



General Assembly

**Governor's House Joint  
Resolution No. 45**

January Session, 2009

LCO No. 3015

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Referred to Committee on Appropriations

Introduced by:

REP. CAFERO, 142<sup>nd</sup> Dist.

SEN. MCKINNEY, 28<sup>th</sup> Dist.

**RESOLUTION PROPOSING AN AMENDMENT TO THE STATE  
CONSTITUTION TO REQUIRE THAT SEVENTY PER CENT OF ANY  
BUDGET SURPLUS BE USED TO FUND A BUDGET RESERVE FUND  
OR REDUCE BOND INDEBTEDNESS AND THAT NO PORTION OF  
ANY REMAINING SURPLUS FUNDS BE USED TO PAY FOR  
RECURRING EXPENDITURES.**

Resolved by this Assembly:

1 That the following be proposed as an amendment to the  
2 Constitution of the State, which, when approved and adopted in the  
3 manner provided by the Constitution, shall, to all intents and  
4 purposes, become a part thereof:

5 Section 1. Article twenty-eighth of the amendments to the  
6 constitution is amended to read as follows:

7 (a) The amount of general budget expenditures authorized for any  
8 fiscal year shall not exceed the estimated amount of revenue for such  
9 fiscal year.

10 (b) The general assembly shall not authorize an increase in general  
11 budget expenditures for any fiscal year above the amount of general  
12 budget expenditures authorized for the previous fiscal year by a  
13 percentage which exceeds the greater of the percentage increase in  
14 personal income or the percentage increase in inflation, unless the  
15 governor declares an emergency or the existence of extraordinary  
16 circumstances and at least three-fifths of the members of each house of  
17 the general assembly vote to exceed such limit for the purposes of such  
18 emergency or extraordinary circumstances. The general assembly shall  
19 by law define "increase in personal income", "increase in inflation" and  
20 "general budget expenditures" for the purposes of this section and may  
21 amend such definitions, from time to time, provided general budget  
22 expenditures shall not include expenditures for the payment of bonds,  
23 notes or other evidence of indebtedness. The enactment or amendment  
24 of such definitions shall require the vote of three-fifths of the members  
25 of each house of the general assembly.

26 (c) [Any unappropriated] At least seventy per cent of any surplus  
27 shall be used to fund a budget reserve fund or for the reduction of  
28 bonded indebtedness. [; or] The remainder of any such surplus may be  
29 appropriated for any other purpose authorized by at least three-fifths  
30 of the members of each house of the general assembly, except that such  
31 remainder may not be used to pay for recurring expenditures.

32 RESOLVED: That the foregoing proposed amendment to the  
33 Constitution be continued to the next session of the General Assembly  
34 elected at the general election to be held on November 2, 2010, and  
35 published with the laws passed at the present session, or be presented  
36 to the electors at the general election to be held on November 2, 2010,  
37 whichever the case may be, according to article sixth of the  
38 amendments to the Constitution. The designation of said proposed  
39 amendment to be used on the voting machine ballot labels and  
40 absentee ballots at such election shall be "Shall the Constitution of the  
41 State be amended to require that seventy per cent of any budget  
42 surplus be used to fund a budget reserve fund or reduce bond

43 indebtedness and that no portion of any remaining surplus funds be  
44 used to pay for recurring expenditures?"