

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

By: Nichols

S.R. No. 108

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 83rd Legislature, 2nd Called Session, 2013, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 16 (the creation and functions of legislative select committees on transportation funding, expenditures, and finance and to the preservation of a sufficient balance in the economic stabilization fund) to consider and take action on the following matters:

(1) Senate Rules 12.03(1) and (2) are suspended to permit the committee to change, alter, amend, and omit text which is not in disagreement in Section 1 of the bill to read as follows:

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

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

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

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

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

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

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

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

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

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

(C) possible benefits of developing a budget

for that agency for the 2016-2017 state fiscal biennium using zero-based budgeting principles;

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

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

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

(e) The committees established under this section may exercise any power of a committee of their respective chambers and any powers of a joint committee. For the purposes of this Act, the committees established under this section are considered a joint committee and the cost of operation of each committee may be borne in the same manner as the cost of a joint committee. The Texas Legislative Council may provide funding for the operations of the committees. To the extent not inconsistent

with this resolution, the joint rules adopted by the 83rd Legislature for the administration of joint interim legislative study committees apply to the committees established under this section.

(f) This section expires January 13, 2015.

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

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter which is not included in either the House or Senate version of the bill to read as follows:

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

SUBCHAPTER H. PRESERVATION OF SUFFICIENT BALANCE IN ECONOMIC  
STABILIZATION FUND

Sec. 316.091. DEFINITION. In this subchapter:

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

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

Sec. 316.092. DETERMINATION OF SUFFICIENT BALANCE.

(a) For the purposes of Section 49-g(c-2), Article III, Texas Constitution, before the board submits the budget as prescribed by Section 322.008(c), the board shall determine and adopt for the next state fiscal biennium a sufficient balance of the fund in an amount that the board estimates will ensure an appropriate

amount of revenue available in the fund. In determining the sufficient balance for each that fiscal biennium, the board shall consider:

- (1) the history of fund balances;
- (2) the history of transfers to the fund;
- (3) estimated fund balances during that fiscal biennium;
- (4) estimated transfers to the fund to occur during that fiscal biennium;
- (5) information available to the board regarding state highway congestion and funding demands; and
- (6) any other information requested by the board regarding the state's financial condition.

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

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

balance adopted under Section 316.092.

(b) If the sum described by Subsection (a) is less than the sufficient balance adopted under Section 316.092, the comptroller shall adjust the allocation of amounts to be transferred to the fund and to the state highway fund as provided by Section 49-g(c), Article III, Texas Constitution, so that:

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

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

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

(d) As soon as practicable after the effective date of

this section, the board shall determine and adopt a sufficient balance of the fund applicable to the transfers to be made under Section 49-g(c), Article III, Texas Constitution, for the state fiscal year beginning September 1, 2014, and a sufficient balance of the fund applicable to the transfers to be made under that section for the next fiscal biennium. The comptroller may not make the transfers required under that section for the state fiscal year beginning September 1, 2014, until the board has adopted a sufficient balance under this subsection. However, if the board has not adopted the balance before the 30th day after the effective date of this section, the comptroller shall make that transfer on the 30th day after the effective date of this section in accordance with Subsection (c) of this section. This subsection expires September 1, 2015.

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

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

(3) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change, alter, amend, and add text on a matter which is not in disagreement to read as follows:

SECTION 3. Except as otherwise provided by this Act:

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

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

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