

By: Bettencourt

S.J.R. No. 72

A JOINT RESOLUTION

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

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

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

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

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

9 (d) If in the preceding year the state received from oil
10 production taxes a net amount greater than the net amount of oil
11 production taxes received by the state in the fiscal year ending
12 August 31, 1987, the comptroller shall transfer under Subsection
13 (c) of this section and allocate in accordance with Subsection
14 [~~Subsections~~] (c-1) [~~and (c-2)~~] of this section an amount equal to
15 75 percent of the difference between those amounts. The
16 comptroller shall retain the remaining 25 percent of the difference
17 as general revenue. In computing the net amount of oil production
18 taxes received, the comptroller may not consider refunds paid as a
19 result of oil overcharge litigation.

20 (e) If in the preceding year the state received from gas
21 production taxes a net amount greater than the net amount of gas
22 production taxes received by the state in the fiscal year ending
23 August 31, 1987, the comptroller shall transfer under Subsection
24 (c) of this section and allocate in accordance with Subsection
25 [~~Subsections~~] (c-1) [~~and (c-2)~~] of this section an amount equal to
26 75 percent of the difference between those amounts. The
27 comptroller shall retain the remaining 25 percent of the difference

1 as general revenue. For the purposes of this subsection, the
2 comptroller shall adjust the computation of revenues to reflect
3 only 12 months of collection.

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

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

8 (b) The education enrichment fund consists of:

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

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

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

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

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

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

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

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

24 TEMPORARY PROVISION. (a) This temporary provision applies
25 to the constitutional amendment proposed by the 86th Legislature,
26 Regular Session, 2019, providing for the creation of the education
27 enrichment fund, dedicating the money in that fund for primary and

1 secondary education, and providing for the transfer of certain
2 general revenues to that fund, the economic stabilization fund, and
3 the state highway fund.

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

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

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