88R7180 JAM-F

By:  Holland H.J.R. No. 138

A JOINT RESOLUTION

proposing a constitutional amendment 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 this state, 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.

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

SECTION 1.  Sections 49-g(c) and (c-1), 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, the land and water conservation fund, and the state highway fund the sum of the amounts described by Subsections (d) and (e) of this section, to be allocated as provided by Subsections (c-1) and (c-2) of this section.  However, if necessary and notwithstanding the allocations prescribed by 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)  Except as provided by Subsection (c-2) of this section, 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 as follows:

(1)  46 percent of that sum [~~, the comptroller shall allocate one-half~~] to the economic stabilization fund;

(2)  four percent of that sum to the land and water conservation fund; and

(3)  the remainder of that sum to the state highway fund [~~, except as provided by Subsection (c-2) of this section~~].

SECTION 2.  Article III, Texas Constitution, is amended by adding Section 49-g-1 to read as follows:

Sec. 49-g-1. (a) The land and water conservation fund is established as a special fund in the state treasury.

(b)  The land and water conservation fund consists of money transferred to the fund under Section 49-g of this article and money the legislature:

(1)  may appropriate to the credit of the fund; or

(2)  by general law may dedicate or provide for deposit to the credit of the fund.

(c)  Money in the land and water conservation fund may be spent:

(1)  without further appropriation;

(2)  only for purposes related to the conservation of, restoration of, or public access to land, water, or natural resources in this state; and

(3)  without further legislative appropriation.

SECTION 3.  The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, 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 this state, 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.

(b)  The transfers and allocations to be made under Sections 49-g(c) and (c-1), Article III, of this constitution are to be made beginning with the state fiscal year beginning September 1, 2025.

(c)  This temporary provision expires September 1, 2026.

SECTION 4.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment 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 this state, 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."