By Mm Hand

S J.R. No. 21

A JOINT RESOLUTION

proposing a constitutional amendment authorizing the voters of this state to approve certain state debt.

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

SECTION 1. Article III, Section 49, of the Texas Constitution, is amended to read as follows:

Sec. 49. (a) No debt shall be created by or on behalf of the State, except:

(1) to supply casual deficiencies of revenue, not to exceed in the aggregate at any one time two hundred thousand dollars;

(2) repel invasion, suppress insurrection, or defend the State in war[~~, or pay existing debt~~]; [~~and the debt created to supply deficiencies in the revenue, shall never exceed in the aggregate at any one time two hundred thousand dollars.~~]

(3) as otherwise authorized by this constitution; or

(4) as authorized by Subsection (b) of this section.

(b) The legislature, by joint resolution approved by at least two-thirds of the members of each house, may from time to time call an election and submit to the eligible voters of this state one or more propositions that, if approved by a majority of those voting on the question, authorize the legislature to create State debt for the purposes and subject to the limitations stated in the applicable proposition.

(c) The legislature may call an election under Subsection

(b) of this section during any regular session of the legislature or during any special session of the legislature in which the subject of the election is designated in the governor's proclamation for that special session. Notice of the election shall be given for the period and in the manner required for amending this constitution. The election shall be held in each county in the manner provided by law for other statewide elections.

(d) A proposition under Subsection (b) of this section must clearly describe the amounts and purposes for which debt is to be created and must describe the source of payment for the debt. The source of payment may include guarantees or other payments from funds otherwise appropriated by or created in this constitution. The amount of debt stated in the proposition is the maximum amount of debt under the proposition, and that amount may not be renewed or adjusted after the debt has been created unless the right of renewal or adjustment is stated in the proposition.

(e) The legislature may enact all laws necessary or appropriate to implement the authority granted by a proposition that is approved as provided by Subsection (b) of this section. A law enacted in anticipation of the election is valid if, by its terms, it is subject to the approval of the related proposition.

(f) State debt that is created or issued as provided by Subsection (b) of this section and that is approved by the attorney general in accordance with applicable law is incontestable for any reason.

(g) State debt that is created or issued as provided by Subsection (b) of this section may be refunded in the manner and

amount, and subject to the conditions, provided by general law.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 72nd Legislature, Regular Session, 1991, authorizing the voters of this state to approve state debt not otherwise authorized by the constitution.

(b) The constitutional amendment takes effect January 1, 1992.

(c) This temporary provision takes effect on the adoption of the amendment by the voters and expires January 2, 1992.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1991. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the voters of this state to approve state debt not otherwise authorized by the Texas Constitution."

By: Montford S.J.R. No. 21

(In the Senate - Filed February 14, 1991; February 18, 1991, read first time and referred to Committee on Finance; April 9, 1991, reported adversely, with favorable Committee Substitute by the following vote: Yeas 10, Nays 0; April 9, 1991, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Montford	x			
Barrientos	x			
Armbrister	x			
Bivins	x			
Brooks	x			
Haley	x			
Johnson	x			
Parker	x			
Ratliff				x
Sims				x
Tejeda	x			
Truan				x
Turner	x			

COMMITTEE SUBSTITUTE FOR S.J.R. No. 21 By: Montford

SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to submit debt questions to the voters of this state in proposition form.

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

SECTION 1. Article III, Section 49, of the Texas Constitution is amended to read as follows:

Sec. 49. (a) No debt shall be created by or on behalf of the State, except:

(1) to supply casual deficiencies of revenue, not to exceed in the aggregate at any one time two hundred thousand dollars;

(2) to repel invasion, suppress insurrection, or defend the State in war[~~,--or-pay-existing-debt~~]; [~~and-the-debt created-to-supply-deficiencies-in-the-revenue,-shall--never--exceed in-the-aggregate-at-any-one-time-two-hundred-thousand-dollars.~~]

(3) as otherwise authorized by this constitution; or

(4) as authorized by Subsections (b) through (f) of this section.

(b) The legislature, by joint resolution approved by at least two-thirds of the members of each house, may from time to time call an election and submit to the eligible voters of this State one or more propositions that, if approved by a majority of those voting on the question, authorize the legislature to create State debt for the purposes and subject to the limitations stated in the applicable proposition. Each election and proposition must conform to the requirements of Subsections (c) and (d) of this section.

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

(d) A proposition must clearly describe the amount and purpose for which debt is to be created and must describe the source of payment for the debt. Except as provided by law under Subsection (f) of this section, the amount of debt stated in the proposition may not be exceeded and may not be renewed after the debt has been created unless the right to exceed or renew is stated in the proposition.

(e) The legislature may enact all laws necessary or appropriate to implement the authority granted by a proposition that is approved as provided by Subsection (b) of this section. A law enacted in anticipation of the election is valid if, by its terms, it is subject to the approval of the related proposition.

(f) State debt that is created or issued as provided by Subsection (b) of this section may be refunded in the manner and amount and subject to the conditions provided by law.

(g) State debt that is created or issued as provided by Subsections (b) through (f) of this section and that is approved by the attorney general in accordance with applicable law is incontestable for any reason.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 72nd Legislature, Regular Session, 1991, authorizing the legislature to submit debt questions to the voters of this state in proposition form.

(b) The constitutional amendment takes effect January 1, 1992.

(c) This temporary provision takes effect on the adoption of the amendment by the voters and expires January 2, 1992.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1991. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the voters of this state to consider state debt questions in the form of ballot propositions that must clearly describe the amounts, purposes, and sources of payment of the debt only after approval of the propositions by a two-thirds vote of each house of the legislature."

* * * * *

Austin, Texas
April 9, 1991

Hon. Bob Bullock
President of the Senate

Sir:

We, your Committee on Finance to which was referred S.J.R. No. 21, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Montford, Chairman

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

SB SCR (SJR) SR HB HCR HJR 21

By Montford
(Author/Senate Sponsor)

4-9-91
(date of submission to Senate)

Lt. Governor Bob Bullock
President of the Senate

Sir:

We, your Committee on Finance, to which was referred the attached measure, have on 4-8-91 (date of hearing), had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

(✓) do pass as substituted, and be printed
( ) the caption remained the same as original measure
(✓) the caption changed with adoption of the substitute

( ) do pass as substituted, and be ordered not printed

( ) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. (✓) yes ( ) no

A revised fiscal note was requested. (✓) yes ( ) no

An actuarial analysis was requested. ( ) yes (✓) no

Considered by subcommittee. ( ) yes (✓) no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Montford, Chairman	✓			
Barrientos, Vice-Chairman	✓			
Armbrister	✓			
Bivins	✓			
Brooks	✓			
Haley	✓			
Johnson	✓			
Parker	✓			
Ratliff			✓	
Sims			✓	
Tejeda	✓			
Truan			✓	
Turner	✓			
TOTAL VOTES	10	0	3	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
Retain one copy of this form for Committee files

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

February 27, 1991

TO: Honorable John Montford, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

IN RE: Senate Joint Resolution No. 21
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 21 (proposing a constitutional amendment authorizing the voters of this state to approve certain state debt) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The joint resolution proposes that authorizations for the Legislature to create state debt be presented to the voters as propositions rather than as amendments to the Texas Constitution.

The resolution does not propose to change the method of issuing debt and does not authorize additional general obligation debt. No draw on general revenue of the state is anticipated as a result of approval of the resolution.

The cost of publication of the resolution to the State is $60,000.

No fiscal implication to units of local government is anticipated.

Source: Texas Bond Review Board;
LBB Staff: JO, JWH, DF, HES, PA

By: Montford S.J.R. No. 21

~~Substitute the following for S.J.R. No. 21:~~

By: Montford C.S.S.J.R. No. ~~21~~

SENATE ~~A~~ JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to submit debt questions to the voters of this state in proposition form.

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

SECTION 1. Article III, Section 49, of the Texas Constitution is amended to read as follows:

Sec. 49. (a) No debt shall be created by or on behalf of the State, except:

(1) to supply casual deficiencies of revenue, not to exceed in the aggregate at any one time two hundred thousand dollars;

(2) to repel invasion, suppress insurrection, or defend the State in war[~~,--or-pay--existing--debt~~]; [~~and--the--debt created--to--supply-deficiencies-in-the-revenue,-shall-never-exceed in-the-aggregate-at-any-one-time-two-hundred-thousand-dollars.~~]

(3) as otherwise authorized by this constitution; or

(4) as authorized by Subsections (b) ~~-~~ through (f) of this section.

(b) The legislature, by joint resolution approved by at least two-thirds of the members of each house, may from time to time call an election and submit to the eligible voters of this State one or more propositions that, if approved by a majority of those voting on the question, authorize the legislature to create State debt for the purposes and subject to the limitations stated

4-9-91
4-16-91
5-15-91

in the applicable proposition. Each election and proposition must conform to the requirements of Subsections (c) and (d) of this section.

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

(d) A proposition must clearly describe the amount and purpose for which debt is to be created and must describe the source of payment for the debt. Except as provided by law under Subsection (f) of this section, the amount of debt stated in the proposition may not be exceeded, and may not be renewed after the debt has been created unless the right to exceed or renew is stated in the proposition.

(e) The legislature may enact all laws necessary or appropriate to implement the authority granted by a proposition that is approved as provided by Subsection (b) of this section. A law enacted in anticipation of the election is valid if, by its terms, it is subject to the approval of the related proposition.

(f) State debt that is created or issued as provided by Subsection (b) of this section may be refunded in the manner and amount, and subject to the conditions, provided by law.

(g) State debt that is created or issued as provided by

Subsections (b) through (f) of this section and that is approved by the attorney general in accordance with applicable law is incontestable for any reason.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 72nd Legislature, Regular Session, 1991, authorizing the legislature to submit debt questions to the voters of this state in proposition form.

(b) The constitutional amendment takes effect January 1, 1992.

(c) This temporary provision takes effect on the adoption of the amendment by the voters and expires January 2, 1992.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1991. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the voters of this state to consider state debt questions in the form of ballot propositions that must clearly describe the amounts, purposes, and sources of payment of the debt only after approval of the propositions by a two-thirds vote of each house of the legislature."

April 16 1991 Engrossed

Patsy Spaw
Engrossing Clerk

I certify that the attached is a true and correct copy of SJR 21, which was received from the Senate on APR 17 1991, and referred to the Committee on Appropriations

Betty Murray
Chief Clerk of the House

By: Montford

S.J.R. No. 21

SENATE JOINT RESOLUTION

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(3) as otherwise authorized by this constitution; or

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(b) The legislature, by joint resolution approved by at least two-thirds of the members of each house, may from time to time call an election and submit to the eligible voters of this State one or more propositions that, if approved by a majority of those voting on the question, authorize the legislature to create State debt for the purposes and subject to the limitations stated

in the applicable proposition. Each election and proposition must conform to the requirements of Subsections (c) and (d) of this section.

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

April 10, 1991

TO: Honorable John Montford, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

IN RE: Committee Substitute for
Senate Joint Resolution No. 21

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Joint Resolution No. 21 (proposing a constitutional amendment authorizing the legislature to submit debt questions to the voters of this state in proposition form) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to finance the cost of publication of the proposed amendment which is estimated to be $60,000 from the General Revenue Fund in fiscal year 1992.

The joint resolution proposes that authorizations for the Legislature to create state debt be presented to the voters as propositions rather than as amendments to the Texas Constitution.

The resolution does not propose to change the method of issuing debt and does not authorize additional general obligation debt. No draw on general revenue of the state is anticipated as a result of approval of the resolution.

No fiscal implication to units of local government is anticipated.

Source: Texas Bond Review Board;
LBB Staff: JO, JWH, DF, HES, PA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

February 27, 1991

TO: Honorable John Montford, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

IN RE: Senate Joint Resolution No. 21
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 21 (proposing a constitutional amendment authorizing the voters of this state to approve certain state debt) this office has determined the following:

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Source: Texas Bond Review Board;
LBB Staff: JO, JWH, DF, HES, PA

72FSJR21.SJR

HOUSE COMMITTEE REPORT

91 APR 29 PM 11:07

HOUSE OF REPRESENTATIVES

1st Printing

By: Montford (Gibson) S.J.R. No. 21

SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to submit debt questions to the voters of this state in proposition form.

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

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(1) to supply casual deficiencies of revenue, not to exceed in the aggregate at any one time two hundred thousand dollars;

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(3) as otherwise authorized by this constitution; or

(4) as authorized by Subsections (b) through (f) of this section.

(b) The legislature, by joint resolution approved by at least two-thirds of the members of each house, may from time to time call an election and submit to the eligible voters of this State one or more propositions that, if approved by a majority of those voting on the question, authorize the legislature to create State debt for the purposes and subject to the limitations stated

in the applicable proposition. Each election and proposition must conform to the requirements of Subsections (c) and (d) of this section.

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

(d) A proposition must clearly describe the amount and purpose for which debt is to be created and must describe the source of payment for the debt. Except as provided by law under Subsection (f) of this section, the amount of debt stated in the proposition may not be exceeded and may not be renewed after the debt has been created unless the right to exceed or renew is stated in the proposition.

(e) The legislature may enact all laws necessary or appropriate to implement the authority granted by a proposition that is approved as provided by Subsection (b) of this section. A law enacted in anticipation of the election is valid if, by its terms, it is subject to the approval of the related proposition.

(f) State debt that is created or issued as provided by Subsection (b) of this section may be refunded in the manner and

amount and subject to the conditions provided by law.

(g) State debt that is created or issued as provided by Subsections (b) through (f) of this section and that is approved by the attorney general in accordance with applicable law is incontestable for any reason.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 72nd Legislature, Regular Session, 1991, authorizing the legislature to submit debt questions to the voters of this state in proposition form.

(b) The constitutional amendment takes effect January 1, 1992.

(c) This temporary provision takes effect on the adoption of the amendment by the voters and expires January 2, 1992.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1991. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the voters of this state to consider state debt questions in the form of ballot propositions that must clearly describe the amounts, purposes, and sources of payment of the debt only after approval of the propositions by a two-thirds vote of each house of the legislature."

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

04/29/91
(date)

Sir:

We, your COMMITTEE ON APPROPRIATIONS,

to whom was referred SJR 21 (measure) have had the same under consideration and beg to report

back with the recommendation that it

(✓) do pass, without amendment.
( ) do pass, with amendment(s).
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ( ) yes (✓) no An author's fiscal statement was requested. ( ) yes (✓) no

A criminal justice policy impact statement was requested. ( ) yes (✓) no

An equalized educational funding impact statement was requested. ( ) yes (✓) no

An actuarial analysis was requested. ( ) yes (✓) no

A water development policy impact statement was requested. ( ) yes (✓) no

A federal funds impact statement was requested. ( ) yes (✓) no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

This measure ( ) proposes new law. (✓) amends existing law.

House Sponsor of Senate Measure Bruce Gibson

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Rudd, Ch.	✓			
Williamson, V.C.	✓			
Alexander	✓			
Blackwood	✓			
Bomer	✓			
Clemons				✓
Colbert				✓
Collazo				✓
Counts	✓			
Cuellar, H.	✓			
Cuellar, R.	✓			
Dutton	✓			
Hilbert				✓
Hunter, B.	✓			
Hunter, T.				✓
Junell				✓
Madla				✓
McCollough	✓			
McDonald				✓
Oliveira				✓
Telford				✓
Thompson, G.	✓			
Vowell				✓

Total
12 aye
0 nay
0 present, not voting
11 absent

Jim D. Rudd
CHAIRMAN

Deborah K. McCall
COMMITTEE COORDINATOR

BILL ANALYSIS

S.J.R. 21
BY: MONTFORD
(Gibson)

COMMITTEE ON
APPROPRIATIONS

BACKGROUND

The public's right to vote on the creation of State debt is a vital part of Texas' constitutional history. The current format of constitutional amendments is complex and confusing. Constitutional amendments are generally not well understood by voters; thus, undermining the right of voters to know the purposes and fiscal impact of the matters on which they have been asked to vote. The joint resolutions bring complete disclosure and honesty to debt creating and electoral process: (1) by informing fully the voters and (2) by requiring a proposition format for debt creating constitutional amendments similarly used by cities, counties, and school districts.

PURPOSE

S.J.R. 21 proposes a constitutional amendment to authorize legislature to submit to voters to approve certain state debt in proposition form.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1: Amends Article III, Section 49, of the Texas Constitution:

(a) Prohibits debt to be created by or on behalf of the State with exception of:

(1) Limits to casual deficiencies of revenue not to exceed two hundred thousand dollars at any one time;

(2) Limits to repelling invasions, suppressing insurrection, or defending the state in war;

(3) Authorized by constitution; or

(4) Authorized by Subsection (b) through (f) of this section.

(b) Allows the legislature, by joint resolution approval by each house, to call an election to submit to voters approval to authorize creation of state debt. Each election and proposition must conform to requirements in Subsections (c) and (d) of this section.

(c) Allows the legislature to call an election during any regular session or special session. The election may be held on any date, and notice of the election shall be given for the period and in the manner required for amending the constitution. The election shall be held in each county in the manner provided by law for other

statewide elections.

(d) Required that the proposition must clearly describe the amount and purpose of the debt.

(e) Requires the legislature to enact all laws to implement the proposition.

(f) Provides that created or issued debt may be refunded.

(g) Provides that created or issued debt created by Subsections (b) - (f) of this section and that is approved by the attorney general in accordance with applicable law is incontestable for any reason.

SECTION 2: TEMPORARY PROVISION.

(a) Provides the application of the temporary provision to the constitutional amendment which authorizes the legislature to submit debt questions to the voters of this state in proposition form.

(b) Effective date of January 1, 1992.

(c) State that the temporary provision to be effective upon adoption of amendment by voters expiration on January 2, 1992.

SECTION 3: Provides for the proposed constitutional amendment to voters on November 5, 1991. Specifies that the ballot should read, "The constitutional amendment authorizing the voters of this state to consider state debt questions in the form of ballot propositions that must clearly describe the amounts, purposes, and sources of payment of the debt only after approval of the propositions by a two-thirds vote of each house of the legislature."

SUMMARY OF COMMITTEE ACTION:

Public notice was posted in accordance to the rules and a public hearing was held on April 29, 1991. The Chair, Rep. Rudd, laid out S.J.R. 21, which was the companion document to H.J.R. 46, and recognized the co-sponsor, Rep. Ashley Smith to explain the bill. Rep. Sherri Greenberg and Kay Bailey Hutchinson, Texas State Treasurer also spoke in favor of the measure. Rep. Bomer moved that S.J.R. 21 be passed to the full House with the favorable recommendation that it do pass and be printed by the following vote: 12 Ayes, 0 Nayes, 0 PNV and 11 Absent.

Committee on Appropriations

scri

04/29/91

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

April 10, 1991

TO: Honorable John Montford, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

IN RE: Committee Substitute for
Senate Joint Resolution No. 21

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Joint Resolution No. 21 (proposing a constitutional amendment authorizing the legislature to submit debt questions to the voters of this state in proposition form) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to finance the cost of publication of the proposed amendment which is estimated to be $60,000 from the General Revenue Fund in fiscal year 1992.

The joint resolution proposes that authorizations for the Legislature to create state debt be presented to the voters as propositions rather than as amendments to the Texas Constitution.

The resolution does not propose to change the method of issuing debt and does not authorize additional general obligation debt. No draw on general revenue of the state is anticipated as a result of approval of the resolution.

No fiscal implication to units of local government is anticipated.

Source: Texas Bond Review Board;
LBB Staff: JO, JWH, DF, HES, PA

72FSJR21.CS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

February 27, 1991

TO: Honorable John Montford, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

IN RE: Senate Joint Resolution No. 21
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 21 (proposing a constitutional amendment authorizing the voters of this state to approve certain state debt) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The joint resolution proposes that authorizations for the Legislature to create state debt be presented to the voters as propositions rather than as amendments to the Texas Constitution.

The resolution does not propose to change the method of issuing debt and does not authorize additional general obligation debt. No draw on general revenue of the state is anticipated as a result of approval of the resolution.

The cost of publication of the resolution to the State is $60,000.

No fiscal implication to units of local government is anticipated.

Source: Texas Bond Review Board;
LBB Staff: JO, JWH, DF, HES, PA

72FSJR21.SJR

Enrolled: May 15, 1991
Patty Bain
Enrolling Clerk

S.J.R. No. 21

SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to submit debt questions to the voters of this state in proposition form.

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

SECTION 1. Article III, Section 49, of the Texas Constitution is amended to read as follows:

Sec. 49. (a) No debt shall be created by or on behalf of the State, except:

(1) to supply casual deficiencies of revenue, not to exceed in the aggregate at any one time two hundred thousand dollars;

(2) to repel invasion, suppress insurrection, or defend the State in war[~~,--or-pay-existing-debt~~]; [~~and-the-debt created-to-supply-deficiencies-in-the-revenue,-shall--never--exceed in-the-aggregate-at-any-one-time-two-hundred-thousand-dollars.~~]

(3) as otherwise authorized by this constitution; or

(4) as authorized by Subsections (b) through (f) of this section.

(b) The legislature, by joint resolution approved by at least two-thirds of the members of each house, may from time to time call an election and submit to the eligible voters of this State one or more propositions that, if approved by a majority of those voting on the question, authorize the legislature to create State debt for the purposes and subject to the limitations stated

in the applicable proposition. Each election and proposition must conform to the requirements of Subsections (c) and (d) of this section.

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

(d) A proposition must clearly describe the amount and purpose for which debt is to be created and must describe the source of payment for the debt. Except as provided by law under Subsection (f) of this section, the amount of debt stated in the proposition may not be exceeded and may not be renewed after the debt has been created unless the right to exceed or renew is stated in the proposition.

(e) The legislature may enact all laws necessary or appropriate to implement the authority granted by a proposition that is approved as provided by Subsection (b) of this section. A law enacted in anticipation of the election is valid if, by its terms, it is subject to the approval of the related proposition.

(f) State debt that is created or issued as provided by Subsection (b) of this section may be refunded in the manner and

amount and subject to the conditions provided by law.

(g) State debt that is created or issued as provided by Subsections (b) through (f) of this section and that is approved by the attorney general in accordance with applicable law is incontestable for any reason.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 72nd Legislature, Regular Session, 1991, authorizing the legislature to submit debt questions to the voters of this state in proposition form.

(b) The constitutional amendment takes effect January 1, 1992.

(c) This temporary provision takes effect on the adoption of the amendment by the voters and expires January 2, 1992.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1991. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the voters of this state to consider state debt questions in the form of ballot propositions that must clearly describe the amounts, purposes, and sources of payment of the debt only after approval of the propositions by a two-thirds vote of each house of the legislature."

S.J.R. No. 21

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 21 was adopted by the Senate on April 16, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 21 was adopted by the House on May 15, 1991, by the following vote: Yeas 139, Nays 1, one present not voting.

Chief Clerk of the House

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

April 10, 1991

TO: Honorable John Montford, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

IN RE: Committee Substitute for
Senate Joint Resolution No. 21

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Joint Resolution No. 21 (proposing a constitutional amendment authorizing the legislature to submit debt questions to the voters of this state in proposition form) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to finance the cost of publication of the proposed amendment which is estimated to be $60,000 from the General Revenue Fund in fiscal year 1992.

The joint resolution proposes that authorizations for the Legislature to create state debt be presented to the voters as propositions rather than as amendments to the Texas Constitution.

The resolution does not propose to change the method of issuing debt and does not authorize additional general obligation debt. No draw on general revenue of the state is anticipated as a result of approval of the resolution.

No fiscal implication to units of local government is anticipated.

Source: Texas Bond Review Board;
LBB Staff: JO, JWH, DF, HES, PA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

February 27, 1991

TO: Honorable John Montford, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

IN RE: Senate Joint Resolution No. 21
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 21 (proposing a constitutional amendment authorizing the voters of this state to approve certain state debt) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The joint resolution proposes that authorizations for the Legislature to create state debt be presented to the voters as propositions rather than as amendments to the Texas Constitution.

The resolution does not propose to change the method of issuing debt and does not authorize additional general obligation debt. No draw on general revenue of the state is anticipated as a result of approval of the resolution.

The cost of publication of the resolution to the State is $60,000.

No fiscal implication to units of local government is anticipated.

Source: Texas Bond Review Board;
LBB Staff: JO, JWH, DF, HES, PA

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President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 21 was adopted by the Senate on April 16, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 21 was adopted by the House on May 15, 1991, by the following vote: Yeas 139, Nays 15. 1, one present not voting

Chief Clerk of the House

S.J.R. No. 21 By Mulford

SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing the voters of this state to approve certain state debt.

2-14-91 Filed with the Secretary of the Senate

FEB 18 1991 Read and referred to Committee on FINANCE

Reported favorably

APR 9 1991 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 16 1991 Senate and Constitutional Rules to permit consideration suspended by: unanimous consent / ____ yeas, ____ nays

APR 16 1991 Read second time, ____, and ordered engrossed by: ~~unanimous consent~~ a viva voce vote / ____ yeas, ____ nays

Caption ordered amended to conform to the body of the bill.

APR 16 1991 Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.

APR 16 1991 Read third time, ____, and passed by: 31 yeas, 0 nays

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

April 16, 1991 Engrossed

April 17, 1991 Sent to House

Engrossing Clerk Patsy Spaw

APR 17 1991 Received from the Senate

APR 25 1991 Read first time and referred to Committee on APPROPRIATIONS

APR 29 1991 Reported favorably ~~amended~~, sent to Printer 7:45p APR 29 1991

APR 29 1991 Printed and Distributed 11:07p

MAY 1 1991 Sent to Committee on Calendars 3:54 pm

MAY 15 1991 Read Second time (~~amended~~) and finally adopted ~~failed adoption~~ by Record Vote of 139 yeas, 1 nays 1 present not voting.

Read third time (amended) and finally adopted failed adoption by Record Vote of ____ yeas, ____ nays ____ present not voting.

Caption ordered amended to conform to body of bill.

MAY 15 1991 Returned to Senate.

Betty Murray

CHIEF CLERK OF THE HOUSE

MAY 15 1991

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____

_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;

_____, _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
{ _____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
{ _____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
{ _____ yeas, _____ nays

91 APR 29 PM 11:07
HOUSE OF REPRESENTATIVES

WK