

By: Lucio

S.J.R. No. 5

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, new and used motor vehicle parts, and new  
15 automotive accessories, shall be used for the sole purpose of  
16 acquiring rights-of-way and [7] constructing and [7] maintaining[7  
17 ~~and policing~~] such public roadways[~~7 and for the administration of~~  
18 ~~such laws as may be prescribed by the Legislature pertaining to the~~  
19 ~~supervision of traffic and safety on such roads, and for the payment~~  
20 ~~of the 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 83rd Legislature,  
18 1st Called Session, 2013, prescribing the purposes for which  
19 revenue from motor vehicle registration fees, taxes on motor fuels  
20 and lubricants, motor vehicle tires and parts, and automotive  
21 accessories, and certain revenues received from the federal  
22 government may be used.

23       (b) The amendments to Sections 7-a and 7-b, Article VIII, of  
24 this constitution apply only in connection with a state fiscal  
25 biennium that begins on or after September 1, 2019.

26       (c) Beginning in the state fiscal year that begins on  
27 September 1, 2019, and subject to Subsection (e) of this temporary

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

8 (d) Beginning in each state fiscal year that begins on or  
9 after September 1, 2015, and subject to Subsection (e) of this  
10 temporary provision, the legislature shall proportionally decrease  
11 the amount of revenue described by Section 7-a, Article VIII, of  
12 this constitution that is appropriated for any purpose other than  
13 acquiring rights-of-way and constructing and maintaining public  
14 roadways, as necessary to comply with Subsection (c) of this  
15 temporary provision beginning September 1, 2019. The state agency  
16 responsible for the construction and maintenance of state highways  
17 shall ensure that any revenue described by Section 7-a, Article  
18 VIII, of this constitution that is appropriated to the agency is  
19 allocated in a manner that reflects that proportional decrease.

20 (e) This temporary provision does not affect:

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

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

27 (f) This temporary provision expires September 1, 2020.

1           SECTION 3. This proposed constitutional amendment shall be  
2 submitted to the voters at an election to be held November 5, 2013.  
3 The ballot shall be printed to permit voting for or against the  
4 proposition: "The constitutional amendment prescribing the  
5 purposes for which revenue from motor vehicle registration fees,  
6 taxes on motor fuels and lubricants, motor vehicle tires and parts,  
7 and automotive accessories, and certain revenues received from the  
8 federal government may be used."