

By: Pickett, Phillips, Harper-Brown, et al.

H.J.R. No. 2

Substitute the following for H.J.R. No. 2:

By: Pitts

C.S.H.J.R. No. 2

A JOINT RESOLUTION

1 proposing a constitutional amendment to provide for certain revenue
2 from motor fuel taxes to be used solely for constructing,
3 maintaining, and acquiring rights-of-way for certain public
4 roadways and to provide for the transfer of certain general revenue
5 to the economic stabilization fund and the available school fund.

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

7 SECTION 1. Section 49-g, Article III, Texas Constitution,
8 is amended by amending Subsections (c), (d), and (e) and adding
9 Subsection (e-1) to read as follows:

10 (c) Not later than the 90th day of each fiscal year, the
11 comptroller of public accounts shall transfer from general revenue
12 to the economic stabilization fund and to the available school fund
13 the amounts prescribed by Subsections (d) and (e) of this section.
14 However, if necessary, the comptroller shall reduce
15 proportionately the amounts to be transferred to the economic
16 stabilization fund to prevent the amount in the fund from exceeding
17 the limit in effect for that biennium under Subsection (g) of this
18 section.

19 (d) If in the preceding year the state received from oil
20 production taxes a net amount greater than the net amount of oil
21 production taxes received by the state in the fiscal year ending
22 August 31, 1987, the comptroller shall retain [~~transfer to the~~
23 ~~economic stabilization fund~~] an amount equal to 25 [75] percent of
24 the difference between those amounts as general revenue. The

1 comptroller shall transfer the remaining 75 percent of the
2 difference between those amounts to the economic stabilization fund
3 and the available school fund, as allocated in accordance with
4 Subsection (e-1) of this section [~~retain the remaining 25 percent~~
5 ~~of the difference as general revenue~~]. In computing the net amount
6 of oil production taxes received, the comptroller may not consider
7 refunds paid as a result of oil overcharge litigation.

8 (e) If in the preceding year the state received from gas
9 production taxes a net amount greater than the net amount of gas
10 production taxes received by the state in the fiscal year ending
11 August 31, 1987, the comptroller shall retain [~~transfer to the~~
12 ~~economic stabilization fund~~] an amount equal to 25 [~~75~~] percent of
13 the difference between those amounts as general revenue. The
14 comptroller shall transfer the remaining 75 percent of the
15 difference between those amounts to the economic stabilization fund
16 and the available school fund, as allocated in accordance with
17 Subsection (e-1) of this section [~~retain the remaining 25 percent~~
18 ~~of the difference as general revenue~~]. For the purposes of this
19 subsection, the comptroller shall adjust the [~~his~~] computation of
20 revenues to reflect only 12 months of collection.

21 (e-1) Of the sum of the amounts to be transferred to the
22 economic stabilization fund and the available school fund under
23 Subsections (d) and (e) of this section, the comptroller shall
24 transfer:

25 (1) to the available school fund an amount equal to the
26 lesser of:

27 (A) 25 percent of the net revenue derived in the

1 preceding year from all taxes, except gross production and ad
2 valorem taxes, imposed on motor fuels used to propel motor vehicles
3 over public roadways that remains after payment of all refunds
4 allowed by law and expenses of collection; or

5 (B) the total of the sum of the amounts to be
6 transferred under Subsections (d) and (e) of this section; and

7 (2) any remainder to the economic stabilization fund,
8 subject to any reduction required by Subsection (c) of this
9 section.

10 SECTION 2. Section 7-a, Article VIII, Texas Constitution,
11 is amended to read as follows:

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

1 acquiring rights-of-way, constructing, and maintaining such public
2 roadways, other than toll roads [~~shall be allocated to the~~
3 ~~Available School Fund~~]; and, provided, however, that the net
4 revenue derived by counties from motor vehicle registration fees
5 shall never be less than the maximum amounts allowed to be retained
6 by each County and the percentage allowed to be retained by each
7 County under the laws in effect on January 1, 1945. Nothing
8 contained herein shall be construed as authorizing the pledging of
9 the State's credit for any purpose.

10 SECTION 3. The following temporary provision is added to
11 the Texas Constitution:

12 TEMPORARY PROVISION. (a) This temporary provision applies
13 to the constitutional amendment proposed by the 83rd Legislature,
14 2nd Called Session, 2013, to provide for certain revenue from motor
15 fuel taxes to be used solely for constructing, maintaining, and
16 acquiring rights-of-way for certain public roadways and to provide
17 for the transfer of certain general revenue to the economic
18 stabilization fund and the available school fund.

19 (b) The amendment to Section 49-g, Article III, of this
20 constitution takes effect immediately on the final canvass of the
21 election on the amendment. If, between September 1, 2013, and the
22 effective date of the amendment to Section 49-g, Article III, of
23 this constitution, the comptroller of public accounts has
24 transferred from general revenue to the economic stabilization fund
25 amounts in accordance with Subsections (c), (d), and (e) of that
26 section as those subsections provided at the time of the transfer,
27 as soon as practicable after the effective date of the amendment the

1 comptroller shall transfer from the economic stabilization fund to
2 the available school fund an amount as described by Subsection
3 (e-1) of that section.

4 (c) The amendment to Section 7-a, Article VIII, of this
5 constitution takes effect January 1, 2014, and applies only to the
6 collection and allocation of tax revenue derived from tax liability
7 accruing on and after that date.

8 (d) This temporary provision expires January 1, 2015.

9 SECTION 4. This proposed constitutional amendment shall be
10 submitted to the voters at an election to be held November 5, 2013.
11 The ballot shall be printed to permit voting for or against the
12 proposition: "The constitutional amendment to provide for certain
13 revenue from motor fuel taxes to be used solely for constructing,
14 maintaining, and acquiring rights-of-way for certain public
15 roadways and to provide for the transfer of certain general revenue
16 to the economic stabilization fund and the available school fund."