

By: Bettencourt

S.B. No. 2290

A BILL TO BE ENTITLED

AN ACT

relating to the allocation of certain general revenues to the economic stabilization fund, the state highway fund, and the education enrichment fund.

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

SECTION 1. The heading to Subchapter H, Chapter 316, Government Code, is amended to read as follows:

SUBCHAPTER H. DETERMINATION OF AMOUNTS OF CONSTITUTIONAL ALLOCATIONS TO [PRESERVATION OF SUFFICIENT BALANCE IN] ECONOMIC STABILIZATION FUND, STATE HIGHWAY FUND, AND EDUCATION ENRICHMENT FUND

SECTION 2. The heading to Section 316.093, Government Code, is amended to read as follows:

Sec. 316.093. DETERMINATION [~~ADJUSTMENT~~] OF AMOUNTS OF CONSTITUTIONAL ALLOCATIONS TO ECONOMIC STABILIZATION FUND, [AND] STATE HIGHWAY FUND, AND EDUCATION ENRICHMENT FUND.

SECTION 3. Sections 316.093(a), (b), and (c), Government Code, are amended to read as follows:

(a) In each state fiscal year, [Before] the comptroller shall allocate the amount to be transferred under [makes transfers for a state fiscal year in accordance with] Section 49-g(c), Article III, Texas Constitution, in the manner provided by this section [the comptroller shall determine whether the sum of the balance of the fund on the preceding August 31, any projected

1 ~~transfer to the fund under Section 49-g(b) of that article, and any~~
2 ~~projected transfer to the fund under Section 49-g(c) of that~~
3 ~~article in accordance with the allocations for the transfer as~~
4 ~~provided by Section 49-g(c-1) of that article is less than the~~
5 ~~sufficient balance adopted under Section 316.092].~~

6 (b) The legislature shall state in the General
7 Appropriations Act the percentage of the total amount to be
8 transferred under [~~If the sum described by Subsection (a) is less~~
9 ~~than the sufficient balance adopted under Section 316.092, the~~
10 ~~comptroller shall reduce the allocation to the state highway fund~~
11 ~~provided by]~~ Section 49-g(c), Article III, Texas Constitution, that
12 the comptroller shall deposit to the economic stabilization fund,
13 the state highway fund, and the education enrichment fund in each
14 year of the state fiscal biennium for which the act makes
15 appropriations [~~and increase the allocation to the economic~~
16 ~~stabilization fund, in an equal amount, until the sufficient~~
17 ~~balance adopted under Section 316.092 is achieved].~~

18 (c) In determining the percentage that each fund will
19 receive under Subsection (b), the legislature shall consider the
20 estimate of the amount of money that will be transferred under
21 Section 49-g(c), Article III, Texas Constitution, in the applicable
22 state fiscal biennium, as stated in the comptroller's biennial
23 revenue estimate for that state fiscal biennium [~~If under Section~~
24 ~~316.092 a sufficient balance has not been adopted for the~~
25 ~~comptroller to consider under this section, the comptroller shall~~
26 ~~adjust the allocation of amounts to be transferred to the fund and~~
27 ~~to the state highway fund provided by Section 49-g(c), Article III,~~

1 ~~Texas Constitution, so that the total of those amounts is~~
2 ~~transferred to the economic stabilization fund, except that the~~
3 ~~comptroller shall reduce a transfer made under this subsection as~~
4 ~~necessary to prevent the amount in the fund from exceeding the limit~~
5 ~~in effect for that biennium under Section 49-g(g) of that article].~~

6 SECTION 4. The following provisions of the Government Code
7 are repealed:

- 8 (1) Section 316.091;
- 9 (2) Section 316.092;
- 10 (3) Sections 316.093(e) and (f); and
- 11 (4) Section 404.0241.

12 SECTION 5. This Act takes effect January 1, 2020, but only
13 if the constitutional amendment proposed by the 86th Legislature,
14 Regular Session, 2019, providing for the creation of the education
15 enrichment fund, dedicating the money in that fund for primary and
16 secondary education, and providing for the transfer of certain
17 general revenues to that fund, the economic stabilization fund, and
18 the state highway fund is approved by the voters. If that amendment
19 is not approved by the voters, this Act has no effect.