By: Pickett H.J.R. No. 2

A JOINT RESOLUTION

- 1 proposing a constitutional amendment to provide for revenue from
- 2 motor fuel taxes to be used solely for constructing, maintaining,
- 3 and acquiring rights-of-way for certain public roadways and to
- 4 provide for the transfer of certain general revenue to the
- 5 available school fund and the economic stabilization fund.
- 6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 7 SECTION 1. Sections 49-g(c), (d), and (e), Article III,
- 8 Texas Constitution, are amended to read as follows:
- 9 (c) Not later than the 90th day of each fiscal year, the
- 10 comptroller of public accounts shall transfer from general revenue
- 11 to the economic stabilization fund and to the available school fund
- 12 the amounts prescribed by Subsections (d) and (e) of this section.
- 13 However, if necessary, the comptroller shall reduce
- 14 proportionately the amounts transferred to the economic
- 15 stabilization fund to prevent the amount in the fund from exceeding
- 16 the limit in effect for that biennium under Subsection (g) of this
- 17 section.
- (d) If in the preceding year the state received from oil
- 19 production taxes a net amount greater than the net amount of oil
- 20 production taxes received by the state in the fiscal year ending
- 21 August 31, 1987, the comptroller shall retain [transfer to the
- 22 economic stabilization fund] an amount equal to 25 [75] percent of
- 23 the difference between those amounts as general revenue. Of the
- 24 remaining 75 percent of the difference between those amounts, the

- 1 [. The] comptroller shall transfer an amount equal to one-half to
- 2 the economic stabilization fund and transfer an amount equal to
- 3 one-half to the available school fund [retain the remaining 25
- 4 percent of the difference as general revenue]. In computing the net
- 5 amount of oil production taxes received, the comptroller may not
- 6 consider refunds paid as a result of oil overcharge litigation.
- 7 (e) If in the preceding year the state received from gas
- 8 production taxes a net amount greater than the net amount of gas
- 9 production taxes received by the state in the fiscal year ending
- 10 August 31, 1987, the comptroller shall retain [transfer to the
- 11 economic stabilization fund] an amount equal to 25 [75] percent of
- 12 the difference between those amounts as general revenue. Of the
- 13 remaining 75 percent of the difference between those amounts, the
- 14 [. The] comptroller shall transfer an amount equal to one-half to
- 15 the economic stabilization fund and transfer an amount equal to
- 16 one-half to the available school fund [retain the remaining 25
- 17 percent of the difference as general revenue]. For the purposes of
- 18 this subsection, the comptroller shall adjust the [his] computation
- 19 of revenues to reflect only 12 months of collection.
- 20 SECTION 2. Section 7-a, Article VIII, Texas Constitution,
- 21 is amended to read as follows:
- Sec. 7-a. (a) Subject to legislative appropriation,
- 23 allocation and direction, all net revenues remaining after payment
- 24 of all refunds allowed by law and expenses of collection derived
- 25 from motor vehicle registration fees, and all taxes, except gross
- 26 production and ad valorem taxes, on [motor fuels and] lubricants
- 27 used to propel motor vehicles over public roadways, shall be used

- 1 for the sole purpose of acquiring rights-of-way, constructing,
- 2 maintaining, and policing such public roadways, and for the
- 3 administration of such laws as may be prescribed by the Legislature
- 4 pertaining to the supervision of traffic and safety on such roads;
- 5 [and for the payment of the principal and interest on county and
- 6 road district bonds or warrants voted or issued prior to January 2,
- 7 1939, and declared eligible prior to January 2, 1945, for payment
- 8 out of the County and Road District Highway Fund under existing law;
- 9 provided, however, that one-fourth (1/4) of such net revenue from
- 10 the motor fuel tax shall be allocated to the Available School Fund;
- 11 and, provided, however, that the net revenue derived by counties
- 12 from motor vehicle registration fees shall never be less than the
- 13 maximum amounts allowed to be retained by each County and the
- 14 percentage allowed to be retained by each County under the laws in
- 15 effect on January 1, 1945.
- 16 (b) Subject to legislative appropriation, allocation, and
- 17 direction, all net revenues remaining after payment of all refunds
- 18 allowed by law and expenses of collection derived from all taxes on
- 19 motor fuels used to propel motor vehicles over public roadways may
- 20 be used only for constructing, maintaining, and acquiring
- 21 rights-of-way for public roadways other than toll roads.
- (c) Nothing in this section [contained herein] shall be
- 23 construed as authorizing the pledging of the State's credit for any
- 24 purpose.
- 25 SECTION 3. The following temporary provision is added to
- 26 the Texas Constitution:
- TEMPORARY PROVISION. (a) This temporary provision applies

- 1 to the constitutional amendment proposed by the 83rd Legislature,
- 2 <u>2nd Called Session, 20</u>13, to provide for revenue from motor fuel
- 3 taxes to be used solely for constructing, maintaining, and
- 4 acquiring rights-of-way for certain public roadways and to provide
- 5 for the transfer of certain general revenue to the available school
- 6 fund and the economic stabilization fund.
- 7 (b) The amendment to Section 49-q, Article III, of this
- 8 constitution takes effect January 1, 2014, and applies only to a
- 9 transfer of revenue made by the comptroller of public accounts as
- 10 provided by Subsection (d) or (e) of that section on or after that
- 11 date.
- 12 (c) The amendment to Section 7-a, Article VIII, of this
- 13 constitution takes effect January 1, 2014, and applies only to the
- 14 <u>collection and allocation of tax revenue derived from tax liability</u>
- 15 <u>accruing on and after that date.</u>
- 16 (d) This temporary provision expires January 1, 2015.
- 17 SECTION 4. This proposed constitutional amendment shall be
- 18 submitted to the voters at an election to be held November 5, 2013.
- 19 The ballot shall be printed to permit voting for or against the
- 20 proposition: "The constitutional amendment to provide for revenue
- 21 from motor fuel taxes to be used solely for constructing,
- 22 maintaining, and acquiring rights-of-way for certain public
- 23 roadways and to provide for the transfer of certain general revenue
- 24 to the available school fund and the economic stabilization fund."