



SPONSOR: Rep. Gray & Sen. Hocker & Sen. Simpson
Reps. Briggs King, Collins, Hudson, Kenton, Ramone,
D. Short, Smyk, Wilson

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 385

AN ACT PROPOSING AN AMENDMENT TO ARTICLE VIII OF THE DELAWARE CONSTITUTION RELATING
TO REVENUE AND TAXATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members
elected to each house thereof concurring therein):

1 Section 1. Amend Article VIII of the Delaware Constitution by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 12. Limitation on base budget appropriations.

4 (a) The General Assembly for any succeeding fiscal year shall not enact a budget appropriation bill containing
5 base general fund operating appropriations exceeding, in aggregate, the estimated total base general fund operating
6 appropriations for the then-current fiscal year, adjusted by the average of the three (3) most recent fiscal years' annual
7 increases, if any, in the national Consumer Price Index (C.P.I.) for all urban consumers, as compiled and published by the
8 United States Bureau of Labor Statistics, plus the average of the three most recent calendar years' annual increases, if any,
9 in the population of the State, as compiled and published by the United States Department of Commerce. However, any
10 appropriation for an emergency involving the health, safety, or welfare of the citizens of the State that is approved by three-
11 fifths of the members elected to each House of the General Assembly shall not be included in these limitations on a budget
12 appropriation bill.

13 (b) In preparing his or her recommended budget, the Governor shall limit budget growth to the average of any
14 annual increases in the national C.P.I. for the most recent three (3) fiscal years plus the average of any annual increases in
15 the population of the State for the most recent three (3) calendar years, as compiled and published by the United States
16 Bureau of Labor Statistics and the United States Department of Commerce respectively.

17 (c) The term "base general fund operating appropriations" means the total general fund appropriations contained
18 in the annual Budget Appropriation Bill duly enacted according to § § 6335 through 6338 of Title 29 of the Delaware Code,
19 and any amendatory legislation, but does not include any general fund appropriation identified as a one-time appropriation
20 by its inclusion on a list bearing the name one-time appropriations.

21 (d) The base general fund operating appropriations for the then-current fiscal year, the average annual increase in
22 the national C.P.I. for the most recent three (3) fiscal years, and the average annual increase in the population of the State
23 for the most recent three (3) calendar years shall be determined by the most recent joint resolution approved from time to
24 time by a majority of the members elected to each House of the General Assembly and signed by the Governor.

SYNOPSIS

This Act places a constitutional limitation on base general fund operating appropriations. However, appropriations deemed as emergencies involving the health, safety, or welfare of the citizens of the State that are approved by three-fifths of the members elected to each House of the General Assembly are not included in the limitation.