

By: Nichols, et al.
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S.J.R. No. 1

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment to provide for the transfer of
3 certain general revenue to the economic stabilization fund and to
4 the state highway fund and for the dedication of the revenue
5 transferred to the state highway fund.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 49-g, Article III, Texas Constitution,
8 is amended by amending Subsections (c), (d), and (e) and adding
9 Subsections (c-1) and (c-2) to read as follows:

10 (c) Not later than the 90th day of each fiscal year, the
11 comptroller of public accounts shall transfer from the general
12 revenue fund to the economic stabilization fund and the state
13 highway fund the sum of the amounts described [~~prescribed~~] by
14 Subsections (d) and (e) of this section, to be allocated as provided
15 by Subsections (c-1) and (c-2) of this section. However, if
16 necessary and notwithstanding the allocations prescribed by
17 Subsections (c-1) and (c-2) of this section, the comptroller shall
18 reduce proportionately the amounts described by Subsections (d) and
19 (e) of this section to be transferred and allocated to the economic
20 stabilization fund to prevent the amount in that [~~the~~] fund from
21 exceeding the limit in effect for that biennium under Subsection
22 (g) of this section. Revenue transferred to the state highway fund
23 under this subsection may be used only for constructing,
24 maintaining, and acquiring rights-of-way for public roadways other

1 than toll roads.

2 (c-1) Of the sum of the amounts described by Subsections (d)
3 and (e) of this section and required to be transferred from the
4 general revenue fund under Subsection (c) of this section, the
5 comptroller shall allocate one-half to the economic stabilization
6 fund and the remainder to the state highway fund, except as provided
7 by Subsection (c-2) of this section.

8 (c-2) The legislature by general law shall provide for a
9 procedure by which the allocation of the sum of the amounts
10 described by Subsections (d) and (e) of this section may be adjusted
11 to provide for a transfer to the economic stabilization fund of an
12 amount greater than the allocation provided for under Subsection
13 (c-1) of this section with the remainder of that sum, if any,
14 allocated for transfer to the state highway fund. The allocation
15 made as provided by that general law is binding on the comptroller
16 for the purposes of the transfers required by Subsection (c) of this
17 section.

18 (d) If in the preceding year the state received from oil
19 production taxes a net amount greater than the net amount of oil
20 production taxes received by the state in the fiscal year ending
21 August 31, 1987, the comptroller shall transfer under Subsection
22 (c) of this section and allocate in accordance with Subsections
23 (c-1) and (c-2) of this section [~~to the economic stabilization~~
24 ~~fund~~] an amount equal to 75 percent of the difference between those
25 amounts. The comptroller shall retain the remaining 25 percent of
26 the difference as general revenue. In computing the net amount of
27 oil production taxes received, the comptroller may not consider

1 refunds paid as a result of oil overcharge litigation.

2 (e) If in the preceding year the state received from gas
3 production taxes a net amount greater than the net amount of gas
4 production taxes received by the state in the fiscal year ending
5 August 31, 1987, the comptroller shall transfer under Subsection
6 (c) of this section and allocate in accordance with Subsections
7 (c-1) and (c-2) of this section [~~to the economic stabilization~~
8 ~~fund~~] an amount equal to 75 percent of the difference between those
9 amounts. The comptroller shall retain the remaining 25 percent of
10 the difference as general revenue. For the purposes of this
11 subsection, the comptroller shall adjust the [~~his~~] computation of
12 revenues to reflect only 12 months of collection.

13 SECTION 2. The following temporary provision is added to
14 the Texas Constitution:

15 TEMPORARY PROVISION. (a) This temporary provision applies
16 to the constitutional amendment proposed by the 83rd Legislature,
17 3rd Called Session, 2013, to provide for the transfer of certain
18 general revenue to the economic stabilization fund and to the state
19 highway fund and for the dedication of the revenue transferred to
20 the state highway fund.

21 (b) The amendment to Section 49-g, Article III, of this
22 constitution takes effect immediately on the final canvass of the
23 election on the amendment. If, between September 1, 2014, and the
24 effective date of that constitutional amendment, the comptroller of
25 public accounts has transferred from general revenue to the
26 economic stabilization fund amounts in accordance with Subsections
27 (c), (d), and (e) of that section, as those subsections existed at

1 the time of the transfer, as soon as practicable after the effective
2 date of the amendment, the comptroller shall return the transferred
3 amounts from the economic stabilization fund to general revenue and
4 transfer from general revenue to the economic stabilization fund
5 and the state highway fund amounts in accordance with the amended
6 provisions and in accordance with general law, notwithstanding the
7 requirement of Subsection (c) of that section that the transfers
8 for that fiscal year be made before the 90th day of the fiscal year
9 beginning September 1, 2014.

10 (c) This temporary provision expires January 1, 2017.

11 SECTION 3. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 4, 2014.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment providing for the use
15 and dedication of certain money transferred to the state highway
16 fund to assist in the completion of transportation construction,
17 maintenance, and rehabilitation projects, not to include toll
18 roads."