

BILL ANALYSIS

Senate Research Center

H.J.R. 111
By: Darby et al. (Nelson)
Finance
5/18/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.J.R. 111 proposes a constitutional amendment to prohibit using revenues, other money, or account or fund balances dedicated by law for nondedicated general governmental purposes or for certification of appropriations for nondedicated purposes or entities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 49a, Article III, Texas Constitution, by adding Subsections (b-1) and (b-2), as follows:

(b-1) Prohibits the comptroller of public accounts of the State of Texas (comptroller), in making the determinations necessary for the comptroller to endorse the certificate under Subsection (b) (requiring that appropriation in excess of the cash and anticipated revenue of the funds from which appropriation is to be made be valid under certain conditions) of this section, from considering any portion of any revenue of, or money received by, this state, or any account or fund balance, that by law has been dedicated to a particular purpose or entity as available for the purpose of certifying that the amount of appropriations for any other purpose or entity is within the amount estimated to be available in the affected funds. Prohibits the legislature from by general law making an unappropriated balance of a dedicated account or fund available for general governmental purposes or certification except by expressly repealing the dedication.

(b-2) Prohibits the comptroller, in making the determinations necessary for the comptroller to make the biennial estimate of anticipated revenue under Subsection (a) of this section, from considering any portion of any revenue of, or money received by, this state, or any account or fund balance, that by law has been dedicated to a particular purpose or entity as available for appropriation for any other purpose or entity.

SECTION 2. Amends Article VIII, Texas Constitution, by adding Section 5, as follows:

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

SECTION 3. Provides that the following temporary provision is added to the Texas Constitution:

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

(b) Provides that Section 49a(b-1), Article III, of this constitution takes effect January 1, 2021, and applies only to the certification of an appropriation authorized for all or part of a state fiscal year beginning on or after September 1, 2021.

(c) Provides that Section 49a(b-2), Article III, of this constitution takes effect January 1, 2016, and applies to the biennial estimate of anticipated revenue made under Section 49a(a) of that article for all or part of a state fiscal year beginning on or after September 1, 2016.

(d) Provides that Section 5, Article VIII, of this constitution takes effect September 1, 2021, and applies only to appropriations authorized for all or part of, or expenditures during, a state fiscal year beginning on or after that date.

(e) Provides that this temporary provision expires January 1, 2022.

SECTION 4. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2015. Sets forth the required language for the ballot.