

By: Paxton

H.J.R. No. 75

A JOINT RESOLUTION

1 proposing a constitutional amendment prescribing the purposes for
2 which revenue from motor vehicle registration fees, certain motor
3 vehicle-related taxes, and certain revenues received from the
4 federal government may be used.

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

6 SECTION 1. Sections 7-a and 7-b, Article VIII, Texas
7 Constitution, are amended to read as follows:

8 Sec. 7-a. Subject to legislative appropriation, allocation
9 and direction, all net revenues remaining after payment of all
10 refunds allowed by law and expenses of collection derived from
11 motor vehicle registration fees, and all taxes, except gross
12 production and ad valorem taxes, on motor fuels and lubricants used
13 to propel motor vehicles over public roadways and on new and used
14 motor vehicle tires and new and used motor vehicle parts, shall be
15 used for the sole purpose of acquiring rights-of-way and [7]
16 constructing and [7] maintaining[~~, and policing~~] such public
17 roadways[~~, and for the administration of such laws as may be~~
18 ~~prescribed by the Legislature pertaining to the supervision of~~
19 ~~traffic and safety on such roads, and for the payment of the~~
20 ~~principal and interest on county and road district bonds or~~
21 ~~warrants voted or issued prior to January 2, 1939, and declared~~
22 ~~eligible prior to January 2, 1945, for payment out of the County and~~
23 ~~Road District Highway Fund under existing law]; provided, however,
24 that one-fourth (1/4) of such net revenue from the motor fuel tax~~

1 shall be allocated to the Available School Fund; and, provided,
2 however, that the net revenue derived by counties from motor
3 vehicle registration fees shall never be less than the maximum
4 amounts allowed to be retained by each County and the percentage
5 allowed to be retained by each County under the laws in effect on
6 January 1, 1945. Nothing contained herein shall be construed as
7 authorizing the pledging of the State's credit for any purpose.

8 Sec. 7-b. All revenues received from the federal government
9 as reimbursement for state expenditures of funds that are
10 themselves dedicated for acquiring rights-of-way and constructing
11 and~~[] maintaining~~~~[, and policing]~~ public roadways are also
12 constitutionally dedicated and shall be used only for those
13 purposes.

14 SECTION 2. The following temporary provision is added to
15 the Texas Constitution:

16 TEMPORARY PROVISION. (a) This temporary provision applies
17 to the constitutional amendment proposed by the 82nd Legislature,
18 Regular Session, 2011, prescribing the purposes for which revenue
19 from motor vehicle registration fees, taxes on motor fuels and
20 lubricants and motor vehicle tires and parts, and certain revenues
21 received from the federal government may be used.

22 (b) The amendments to Sections 7-a and 7-b, Article VIII, of
23 this constitution apply only in connection with a state fiscal
24 biennium that begins on or after September 1, 2015.

25 (c) Beginning in the state fiscal year that begins on
26 September 1, 2015, and subject to Subsection (e) of this temporary
27 provision, the legislature may not appropriate any revenue

1 described by Section 7-a, Article VIII, of this constitution, and
2 the state agency responsible for the construction and maintenance
3 of state highways may not allocate any revenue described by that
4 section that is appropriated to the state agency, for any purpose
5 other than acquiring rights-of-way and constructing and
6 maintaining public roadways.

7 (d) Beginning in each state fiscal year that begins on or
8 after September 1, 2013, and subject to Subsection (e) of this
9 temporary provision, the legislature shall proportionally decrease
10 the amount of revenue described by Section 7-a, Article VIII, of
11 this constitution that is appropriated for any purpose other than
12 acquiring rights-of-way and constructing and maintaining public
13 roadways, as necessary to comply with Subsection (c) of this
14 temporary provision beginning September 1, 2015. The state agency
15 responsible for the construction and maintenance of state highways
16 shall ensure that any revenue described by Section 7-a, Article
17 VIII, of this constitution that is appropriated to the agency is
18 allocated in a manner that reflects that proportional decrease.

19 (e) This temporary provision does not affect:

20 (1) the allocation of revenue to the available school
21 fund or the allocation to counties of motor vehicle registration
22 fees under Section 7-a, Article VIII, of this constitution; or

23 (2) the use of revenue described by Section 7-a or 7-b,
24 Article VIII, of this constitution for a purpose specifically
25 authorized by another provision of this constitution.

26 (f) This temporary provision expires September 1, 2016.

27 SECTION 3. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 8, 2011.
2 The ballot shall be printed to permit voting for or against the
3 proposition: "The constitutional amendment prescribing the
4 purposes for which revenue from motor vehicle registration fees,
5 taxes on motor fuels and lubricants and motor vehicle tires and
6 parts, and certain revenues received from the federal government
7 may be used."