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78th Legislature

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RQ-0025-GA

March 12, 2003

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MAR 12 2003

OPINION COMMITTEE

The Honorable Greg Abbott
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

FILE # ML-43023-03
I.D. # 43023

Dear General Abbott:

I request your official opinion regarding the application of Art. III, Sec. 49a(b), Texas Constitution.

Does Art. III, Sec. 49a(b) authorize the Texas Legislature to make appropriations which exceed the amount of cash and anticipated revenue certified by the Comptroller of Public Accounts in the case of emergency or public necessity and with a four-fifths vote of the total membership of each house, notwithstanding any other language in the same constitutional provision?

If, in your opinion, Art. III, Sec. 49a(b) authorizes such appropriations, does the authority to determine an emergency or public necessity belong to the Texas Legislature?

Thank you for your prompt attention to this vital matter.

Sincerely,

A handwritten signature in black ink that reads "Stephen E. Ogden".
Stephen E. Ogden

