

Suspending limitations on conference committee  
jurisdiction, H.B. No. 16 (Pickett/Nichols)

By: Pickett

H.R. No. 155

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 Section 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.