

By: Holland

H.J.R. No. 138

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the creation of
2 the land and water conservation fund, dedicating certain money in
3 that fund to the conservation of, restoration of, or public access
4 to land, water, or natural resources in this state, and providing
5 for the transfer of certain general revenues to the economic
6 stabilization fund, the land and water conservation fund, and the
7 state highway fund.

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

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

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

1 used only for constructing, maintaining, and acquiring
2 rights-of-way for public roadways other than toll roads.

3 (c-1) Except as provided by Subsection (c-2) of this
4 section, the comptroller shall allocate [~~Of~~] the sum of the amounts
5 described by Subsections (d) and (e) of this section and required to
6 be transferred from the general revenue fund under Subsection (c)
7 of this section as follows:

8 (1) 46 percent of that sum [~~, the comptroller shall~~
9 ~~allocate one-half~~] to the economic stabilization fund;

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

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

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

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

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

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

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

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

26 (1) without further appropriation;

27 (2) only for purposes related to the conservation of,

1 restoration of, or public access to land, water, or natural
2 resources in this state; and

3 (3) without further legislative appropriation.

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

6 TEMPORARY PROVISION. (a) This temporary provision applies
7 to the constitutional amendment proposed by the 88th Legislature,
8 Regular Session, 2023, providing for the creation of the land and
9 water conservation fund, dedicating certain money in that fund to
10 the conservation of, restoration of, or public access to land,
11 water, or natural resources in this state, and providing for the
12 transfer of certain general revenues to the economic stabilization
13 fund, the land and water conservation fund, and the state highway
14 fund.

15 (b) The transfers and allocations to be made under Sections
16 49-g(c) and (c-1), Article III, of this constitution are to be made
17 beginning with the state fiscal year beginning September 1, 2025.

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

19 SECTION 4. This proposed constitutional amendment shall be
20 submitted to the voters at an election to be held November 7, 2023.
21 The ballot shall be printed to permit voting for or against the
22 proposition: "The constitutional amendment providing for the
23 creation of the land and water conservation fund, dedicating
24 certain money in that fund to the conservation of, restoration of,
25 or public access to land, water, or natural resources in this state,
26 and providing for the transfer of certain general revenues to the
27 economic stabilization fund, the land and water conservation fund,

1 and the state highway fund."