

By: Darby

H.J.R. No. 111

Substitute the following for H.J.R. No. 111:

By: Otto

C.S.H.J.R. No. 111

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 or for certification of
4 appropriations for nondedicated purposes or entities.

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 adding Subsections (b-1) and (b-2) to read as follows:

8 (b-1) In making the determinations necessary for the
9 Comptroller of Public Accounts to endorse the certificate under
10 Subsection (b) of this section, the Comptroller may not consider
11 any portion of any revenue of, or money received by, this state, or
12 any account or fund balance, that by law has been dedicated to a
13 particular purpose or entity as available for the purpose of
14 certifying that the amount of appropriations for any other purpose
15 or entity is within the amount estimated to be available in the
16 affected funds. The Legislature may not by general law make an
17 unappropriated balance of a dedicated account or fund available for
18 general governmental purposes or certification except by expressly
19 repealing the dedication.

20 (b-2) In making the determinations necessary for the
21 Comptroller of Public Accounts to make the biennial estimate of
22 anticipated revenue under Subsection (a) of this section, the
23 Comptroller may not consider any portion of any revenue of, or money
24 received by, this state, or any account or fund balance, that by law

1 has been dedicated to a particular purpose or entity as available
2 for appropriation for any other purpose or entity.

3 SECTION 2. Article VIII, Texas Constitution, is amended by
4 adding Section 5 to read as follows:

5 Sec. 5. Revenue of, or money received by, this state from
6 one or more particular sources or held in or deposited to an
7 identified account or fund inside or outside the state treasury the
8 appropriation or expenditure of which at the time the revenue is
9 collected or the money is received by the state is dedicated by
10 general law to one or more particular purposes or for one or more
11 particular entities may not be appropriated or expended for any
12 purpose, or to or by any entity, other than a purpose or entity to
13 which the revenue or money is dedicated unless the legislature
14 expressly repeals the dedication.

15 SECTION 3. The following temporary provision is added to
16 the Texas Constitution:

17 TEMPORARY PROVISION. (a) This temporary provision applies
18 to the constitutional amendment proposed by the 84th Legislature,
19 Regular Session, 2015, prohibiting using revenues, other money, or
20 account or fund balances dedicated by law for nondedicated general
21 governmental purposes or for certification of appropriations for
22 nondedicated purposes or entities.

23 (b) Section 49a(b-1), Article III, of this constitution
24 takes effect January 1, 2023, and applies only to the certification
25 of an appropriation authorized for all or part of a state fiscal
26 year beginning on or after September 1, 2023.

27 (c) Section 49a(b-2), Article III, of this constitution

1 takes effect January 1, 2016, and applies to the biennial estimate
2 of anticipated revenue made under Section 49a(a) of that article
3 for all or part of a state fiscal year beginning on or after
4 September 1, 2016.

5 (d) Section 5, Article VIII, of this constitution takes
6 effect September 1, 2023, and applies only to appropriations
7 authorized for all or part of, or expenditures during, a state
8 fiscal year beginning on or after that date.

9 (e) This temporary provision expires January 1, 2024.

10 SECTION 4. This proposed constitutional amendment shall be
11 submitted to the voters at an election to be held November 3, 2015.
12 The ballot shall be printed to permit voting for or against the
13 proposition: "The constitutional amendment to end fee and other
14 revenue diversions by prohibiting using certain money dedicated by
15 law for nondedicated purposes or entities and to prohibit using
16 that money to certify appropriations for nondedicated purposes or
17 entities."