

By: Darby

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 Subsection (b-1) 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 SECTION 2. Article VIII, Texas Constitution, is amended by
21 adding Section 5 to read as follows:

22 Sec. 5. Revenue of, or money received by, this state from
23 one or more particular sources or held in or deposited to an
24 identified account or fund inside or outside the state treasury the

1 appropriation or expenditure of which at the time the revenue is
2 collected or the money is received by the state is dedicated by
3 general law to one or more particular purposes or for one or more
4 particular entities may not be appropriated or expended for any
5 purpose, or to or by any entity, other than a purpose or entity to
6 which the revenue or money is dedicated unless the legislature
7 expressly repeals the dedication.

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

10 TEMPORARY PROVISION. (a) This temporary provision applies
11 to the constitutional amendment proposed by the 84th Legislature,
12 Regular Session, 2015, prohibiting using revenues, other money, or
13 account or fund balances dedicated by law for nondedicated general
14 governmental purposes or for certification of appropriations for
15 nondedicated purposes or entities.

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

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

24 (d) This temporary provision expires January 1, 2024.

25 SECTION 4. This proposed constitutional amendment shall be
26 submitted to the voters at an election to be held November 3, 2015.
27 The ballot shall be printed to permit voting for or against the

1 proposition: "The constitutional amendment to end fee and other
2 revenue diversions by prohibiting using certain money dedicated by
3 law for nondedicated purposes or entities and to prohibit using
4 that money to certify appropriations for nondedicated purposes or
5 entities."