

By: Harper-Brown

H.B. No. 3

A BILL TO BE ENTITLED

AN ACT

relating to the provision and use of revenue for transportation;  
making an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 152, Tax Code, is amended  
by adding Section 152.1223 to read as follows:

Sec. 152.1223. ALLOCATION OF CERTAIN TAX REVENUE TO STATE  
HIGHWAY FUND. (a) Notwithstanding Section 152.122, in each state  
fiscal year beginning on or after September 1, 2015, the  
comptroller shall deposit to the credit of the state highway fund an  
amount of money that is equal to 33-1/3 percent of the money that:

(1) is received under Sections 152.043, 152.045,  
152.047, and 152.121 and is remaining after the comptroller makes  
the allocation required by Section 152.1222; and

(2) exceeds the first \$3.6 billion of money described  
by Subdivision (1) that is received in that fiscal year.

(b) Money deposited to the credit of the state highway fund  
under this section may be appropriated only:

(1) for a purpose authorized by Section 7-a, Article  
VIII, Texas Constitution; or

(2) to pay for a function performed by or under the  
supervision of the Texas Department of Transportation, excluding  
toll roads.

SECTION 2. (a) In this section, "biennial state taxes and

1 fees general revenue estimate" means the amount of revenue stated  
2 in the comptroller's estimate provided in advance of the regular  
3 legislative session as required by Section 49a, Article III, Texas  
4 Constitution, that, based on the laws in effect at the time the  
5 estimate is made, is anticipated to be received by and for the state  
6 from collections of taxes and fees the revenue from which is  
7 anticipated to be deposited to the credit of the general revenue  
8 fund and is not set aside by law for a particular purpose or entity,  
9 including probable changes to that anticipated revenue as shown in  
10 supplemental statements submitted in accordance with Section 49a,  
11 Article III, Texas Constitution.

12 (b) The comptroller of public accounts shall deposit to the  
13 credit of the state highway fund an amount of money equal to the  
14 amount by which the revenue derived from state taxes and fees that  
15 is received by the comptroller in the state fiscal biennium ending  
16 August 31, 2015, exceeds the estimate of revenue contained in the  
17 biennial state taxes and fees general revenue estimate for that  
18 biennium. The amount of money deposited to the credit of the state  
19 highway fund under this section may not exceed \$2,000,000,000.

20 (c) This section expires September 1, 2015.

21 SECTION 3. (a) A joint committee shall conduct a study to  
22 evaluate and make recommendations regarding the issues described by  
23 Subsection (d) of this section.

24 (b) The committee is composed of eight members appointed as  
25 follows:

26 (1) four members of the senate appointed by the  
27 lieutenant governor; and

1           (2) four members of the house of representatives  
2 appointed by the speaker of the house of representatives.

3           (c) The speaker of the house of representatives and the  
4 lieutenant governor jointly shall designate a chair or,  
5 alternatively, designate two co-chairs from among the committee  
6 membership.

7           (d) The committee shall:

8           (1) consider whether the continued use of oil and gas  
9 production tax amounts received by this state in the fiscal year  
10 ending August 31, 1987, to determine certain amounts to be  
11 transferred to the economic stabilization fund under Sections  
12 49-g(d) and (e), Article III, Texas Constitution, is appropriate,  
13 or whether different figures should be used when calculating  
14 amounts to be transferred to the fund;

15           (2) consider whether the current percentage  
16 allocations of certain oil and gas production tax revenue under  
17 Sections 49-g(d) and (e), Article III, Texas Constitution, are  
18 appropriate, or whether changes should be made to those  
19 allocations;

20           (3) consider whether the manner in which the  
21 limitation on the balance of the economic stabilization fund under  
22 Section 49-g(g), Article III, Texas Constitution, is currently  
23 prescribed is appropriate, or whether changes should be made to the  
24 way that limitation is prescribed; and

25           (4) examine whether the constitutional provisions  
26 relating to the permissible uses of money in the economic  
27 stabilization fund and the vote requirements necessary to

1 appropriate money from the fund for those uses are appropriate and  
2 whether changes should be made to either the permissible uses of  
3 money in the fund or the vote requirement to appropriate money from  
4 the fund.

5 (e) The committee may adopt rules necessary to carry out the  
6 committee's duties under this section.

7 (f) Except as otherwise specifically provided by this  
8 section, the committee may operate in the same manner as a joint  
9 committee of the 83rd Legislature.

10 (g) Not later than November 1, 2014, the committee shall  
11 report to the governor and the legislature the recommendations  
12 developed by the committee under this section.

13 (h) This section expires January 1, 2015.

14 SECTION 4. The changes in law made by this Act do not affect  
15 tax liability accruing before the effective date of this Act. That  
16 liability continues in effect as if this Act had not been enacted,  
17 and the former law is continued in effect for the collection and  
18 allocation of the revenue from those taxes.

19 SECTION 5. This Act takes effect on the 91st day after the  
20 last day of the legislative session.