

By: Workman

H.J.R. No. 101

A JOINT RESOLUTION

1 proposing a constitutional amendment dedicating a portion of the
2 revenue derived from the state sales and use tax to the Texas Water
3 Development Fund II.

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

5 SECTION 1. Article VIII, Texas Constitution, is amended by
6 adding Section 7-e to read as follows:

7 Sec. 7-e. (a) Subject to Subsections (b), (e), and (f) of
8 this section, in each state fiscal year, the comptroller of public
9 accounts shall deposit to the credit of a separate account in the
10 Texas Water Development Fund II \$1 billion of the net revenue
11 derived from the imposition of the state sales and use tax on the
12 sale, storage, use, or other consumption in this state of taxable
13 items under Chapter 151, Tax Code, or its successor, that exceeds
14 the first \$30.5 billion of that revenue coming into the treasury in
15 that state fiscal year. For purposes of determining when \$30.5
16 billion of that revenue has come into the treasury in a state fiscal
17 year, the comptroller of public accounts shall include revenue from
18 the same source coming into the treasury that, under Section 7-c of
19 this article, is required to be deposited to the credit of the state
20 highway fund in each state fiscal year.

21 (b) Notwithstanding Subsection (a) of this section, the
22 comptroller of public accounts may not make a deposit required
23 under that subsection if, as a result of the deposit, the balance of
24 the Texas Water Development Fund II would exceed \$4 billion.

1 (c) Money deposited to the credit of the Texas Water
2 Development Fund II under this section may be used by the Texas
3 Water Development Board or that board's successor in function only
4 for constructing and operating:

5 (1) a seawater desalination project; or

6 (2) an aquifer storage and recovery project as defined
7 by Chapter 27, Water Code, or its successor.

8 (d) The legislature by adoption of a concurrent resolution
9 approved by a record vote of two-thirds of the members of each house
10 of the legislature may direct the comptroller of public accounts to
11 reduce the amount of money deposited under Subsection (a) of this
12 section. The comptroller may be directed to make that reduction
13 only:

14 (1) in the state fiscal year in which the resolution is
15 adopted, or in either of the following two state fiscal years; and

16 (2) by an amount or percentage that does not result in
17 a reduction of more than 50 percent of the amount that would
18 otherwise be deposited under that subsection in the affected state
19 fiscal year.

20 (e) Subject to Subsection (f) of this section, the duty of
21 the comptroller of public accounts to make a deposit under
22 Subsection (a) of this section expires August 31, 2034.

23 (f) The legislature by adoption of a concurrent resolution
24 approved by a record vote of a majority of the members of each house
25 of the legislature may extend, in 10-year increments, the duty of
26 the comptroller of public accounts to make a deposit under
27 Subsection (a) of this section beyond the applicable date

1 prescribed by Subsection (e) of this section.

2 (g) This section expires September 15, 2034, if on or before
3 August 31 of that year:

4 (1) a project described by Subsection (c) of this
5 section, the costs for which are paid by the Texas Water Development
6 Board or that board's successor in function using money deposited
7 under Subsection (a) of this section, is not under active
8 construction or operational; and

9 (2) the legislature has not extended the duty of the
10 comptroller of public accounts to make the deposit under Subsection
11 (a) of this section in the manner provided by Subsection (f) of this
12 section.

13 (h) On September 1 of the year in which this section expires
14 under Subsection (g) of this section:

15 (1) the comptroller of public accounts shall determine
16 the amount of money in the Texas Water Development Fund II
17 attributable to deposits made under Subsection (a) of this section;
18 and

19 (2) the Texas Water Development Board or that board's
20 successor in function shall transfer the amount determined under
21 Subdivision (1) of this subsection from the Texas Water Development
22 Fund II to the State Water Implementation Fund for Texas.

23 (i) Subsections (g) and (h) of this section expire October
24 1, 2034, unless this section expires in accordance with Subsection
25 (g) of this section.

26 SECTION 2. The following temporary provision is added to
27 the Texas Constitution:

1 TEMPORARY PROVISION. (a) This temporary provision applies
2 to the constitutional amendment proposed by the 85th Legislature,
3 Regular Session, 2017, dedicating a portion of the revenue derived
4 from the state sales and use tax to the Texas Water Development Fund
5 II.

6 (b) Section 7-e, Article VIII, of this constitution takes
7 effect September 1, 2019.

8 (c) This temporary provision expires September 1, 2022.

9 SECTION 3. This proposed constitutional amendment shall be
10 submitted to the voters at an election to be held November 7, 2017.
11 The ballot shall be printed to permit voting for or against the
12 proposition: "The constitutional amendment dedicating certain
13 sales and use tax revenue to the Texas Water Development Fund II to
14 provide funding for increased water supply and water quality
15 enhancement."