

RESOLUTION ANALYSIS

C.S.H.J.R. 138
By: Holland
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Each year, millions of Texans and visitors from other states visit our state parks, appreciating the nature of Texas while spurring economic activity. While the population of Texas is growing and there have been rapid increases in the number of visitors to these parks, the amount of public land has remained mostly the same. The author of C.S.H.J.R. 138 believes that the presence of public parks and the conservation of public lands are critical for the quality of life of Texas citizens. Public lands provide the food, water, fiber, and recreational opportunities that the state needs to continue to grow, and the state has a vested interest in protecting land for generations to come. C.S.H.J.R. 138 establishes the Texas Land and Water Conservation Fund to prioritize projects and programs to preserve more land across Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this resolution does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.J.R. 138 proposes an amendment to the Texas Constitution to establish the Texas Land and Water Conservation Fund as a special fund outside the state treasury. As provided by general law, money in the fund may be administered and used, without further appropriation, by the Texas Land and Water Conservation Board to provide funding for conservation of, restoration of, and public access to land, water, and natural resources in Texas. The resolution authorizes separate accounts to be established in the fund as necessary to administer the fund or authorized projects.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 7, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.J.R. 138 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the resolution.

While both the introduced and the substitute establish the Texas Land and Water Conservation Fund, the introduced established the fund inside the state treasury and the substitute establishes the fund outside the state treasury.

The substitute does not include provisions from the introduced establishing the contents of the fund, which were certain oil and gas production tax revenue transferred from the general revenue fund and money the legislature may appropriate to the credit of the fund or by general law may dedicate or provide for deposit to the credit of the fund. Accordingly, the substitute also omits the provisions from the introduced revising the constitutional allocations of that oil and gas production tax revenue to provide for that transfer, including a temporary provision establishing that the applicable transfers and allocations are to be made beginning with the 2026 state fiscal year.

With respect to the use of money in the fund, the substitute retains the same authorized uses of money in the fund as laid out in the introduced but includes a specification absent from the introduced that the entity authorized to use the money for those purposes is the Texas Land and Water Conservation Board. Additionally, the substitute includes provisions absent from the introduced further specifying that the manner in which the fund is to be used, as well as the manner in which the fund is to be administered, is as provided by general law.

The substitute includes a provision absent from the introduced that authorizes separate accounts to be established in the fund as necessary to administer the fund or authorized projects.

The substitute changes the ballot proposition language contained in the introduced as follows:

- the proposition in the introduced describes the constitutional amendment as providing for the creation of the Land and Water Conservation Fund; dedicating certain money in that fund to the conservation of, restoration of, or public access to land, water, or natural resources in Texas; and providing for the transfer of certain general revenues to the Economic Stabilization Fund, the land and water conservation fund, and the state highway fund; but
- the proposition in the substitute describes the constitutional amendment as providing for the creation of the Texas Land and Water Conservation Fund to assist in the voluntary protection of Texas' water quality, wildlife habitat, natural areas, and parks, while not increasing the rate of any taxes.