

By: Ritter

H.J.R. No. 138

Substitute the following for H.J.R. No. 138:

By: Hopson

C.S.H.J.R. No. 138

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the creation and  
2 funding of the state water implementation fund for Texas to assist  
3 the Texas Water Development Board in the funding of certain  
4 projects included in the state water plan.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article III, Texas Constitution, is amended by  
7 adding Section 49-d-12 to read as follows:

8 Sec. 49-d-12. (a) The state water implementation fund for  
9 Texas is created in the state treasury to provide a method for  
10 financing projects included in a statewide water plan that is  
11 required by general law and adopted by the Texas Water Development  
12 Board or its successor in function.

13 (b) Money deposited to the credit of the state water  
14 implementation fund for Texas and interest earned on the investment  
15 of money credited to the fund shall be administered, without  
16 further appropriation, by the Texas Water Development Board or its  
17 successor in function and used only to fund projects included in a  
18 statewide water plan that is required by general law and adopted by  
19 the Texas Water Development Board or its successor in function.

20 (c) The legislature by general law:

21 (1) may provide for the imposition by this state of a  
22 fee or tax the proceeds of which shall be deposited to the credit of  
23 the state water implementation fund for Texas and may provide for  
24 the deposit of other sources of revenue to the credit of the fund;

1 and

2 (2) shall prescribe the manner in which money in the  
3 fund may be used.

4 (d) This subsection expires September 1, 2027. The  
5 legislature by general law shall provide for the imposition of a  
6 public water supply service connection fee to be collected by a  
7 water utility from the utility's customers. The legislature by  
8 general law may provide for exemptions from the fee. A fee  
9 collected under this subsection shall be deposited to the credit of  
10 the state water implementation fund for Texas. The comptroller of  
11 public accounts by rule shall establish the rate of the fee, which  
12 may not exceed:

13 (1) \$1 each month, if the connection is for a  
14 residential use;

15 (2) \$5 each month, if the connection is for a  
16 commercial use; or

17 (3) \$100 each month, if the connection is for an  
18 industrial use.

19 (e) A general law enacted under this section dedicating  
20 revenue to the state water implementation fund for Texas prevails  
21 over any Act enacted in the same session of the legislature that  
22 purports to abolish dedications of revenue in the state treasury  
23 for a particular purpose, regardless of the relative dates of  
24 enactment.

25 (f) If the system benefit fund created under Section 39.903,  
26 Utilities Code, or its successor in function exists on September 1,  
27 2014, the comptroller of public accounts shall transfer from that

1 fund or its successor in function the lesser of \$500 million or the  
2 amount available in that fund or its successor in function to the  
3 state water implementation fund for Texas on that date. This  
4 subsection expires September 1, 2015.

5 SECTION 2. The following temporary provision is added to  
6 the Texas Constitution:

7 TEMPORARY PROVISION. (a) This temporary provision applies to  
8 the constitutional amendment proposed by the 82nd Legislature,  
9 Regular Session, 2011, providing for the creation and funding of  
10 the state water implementation fund for Texas to assist the Texas  
11 Water Development Board in the funding of certain projects included  
12 in the state water plan.

13 (b) A general law enacted in anticipation of the adoption of  
14 the amendment is not void due to the law's anticipatory character.

15 (c) This temporary provision expires January 1, 2013.

16 SECTION 3. This proposed constitutional amendment shall be  
17 submitted to the voters at an election to be held November 8, 2011.  
18 The ballot shall be printed to permit voting for or against the  
19 proposition: "The constitutional amendment providing for the  
20 creation and funding of the state water implementation fund for  
21 Texas to assist the Texas Water Development Board in the funding of  
22 certain projects included in the state water plan."