

- SUBJECT:** Authorizing the Legislature to limit Article 4 expenditures
- COMMITTEE:** Appropriations — committee substitute recommended
- VOTE:** 20 ayes — Heflin, Luna, Berman, Branch, B. Brown, F. Brown, Crownover, J. Davis, Deshotel, Ellis, Hamric, Hope, Hupp, Isett, E. Jones, Kolkhorst, Pickett, Pitts, Stick, Wohlgemuth
- 0 nays
- 9 absent — Dukes, Eiland, Gutierrez, McClendon, Menendez, Raymond, Solis, Truitt, Turner
- WITNESSES:** None
- BACKGROUND:** Texas Constitution, Art. 3, sec. 35 limits bills to one subject, except for general appropriations bills, which can include various subjects and accounts. However, this provision has been interpreted as prohibiting the general appropriations bill from changing substantive law. In other words, appropriations bills deal only with spending. Because the levels of funding in an appropriations bill assume certain programmatic changes, the statutory changes required to meet that funding level are contained in other legislation.
- On April 17, the House passed HB 1 by Heflin, the House version of the general appropriations bill for fiscal 2004-2005. The Senate passed its version of the bill on April 29, and the bill now is in conference committee.
- The statutory changes required to implement the final version of the state budget will be contained in a series of bills, all of which have been reported favorably by the House Appropriations Committee.
- For further discussion of issues in the state budget, see HRO State Finance Report Number 78-2, *CSHB 1: The House Appropriation's Committee's Proposed Budget for Fiscal 2004-05*, April 9, 2003.
- DIGEST:** CSHB 3306 would specify that the Legislature may reduce or eliminate appropriations required by statute for judiciary agencies that receive state funds under Article 4 of the general appropriations act, notwithstanding any

other statute, to achieve a balanced budget.

Notwithstanding any other statute, the following items would not be entitled to amounts in excess of the amounts authorized by the general appropriations act:

- active, former, or retired visiting judges' or justices' expenses, per-diem payments, travel, or salaries;
- local administrative district judges' salaries;
- active district judges' travel expenses;
- judges', justices', or prosecuting attorneys' salaries, supplements, office expenses or reimbursement, or travel;
- state supplemental salary compensation for county prosecutors, longevity pay supplements reimbursement, or any other supplements for prosecutors;
- state contributions for salaries or supplements for employees of statutory or constitutional county courts;
- state reimbursement to counties for payment of counsel in death-penalty cases in which the defendant seeks a writ of habeas corpus; and
- state reimbursement for travel and expenses of nonresident witnesses in criminal proceedings.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

NOTES:

The companion bill, SB 1872 by Bivins, has been referred to the Senate Finance Committee.

Other bills that would make statutory revisions to implement HB 1 are:

- HB 3433 by Pickett, relating to appropriations for business and economic development agencies in Article 7, which also is on today's Major State Calendar;
- HB 3305 by Berman, relating to appropriations for criminal justice agencies in Article 5;

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- HB 3378 by Hope, relating to appropriations for Article 8 regulatory agencies;
- HB 3441 by Pickett, relating to appropriations for general government agencies in Article 1;
- HB 3442 by Pickett, relating to appropriations for natural resources agencies in Article 6;
- HB 3459 by Pitts, relating to appropriations for agencies of public education and higher education in Article 3; and
- HB 3519 by Wohlgemuth, relating to appropriations for health and human services agencies in Article 2.