



Id # 13227
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May

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HOUSE OF REPRESENTATIVES
AUSTIN

COMMITTEES:
ENERGY
REDISTRICTING
PUBLIC HEALTH,
CHAIRMAN

July 26, 1991

RQ-139

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Opinion Committee

The Honorable Dan Morales
Attorney General of Texas
Post Office Box 12548
Austin, Texas 78711

Dear Sir:

As Chairman of the House Public Health Committee, I request an opinion to determine if there has been a violation of Article VIII, Sec. 22, of the Texas Constitution and Chapter 316, Subchapter A, of the Government Code by not establishing budget limitations for the 1992-1993 biennium.

It is my understanding that the Legislative Budget Board failed to hold a public hearing and failed to adopt the three items required under Section 316.002 of the Government Code. These items, then, were not submitted to the special committee composed of the governor, lieutenant governor, the speaker of the House and the comptroller. The special committee, therefore, did not adopt or amend these items and they were not included into the 1992-1993 budget.

It is also my understanding that Article VIII, Sec. 22, of the Texas Constitution and Chapter 316, Subchapter A, of the Government Code was not complied with when the budgets were considered in 1987 and 1989.

Enclosed, please find a report titled "Constitutional Limitations on the Budget" by the Texas Conservative Coalition which details my understanding of the law.

I also request your opinion as to how the violation, if one, of Article VIII, Sec. 22, of the Texas Constitution and Chapter 316, Subchapter A, of the Government Code affects the constitutionality of the budget to be adopted for 1992-1993.

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DAN MORALES

The Honorable Dan Morales
Opinions Committee Request
July 26, 1991

I would appreciate your guidance in this matter as soon as possible. If you require any further information, please contact me at your earliest convenience at 463-0500.

Sincerely,



Tom Craddick
Chairman
House Public Health Committee

Enclosures