

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 83rd Legislature, 2nd Called Session, 2013, That House Rule
3 13, Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 16 (the creation and
6 functions of legislative select committees on transportation
7 funding, expenditures, and finance and to the preservation of a
8 sufficient balance in the economic stabilization fund) to consider
9 and take action on the following matters:

10 (1) House Rule 13, Sections 9(a)(1) and (2), are suspended
11 to permit the committee to change, alter, amend, and omit text which
12 is not in disagreement in Section 1 of the bill to read as follows:

13 SECTION 1. (a) The speaker of the house of representatives
14 shall appoint nine members to a House Select Committee on
15 Transportation Funding, Expenditures, and Finance and designate
16 one member as chair. The lieutenant governor shall appoint nine
17 members to a Senate Select Committee on Transportation Funding,
18 Expenditures, and Finance and designate one member as chair. The
19 speaker and lieutenant governor shall make the appointments not
20 later than November 30, 2013.

21 (b) The committees established under this section may meet
22 separately at the call of the chair of the committee or jointly at
23 the call of both chairs. In joint meetings, the chairs shall act as
24 joint chairs.

1 (c) The committees established under this section, meeting
2 separately or jointly, shall review, study, and evaluate:

3 (1) the future reliability of all current state
4 transportation funding sources;

5 (2) alternatives that may increase available state
6 funding for surface transportation, including an examination of
7 increases to current surface-transportation-related funding
8 streams and possible diversions of
9 non-surface-transportation-related funding streams toward surface
10 transportation funding;

11 (3) the use of debt financing in state transportation
12 funding, including the uses of the Texas Mobility Fund, and the
13 effects on long-term transportation planning of using debt
14 financing;

15 (4) alternative transportation funding options in use
16 nationally and internationally;

17 (5) current and historic appropriations to the Texas
18 Department of Transportation, including:

19 (A) whether that agency's budget structure best
20 maximizes the application of limited public funds toward highway
21 maintenance and construction;

22 (B) whether there are opportunities to reduce the
23 use of money from the state highway fund by that agency for
24 activities not related to highway maintenance and construction,
25 including such uses as employee salaries and benefits; and

26 (C) possible benefits of developing a budget for
27 that agency for the 2016-2017 state fiscal biennium using

1 zero-based budgeting principles;

2 (6) the uses of the state highway fund for agencies
3 other than the Texas Department of Transportation, including and
4 emphasizing the use of that fund for the Department of Public Safety
5 of the State of Texas; and

6 (7) the original purpose of the economic stabilization
7 fund established by Section 49-g, Article III, Texas Constitution,
8 whether that purpose remains relevant, and whether it remains
9 appropriate to continue using the net amount of oil and gas
10 production taxes received in the 1987 state fiscal year as the basis
11 for making general revenue transfers to the economic stabilization
12 fund.

13 (d) Following consideration of the factors described by
14 Subsection (c) of this section, the committees established under
15 this section shall jointly adopt recommendations related to the
16 reviewed subjects and shall provide a written report of the
17 committees' recommendations on the reviewed subjects to the
18 legislature not later than November 1, 2014.

19 (e) The committees established under this section may
20 exercise any power of a committee of their respective chambers and
21 any powers of a joint committee. For the purposes of this Act, the
22 committees established under this section are considered a joint
23 committee and the cost of operation of each committee may be borne
24 in the same manner as the cost of a joint committee. The Texas
25 Legislative Council may provide funding for the operations of the
26 committees. To the extent not inconsistent with this resolution,
27 the joint rules adopted by the 83rd Legislature for the

1 administration of joint interim legislative study committees apply
2 to the committees established under this section.

3 (f) This section expires January 13, 2015.

4 Explanation: The change is necessary to replace the joint
5 committee and study regarding the economic stabilization fund
6 included as provided by each chamber's version of the bill with
7 select committees to study the matters described by Section 1 of the
8 bill and to provide for the expiration of the select committees.

9 (2) House Rule 13, Section 9(a)(4), is suspended to permit
10 the committee to add text on a matter which is not included in
11 either the House or Senate version of the bill to read as follows:

12 SECTION 2. (a) Chapter 316, Government Code, is amended by
13 adding Subchapter H to read as follows:

14 SUBCHAPTER H. PRESERVATION OF SUFFICIENT BALANCE IN ECONOMIC
15 STABILIZATION FUND

16 Sec. 316.091. DEFINITION. In this subchapter:

17 (1) "Board" means the Legislative Budget Board.

18 (2) "Fund" means the economic stabilization fund.

19 Sec. 316.092. DETERMINATION OF SUFFICIENT BALANCE. (a) For
20 the purposes of Section 49-g(c-2), Article III, Texas Constitution,
21 before the board submits the budget as prescribed by Section
22 322.008(c), the board shall determine and adopt for the next state
23 fiscal biennium a sufficient balance of the fund in an amount that
24 the board estimates will ensure an appropriate amount of revenue
25 available in the fund. In determining the sufficient balance for
26 each that fiscal biennium, the board shall consider:

27 (1) the history of fund balances;

1 (2) the history of transfers to the fund;

2 (3) estimated fund balances during that fiscal
3 biennium;

4 (4) estimated transfers to the fund to occur during
5 that fiscal biennium;

6 (5) information available to the board regarding state
7 highway congestion and funding demands; and

8 (6) any other information requested by the board
9 regarding the state's financial condition.

10 (b) On or before October 1 of each even-numbered year, the
11 comptroller shall provide to the board the comptroller's projection
12 of the amounts to be transferred to the fund during the next state
13 fiscal biennium.

14 Sec. 316.093. ADJUSTMENT OF CONSTITUTIONAL ALLOCATIONS TO
15 FUND AND STATE HIGHWAY FUND. (a) Before the comptroller makes
16 transfers for a state fiscal year in accordance with Section
17 49-g(c), Article III, Texas Constitution, the comptroller shall
18 determine whether the sum of the balance of the fund on the
19 preceding August 31, any projected transfer to the fund under
20 Sections 49-g(b) of that article, and any projected transfer to the
21 fund under Section 49-g(c) of that article in accordance with the
22 allocations for the transfer as provided by Section 49-g(c-1) of
23 that article is less than the sufficient balance adopted under
24 Section 316.092.

25 (b) If the sum described by Subsection (a) is less than the
26 sufficient balance adopted under Section 316.092, the comptroller
27 shall adjust the allocation of amounts to be transferred to the fund

1 and to the state highway fund as provided by Section 49-g(c),
2 Article III, Texas Constitution, so that:

3 (1) the amount allocated for transfer to the fund is
4 increased by an additional amount equal to the lesser of the
5 remaining one-half of the sum of the amounts allocated for transfer
6 under Sections 49-g (d) and (e) of that article or the amount
7 necessary for the sufficient balance to be reached when considered
8 together with other estimated transfers to the fund during the
9 then-current fiscal year; and

10 (2) the amount allocated for transfer to the state
11 highway fund is reduced by the amount of the increased allocation to
12 the fund under Subdivision (1).

13 (c) If the board has not adopted under Section 316.092 a
14 sufficient balance for the comptroller to consider under this
15 section, the comptroller shall adjust the allocation of amounts to
16 be transferred to the fund and to the state highway fund as provided
17 by Section 49-g(c), Article III, Texas Constitution, so that the
18 total of those amounts are transferred to the economic
19 stabilization fund, except that the comptroller shall reduce a
20 transfer made under this subsection as necessary to prevent the
21 amount in the fund from exceeding the limit in effect for that
22 biennium under Section 49-g(g) of that article.

23 (d) As soon as practicable after the effective date of this
24 section, the board shall determine and adopt a sufficient balance
25 of the fund applicable to the transfers to be made under Section
26 49-g(c), Article III, Texas Constitution, for the state fiscal year
27 beginning September 1, 2014, and a sufficient balance of the fund

1 applicable to the transfers to be made under that section for the
2 next fiscal biennium. The comptroller may not make the transfers
3 required under that section for the state fiscal year beginning
4 September 1, 2014, until the board has adopted a sufficient balance
5 under this subsection. However, if the board has not adopted the
6 balance before the 30th day after the effective date of this
7 section, the comptroller shall make that transfer on the 30th day
8 after the effective date of this section in accordance with
9 Subsection (c) of this section. This subsection expires September
10 1, 2015.

11 (b) This section takes effect immediately on the final
12 canvass of the election on the constitutional amendment proposed by
13 the 83rd Legislature, 2nd Called Session, 2013, to provide for the
14 transfer of certain general revenue to the economic stabilization
15 fund and the state highway fund and for the dedication of the
16 revenue transferred to the state highway fund, but only if that
17 amendment is approved by the voters. If that amendment is not
18 approved by the voters, this Act has no effect.

19 Explanation: The change is necessary to provide a general
20 law procedure for allocation of certain amounts to be transferred
21 under Section 49-g, Article III, Texas Constitution, as would be
22 required if the constitutional amendment proposed by House Joint
23 Resolution No. 2 is approved by the voters.

24 (3) House Rule 13, Sections 9(a)(1) and (3), are suspended
25 to permit the committee to change, alter, amend, and add text on a
26 matter which is not in disagreement to read as follows:

27 SECTION 3. Except as otherwise provided by this Act:

1 (1) this Act takes effect immediately if it receives a
2 vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution; and

4 (2) if this Act does not receive the vote necessary for
5 immediate effect, this Act takes effect on the 91st day after the
6 last day of the legislative session.

7 Explanation: The change is necessary to allow for the select
8 committees provided for to begin functioning earlier and to provide
9 for a contingent effective date for the general law procedure, as
10 provided by the bill, for allocation of certain amounts to be
11 transferred under Section 49-g, Article III, Texas Constitution, as
12 would be required if the constitutional amendment proposed by House
13 Joint Resolution No. 2 is approved by the voters.

Pickett

H.R. No. 155

Speaker of the House

I certify that H.R. No. 155 was adopted by the House on July 29, 2013, by the following vote: Yeas 126, Nays 1, 1 present, not voting.

Chief Clerk of the House