. The  
9 Legislature also shall meet [~~and~~] at other times when convened by  
10 the Governor.

11 SECTION 2. Section 24(a), Article III, Texas Constitution,  
12 is amended to read as follows:

13 (a) Members of the Legislature shall receive from the Public  
14 Treasury a salary of Six Hundred Dollars (\$600) per month, unless a  
15 greater amount is recommended by the Texas Ethics Commission and  
16 approved by the voters of this State in which case the salary is  
17 that amount. Each member shall also receive a per diem set by the  
18 Texas Ethics Commission for each day during each Regular, Budget,  
19 and Special Session of the Legislature.

20 SECTION 3. Article III, Texas Constitution, is amended by  
21 adding Section 40a to read as follows:

22 Sec. 40a. (a) A budget session of the legislature may not  
23 exceed 60 days in duration, except that the legislature by majority  
24 vote of the membership of each house may extend a budget session by

1 not more than 30 days. When convened in budget session, a house of  
2 the legislature may not consider a bill or proposed constitutional  
3 amendment on a matter other than:

4 (1) appropriations, transfers of state money among  
5 funds and accounts, or state revenue; or

6 (2) an emergency matter submitted by the governor in a  
7 special message to the legislature.

8 (b) Except as otherwise provided by this constitution, a  
9 budget session is treated in the same manner as a special session of  
10 the legislature for purposes of this constitution.

11 (c) Unless otherwise provided by general law, a budget  
12 session shall be convened at noon on the third Tuesday in April.

13 SECTION 4. Section 49(c), Article III, Texas Constitution,  
14 is amended to read as follows:

15 (c) The legislature may call an election during any regular  
16 session or budget session of the legislature or during any special  
17 session of the legislature in which the subject of the election is  
18 designated in the governor's proclamation for that special session.  
19 The election may be held on any date, and notice of the election  
20 shall be given for the period and in the manner required for  
21 amending this constitution. The election shall be held in each  
22 county in the manner provided by law for other statewide elections.

23 SECTION 5. Subsection (a), Section 49a, Article III, Texas  
24 Constitution, is amended to read as follows:

25 (a) It shall be the duty of the Comptroller of Public  
26 Accounts in advance of each Regular Session and Budget Session of  
27 the Legislature to prepare and submit to the Governor and to the

1 Legislature upon its convening a statement under oath showing fully  
2 the financial condition of the State Treasury at the close of the  
3 last fiscal period and an estimate of the probable receipts and  
4 disbursements for the then current fiscal year. There shall also be  
5 contained in said statement an itemized estimate of the anticipated  
6 revenue based on the laws then in effect that will be received by  
7 and for the State from all sources showing the fund accounts to be  
8 credited during each of the next two fiscal years, [~~the succeeding~~  
9 ~~biennium~~] and said statement shall contain such other information  
10 as may be required by law. Supplemental statements shall be  
11 submitted at any Special Session of the Legislature and at such  
12 other times as may be necessary to show probable changes.

13 SECTION 6. Subsections (b), (c), (g), (h), (j), (k), and  
14 (l), Section 49-g, Article III, Texas Constitution, are amended to  
15 read as follows:

16 (b) The comptroller shall, not later than the 90th day of  
17 each fiscal year [~~biennium~~], transfer to the economic stabilization  
18 fund one-half of any unencumbered positive balance of general  
19 revenues on the last day of the preceding fiscal year [~~biennium~~].  
20 If necessary, the comptroller shall reduce the amount transferred  
21 in proportion to the other amounts prescribed by this section to  
22 prevent the amount in the fund from exceeding the limit in effect  
23 for that fiscal year [~~biennium~~] under Subsection (g) of this  
24 section.

25 (c) Not later than the 90th day of each fiscal year, the  
26 comptroller of public accounts shall transfer from general revenue  
27 to the economic stabilization fund the amounts prescribed by

1 Subsections (d) and (e) of this section. However, if necessary, the  
2 comptroller shall reduce proportionately the amounts transferred  
3 to prevent the amount in the fund from exceeding the limit in effect  
4 for that fiscal year [~~biennium~~] under Subsection (g) of this  
5 section.

6 (g) During each fiscal year [~~biennium~~], the amount in the  
7 economic stabilization fund may not exceed an amount equal to 10  
8 percent of the total amount, excluding investment income, interest  
9 income, and amounts borrowed from special funds, deposited in  
10 general revenue during the preceding two fiscal years [~~biennium~~].

11 (h) In preparing an estimate of anticipated revenues for a  
12 succeeding fiscal year [~~biennium~~] as required by Article III,  
13 Section 49a, of this constitution, the comptroller shall estimate  
14 the amount of the transfers that will be made under Subsections (b),  
15 (d), and (e) of this section. The comptroller shall deduct that  
16 amount from the estimate of anticipated revenues as if the  
17 transfers were made on August 31 of that fiscal year.

18 (j) The comptroller may transfer money from the economic  
19 stabilization fund to general revenue to prevent or eliminate a  
20 temporary cash deficiency in general revenue. The comptroller  
21 shall return the amount transferred to the economic stabilization  
22 fund as soon as practicable, but not later than August 31 of the  
23 fiscal year in which the transfer is made [~~each odd-numbered year~~].

24 The comptroller shall allocate the depository interest as if the  
25 transfers had not been made. If the comptroller submits a statement  
26 to the governor and the legislature under Article III, Section 49a,  
27 of this constitution when money from the economic stabilization

1 fund is in general revenue, the comptroller shall state that the  
2 transferred money is not available for appropriation from general  
3 revenue.

4 (k) Amounts from the economic stabilization fund may be  
5 appropriated during a regular or budget [~~legislative~~] session only  
6 for a purpose for which an appropriation from general revenue was  
7 made for the current fiscal year [~~by the preceding legislature~~] and  
8 may be appropriated in a special session only for a purpose for  
9 which an appropriation from general revenue was made in a preceding  
10 legislative session of the same legislature. An appropriation from  
11 the economic stabilization fund may be made under this subsection  
12 only if the comptroller certifies that appropriations from general  
13 revenue made for the current fiscal year [~~by the preceding~~  
14 ~~legislature for the current biennium~~] exceed available general  
15 revenues and cash balances for the remainder of that fiscal year  
16 [~~biennium~~]. The amount of the [~~an~~] appropriation [~~from the~~  
17 ~~economic stabilization fund~~] may not exceed the difference between  
18 the comptroller's estimate of general revenue for the current  
19 fiscal year [~~biennium~~] at the time the comptroller receives for  
20 certification the bill making the appropriation and the amount of  
21 general revenue appropriations for that fiscal year [~~biennium~~]  
22 previously certified by the comptroller. Appropriations from the  
23 economic stabilization fund under this subsection may not extend  
24 beyond the last day of the current fiscal year [~~biennium~~]. An  
25 appropriation from the economic stabilization fund under this  
26 subsection must be approved by a three-fifths vote of the members  
27 present in each house of the legislature.

1           (1) If an estimate of anticipated revenues for the [~~a~~]  
2 succeeding fiscal year [~~biennium~~] prepared by the comptroller  
3 pursuant to Article III, Section 49a, of this constitution is less  
4 than the revenues that are estimated at the same time by the  
5 comptroller to be available for the current fiscal year [~~biennium~~],  
6 the legislature may, by a three-fifths vote of the members present  
7 in each house, appropriate for the succeeding fiscal year  
8 [~~biennium~~] from the economic stabilization fund an amount not to  
9 exceed this difference. Following each fiscal year, the actual  
10 amount of revenue shall be computed, and if the estimated  
11 difference exceeds the actual difference, the comptroller shall  
12 transfer the amount necessary from general revenue to the economic  
13 stabilization fund so that the actual difference shall not be  
14 exceeded. If all or a portion of the difference in revenue from one  
15 fiscal year [~~biennium~~] to the next results, at least in part, from a  
16 change in a tax rate or base adopted by the legislature, the  
17 computation of revenue difference shall be adjusted to the amount  
18 that would have been available had the rate or base not been  
19 changed.

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

22           Sec. 6. No money shall be drawn from the Treasury but in  
23 pursuance of specific appropriations made by law; nor shall any  
24 appropriation of money be made for a longer term than one year [~~two~~  
25 ~~years~~].

26           SECTION 8. Section 22(a), Article VIII, Texas Constitution,  
27 is amended to read as follows:

1           (a) In no fiscal year [~~biennium~~] shall the rate of growth of  
2 appropriations from state tax revenues not dedicated by this  
3 constitution exceed the estimated rate of growth of the state's  
4 economy. The legislature shall provide by general law procedures  
5 to implement this subsection.

6           SECTION 9. The following temporary provision is added to  
7 the Texas Constitution:

8           TEMPORARY PROVISION. (a) The constitutional amendment  
9 proposed by the 84th Legislature, Regular Session, 2015, providing  
10 for an annual state budget and annual legislative sessions for  
11 budget purposes takes effect September 1, 2017.

12           (b) The amendment does not affect the validity of an  
13 appropriation made before that date for any part of the two  
14 consecutive state fiscal years ending August 31, 2019.

15           (c) This temporary provision expires January 1, 2020.

16           SECTION 10. This proposed constitutional amendment shall be  
17 submitted to the voters at an election to be held November 3, 2015.  
18 The ballot shall be printed to permit voting for or against the  
19 proposition: "The constitutional amendment providing for an annual  
20 state budget and annual legislative sessions for budget purposes."