

All Prefiled Amendments for: HB 208

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Amendment

853523

**The following amendment was
published on 8/11/17 4:45 PM**



FLOOR AMENDMENT NO. _____

17 AUG 11 PM 4:39

BY:

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HOUSE COMMITTEE REPORT

1 Amend C.S.H.B. 208 (house committee printing) by striking
2 all below the enacting clause and substituting the following:

3 SECTION 1. Sections 316.001, 316.002, and 316.006,
4 Government Code, are amended to read as follows:

5 Sec. 316.001. LIMIT. (a) For purposes of this
6 subchapter, "consolidated general revenue appropriations" means
7 appropriations from:

8 (1) the general revenue fund in the state treasury;

9 (2) a dedicated account in the general revenue fund
10 in the state treasury; or

11 (3) a general revenue-related fund in the state
12 treasury as identified in the biennial statement required of the
13 comptroller under Section 49a, Article III, Texas Constitution.

14 (b) The rate of growth of appropriations in a state fiscal
15 biennium from state tax revenues not dedicated by the
16 constitution may not exceed the estimated rate of growth of the
17 state's economy.

18 (c) The rate of growth of consolidated general revenue
19 appropriations in a state fiscal biennium may not exceed the
20 estimated rate of growth of the state's economy.

21 (d) For purposes of this subchapter, the estimated rate of
22 growth of the state's economy is the average biennial rate of
23 growth of this state's population during the state fiscal
24 biennium preceding the biennium for which appropriations are
25 made and during the state fiscal biennium for which
26 appropriations are made, adjusted by the average biennial rate
27 of monetary inflation in this state during the same period, as
28 determined under Section 316.002.

1 (e) The legislature finds that, for purposes of Section
2 22, Article VIII, Texas Constitution, the average biennial rate
3 of growth of this state's population during the state fiscal
4 biennium preceding the biennium for which appropriations are
5 made and during the state fiscal biennium for which
6 appropriations are made, adjusted by the average biennial rate
7 of monetary inflation in this state during the same period, is
8 an appropriate measure of the estimated rate of growth of this
9 state's economy.

10 (f) For purposes of this subchapter, an appropriation to
11 pay for a rebate of state taxes must be excluded from
12 computations used to determine whether appropriations exceed the
13 amount authorized by Subsection (b) or (c).

14 (g) The Legislative Budget Board shall determine the rates
15 described by Subsection (d) using the most recent information
16 available from sources the board considers reliable, including
17 the United States Bureau of Labor Statistics Consumer Price
18 Index and the Texas Demographic Center.

19 Sec. 316.002. DUTIES OF LEGISLATIVE BUDGET BOARD.

20 (a) Before the Legislative Budget Board transmits ~~[submits]~~ the
21 budget for the next state fiscal biennium as prescribed by
22 Section 322.008(c), the board shall establish:

23 (1) the limit on the rate of growth of appropriations
24 of state tax revenues not dedicated by the constitution for that
25 state fiscal biennium, as compared to the previous state fiscal
26 biennium, by subtracting one from the product of:

27 (A) the sum of one and the estimated average
28 biennial rate of growth of this state's population during the
29 state fiscal biennium preceding the biennium for which
30 appropriations are made and during the state fiscal biennium for

1 which appropriations are made; and

2 (B) the sum of one and the estimated average
3 biennial rate of monetary inflation during the state fiscal
4 biennium preceding the biennium for which appropriations are
5 made and during the state fiscal biennium for which
6 appropriations are made; and

7 (2) the limit on the rate of growth in consolidated
8 general revenue appropriations for that state fiscal biennium,
9 as compared to the previous state fiscal biennium, by
10 subtracting one from the product of:

11 (A) the sum of one and the estimated average
12 biennial rate of growth of this state's population during the
13 state fiscal biennium preceding the biennium for which
14 appropriations are made and during the state fiscal biennium for
15 which appropriations are made; and

16 (B) the sum of one and the estimated average
17 biennial rate of monetary inflation during the state fiscal
18 biennium preceding the biennium for which appropriations are
19 made and during the state fiscal biennium for which
20 appropriations are made ~~[the state's economy from the current~~
21 ~~biennium to the next biennium,~~

22 ~~[(2) the level of appropriations for the current~~
23 ~~biennium from state tax revenues not dedicated by the~~
24 ~~constitution; and~~

25 ~~[(3) the amount of state tax revenues not dedicated~~
26 ~~by the constitution that could be appropriated for the next~~
27 ~~biennium within the limit established by the estimated rate of~~
28 ~~growth of the state's economy].~~

29 (b) Except as provided by Subsection (c), the board shall
30 determine for the next state fiscal biennium a limit on the

1 amount of:

2 (1) appropriations of state tax revenues not
3 dedicated by the constitution by multiplying the amount of
4 appropriations of state tax revenues not dedicated by the
5 constitution for the then current state fiscal biennium by the
6 sum of one and the limit on the rate of growth of appropriations
7 of state tax revenues not dedicated by the constitution
8 established by the board under Subsection (a)(1); and

9 (2) consolidated general revenue appropriations by
10 multiplying the amount of consolidated general revenue
11 appropriations for the then current state fiscal biennium by the
12 sum of one and the limit on the rate of growth of consolidated
13 general revenue appropriations established by the board under
14 Subsection (a)(2) [the estimated rate of growth of the state's
15 economy by dividing the estimated Texas total personal income
16 for the next biennium by the estimated Texas total personal
17 income for the current biennium. Using standard statistical
18 methods, the board shall make the estimate by projecting through
19 the biennium the estimated Texas total personal income reported
20 by the United States Department of Commerce or its successor in
21 function].

22 (c) If the rate determined under Subsection (a)(1) is a
23 negative number, the amount of appropriations of state tax
24 revenues not dedicated by the constitution for the next state
25 fiscal biennium may not exceed the amount of appropriations of
26 state tax revenues not dedicated by the constitution in the
27 current state fiscal biennium. If the rate determined under
28 Subsection (a)(2) is a negative number, the amount of
29 consolidated general revenue appropriations for the next state
30 fiscal biennium may not exceed the amount of consolidated

1 general revenue appropriations in the current state fiscal
2 biennium [~~If a more comprehensive definition of the rate of~~
3 ~~growth of the state's economy is developed and is approved by~~
4 ~~the committee established by Section 316.005, the board may use~~
5 ~~that definition in calculating the limit on appropriations~~].

6 (d) To ensure compliance with this subchapter and Section
7 22, Article VIII, [Section 22, of the] Texas Constitution, the
8 Legislative Budget Board may not transmit in any form to the
9 governor or the legislature the budget as prescribed by Section
10 322.008(c) or the general appropriations bill as prescribed by
11 Section 322.008(d) until the board adopts:

12 (1) the limit on the rate of growth of appropriations
13 of state tax revenues not dedicated by the constitution under
14 Section 316.001(b); and

15 (2) the limit on the rate of growth of consolidated
16 general revenue appropriations under Section 316.001(c) [~~has~~
17 ~~been adopted as required by this subchapter~~].

18 (e) In the absence of an action by the Legislative Budget
19 Board to adopt the limits [~~a spending limit~~] as provided by this
20 section:

21 (1) for purposes of Section 316.001(b):

22 (A) [~~in Subsections (a) and (b),~~] the estimated
23 rate of growth in the state's economy from the current fiscal
24 biennium to the next fiscal biennium shall be treated as if it
25 were zero;[~~7~~] and

26 (B) the amount of state tax revenues not
27 dedicated by the constitution that could be appropriated within
28 the limit established by the estimated rate of growth in the
29 state's economy shall be the same as the level of appropriations
30 for the current fiscal biennium; and

1 (2) for purposes of Section 316.001(c):

2 (A) the estimated rate of growth in the state's
3 economy from the current fiscal biennium to the next fiscal
4 biennium shall be treated as if it were zero; and

5 (B) the amount of consolidated general revenue
6 appropriations that could be appropriated within the limit
7 established by that subsection shall be the same as the level of
8 appropriations for the current fiscal biennium.

9 Sec. 316.006. LIMIT ON BUDGET RECOMMENDATIONS. Unless
10 authorized by majority vote of the members of the board from
11 each house, the Legislative Budget Board budget recommendations:

12 (1) relating to the proposed appropriations of state
13 tax revenues not dedicated by the constitution may not exceed
14 the limit on appropriations from those sources adopted by the
15 committee under Section 316.005; and

16 (2) relating to the proposed consolidated general
17 revenue appropriations may not exceed the limit on
18 appropriations from those sources adopted by the committee under
19 Section 316.005.

20 SECTION 2. Section 316.007(a), Government Code, is amended
21 to read as follows:

22 (a) The Legislative Budget Board shall include in its
23 budget recommendations:

24 (1) the proposed limit of appropriations from state
25 tax revenues not dedicated by the constitution; and

26 (2) the proposed limit of consolidated general
27 revenue appropriations.

28 SECTION 3. Section 316.008(a), Government Code, is amended
29 to read as follows:

30 (a) Unless the legislature adopts a resolution under

1 Section 22, Article VIII, [~~Section 22(b), of the~~] Texas
2 Constitution, raising the proposed limit on appropriations from
3 state tax revenues not dedicated by the constitution, the
4 proposed limit is binding on the legislature with respect to all
5 appropriations for the next fiscal biennium made from those
6 [~~state tax~~] revenues [~~not dedicated by the constitution~~]. The
7 proposed limit on consolidated general revenue appropriations is
8 binding on the legislature with respect to all appropriations
9 for the next fiscal biennium made from those sources unless the
10 legislature adopts a resolution raising the proposed limit that
11 is approved by a record vote of three-fifths of the members of
12 each house of the legislature. The resolution must find that an
13 emergency exists, identify the nature of the emergency, and
14 specify the amount authorized. The excess authorized under this
15 subsection may not exceed the amount specified in the
16 resolution.

17 SECTION 4. The changes in law made by this Act apply only
18 in relation to appropriations made for the state fiscal biennium
19 beginning September 1, 2019, and subsequent state fiscal
20 bienniums. Appropriations for the state fiscal biennium
21 beginning September 1, 2017, are governed by Sections 316.001,
22 316.002, 316.006, 316.007, and 316.008, Government Code, as
23 those sections existed on December 1, 2016, and the former law
24 is continued in effect for that purpose.

25 SECTION 5. This Act takes effect December 1, 2017.