86R12098 CJC-D

By:  Bettencourt S.J.R. No. 72

A JOINT RESOLUTION

proposing a constitutional amendment providing for the creation of and use of money in the education enrichment fund; allocating certain general revenues to that fund, the economic stabilization fund, and the state highway fund.

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

SECTION 1.  Sections 49-g(c), (c-1), (d), and (e), Article III, Texas Constitution, are amended to read as follows:

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

(c-1)  The comptroller shall allocate [~~Of~~] the sum of the amounts described by Subsections (d) and (e) of this section and required to be transferred from the general revenue fund under Subsection (c) of this section in the manner provided by the legislature by general law [~~, the comptroller shall allocate one-half to the economic stabilization fund and the remainder to the state highway fund, except as provided by Subsection (c-2) of this section~~].

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

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

SECTION 2.  Article III, Texas Constitution, is amended by adding Section 49-g-6 to read as follows:

Sec. 49-g-6.  (a) The education enrichment fund is established as a fund in the state treasury.

(b)  The education enrichment fund consists of:

(1)  money transferred to the fund under Section 49-g of this article;

(2)  money appropriated to the fund by the legislature;

(3)  money that the legislature by statute dedicates for deposit to the credit of the fund;

(4)  gifts or grants contributed to the fund; and

(5)  investment earnings and interest earned on amounts credited to the fund.

(c)  The legislature may appropriate money from the education enrichment fund only to provide funding for primary and secondary education.

SECTION 3.  Section 49-g(c-2), Article III, Texas Constitution, is repealed.

SECTION 4.  The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, providing for the creation of the education enrichment fund, dedicating the money in that fund for primary and secondary education, and providing for the transfer of certain general revenues to that fund, the economic stabilization fund, and the state highway fund.

(b)  Section 49-g-6, Article III, of this constitution, as added by the amendment, and the amendments to Section 49-g, Article III, of this constitution, take effect January 1, 2020.

(c)  This temporary provision expires January 1, 2021.

SECTION 5.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2019. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the creation of the education enrichment fund, dedicating the money in that fund for primary and secondary education, and providing for the transfer of certain general revenues to that fund, the economic stabilization fund, and the state highway fund."