

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.

18 (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:

22 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.

22 (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:

27 TEMPORARY PROVISION. (a) This temporary provision applies

1 to the constitutional amendment proposed by the 83rd Legislature,
2 2nd Called Session, 2013, 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-g, 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 collection and allocation of tax revenue derived from tax liability
15 accruing on and after that date.

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."