

By: Ritter

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 may be appropriated only to the Texas
16 Water Development Board or its successor in function and used only
17 to fund projects included in a statewide water plan that is required
18 by general law and adopted by the Texas Water Development Board or
19 its successor in function.

20 (c) The legislature by general law:

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

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

3 (d) A general law enacted under this section dedicating
4 revenue to the fund prevails over any Act enacted in the same
5 session of the legislature that purports to abolish dedications of
6 revenue in the state treasury for a particular purpose, regardless
7 of the relative dates of enactment.

8 SECTION 2. The following temporary provision is added to
9 the Texas Constitution:

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

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

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

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