

ANALYSES OF PROPOSED CONSTITUTIONAL AMENDMENTS

88th Texas Legislature November 7, 2023, Election

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SUMMARY ANALYSIS

S.J.R. 74, 88th Legislature, Regular Session, 2023, proposes the addition of Section 49-e-1, Article III, Texas Constitution, to provide for the creation of the centennial parks conservation fund to be used for the creation and improvement of state parks.

BACKGROUND AND DETAILED ANALYSIS

The Texas state parks system has traditionally been funded by a combination of user fees, such as park entrance fees, and legislative appropriations. In 2019, Texas voters approved a constitutional amendment to add Section 7-d to Article VIII, Texas Constitution, dedicating a portion of the state sales taxes on sporting goods to provide a revenue stream to the Parks and Wildlife Department. The constitutional amendment proposed by S.J.R. 74, 88th Legislature, Regular Session, 2023, adding Section 49-e-1, Article III, Texas Constitution, would create the centennial parks conservation fund to provide an additional dedicated funding source for Texas' state parks. The proposed fund, named in recognition of the 100th anniversary of the establishment of the state park system, would be created as a trust fund outside the treasury and would authorize the use of the fund only for the creation and improvement of state parks, in accordance with general law, and to pay the reasonable expenses of managing the fund and its assets. The fund would consist of: (1) money appropriated, credited, or transferred to the fund by the legislature; (2) gifts, grants, and donations received by the Parks and Wildlife Department or the department's successor in function for a purpose for which money in the fund may be used under the constitutional provision; and (3) investment earnings and interest earned on amounts credited to the fund.

The proposed amendment also provides that for purposes of the restriction on the rate of growth of appropriations established by Section 22, Article VIII, Texas Constitution, money in the fund would be dedicated by the Texas Constitution and an appropriation of state tax revenues to the fund would be treated as if it were an appropriation of revenues dedicated by the Texas Constitution.

Enacted in 2023 by the 88th Legislature in the Regular Session, S.B. 1648 is the enabling legislation for S.J.R. 74. The bill addresses in more detail the administration of the centennial parks conservation fund and takes effect only if S.J.R. 74 is approved by the voters at an election to be held November 7, 2023.

The 2023 General Appropriations Act appropriates \$1 billion to the Parks and Wildlife Department for the centennial parks conservation fund for the state fiscal year ending August 1, 2024. The appropriation is contingent on enactment of S.B. 1648 and voter approval of this constitutional amendment. See Rider 45, page VI-51, H.B. 1, 88th Legislature, Regular Session, 2023.