

By: Davis

S.J.R. No. 38

A JOINT RESOLUTION

1 proposing a constitutional amendment limiting the uses of revenue
2 from motor vehicle registration fees, taxes on motor fuels and
3 lubricants, and certain revenue received from the federal
4 government.

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

6 SECTION 1. Section 7-a, Article VIII, Texas Constitution,
7 is amended to read as follows:

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

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

7 (b) For a biennium, the Legislature may not appropriate
8 funds derived from the revenue described by Subsection (a) of this
9 section or Section 7-b of this article for a purpose other than
10 acquiring rights-of-way or constructing or maintaining public
11 roadways in an amount that exceeds the lesser of:

12 (1) the total amount of those funds appropriated for a
13 purpose other than acquiring rights-of-way or constructing or
14 maintaining public roadways in the preceding biennium; or

15 (2) the amount determined under Subsection (c) of this
16 section.

17 (c) For each biennium, the maximum amount that may be
18 appropriated as provided by Subsection (b) of this section is
19 reduced by 20 percent from the preceding biennium if the estimate of
20 anticipated revenue from all sources made in advance of the regular
21 session under Section 49a(a), Article III, of this constitution for
22 the biennium exceeds the total amount of revenue from all sources
23 for the preceding biennium by more than three times the amount of
24 the reduction.

25 SECTION 2. The following temporary provision is added to
26 the Texas Constitution:

27 TEMPORARY PROVISION. (a) This temporary provision applies

1 to the constitutional amendment proposed by the 82nd Legislature,
2 Regular Session, 2011, to limit the purposes for which revenue from
3 motor vehicle registration fees, taxes on motor fuels and
4 lubricants, and certain revenue received from the federal
5 government may be used.

6 (b) The changes to Section 7-a, Article VIII, of this
7 constitution made by the amendment apply only in connection with a
8 state fiscal biennium that begins on or after September 1, 2013.

9 (c) This temporary provision expires September 2, 2013.

10 SECTION 3. This proposed constitutional amendment shall be
11 submitted to the voters at an election to be held November 8, 2011.
12 The ballot shall be printed to permit voting for or against the
13 proposition: "The constitutional amendment limiting the uses of
14 revenue from motor vehicle registration fees, taxes on motor fuels
15 and lubricants, and certain revenue received from the federal
16 government."