

By: Phillips

H.J.R. No. 108

A JOINT RESOLUTION

1 proposing a constitutional amendment to limit the purposes for  
2 which revenue from motor vehicle registration fees, taxes on motor  
3 fuels and lubricants and motor vehicle tires and parts, and certain  
4 revenues received from the 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. (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 from taxes on new and used  
12 motor vehicle tires and new and used motor vehicle parts [~~and all~~  
13 ~~taxes, except gross production and ad valorem taxes, on motor fuels~~  
14 ~~and lubricants used to propel motor vehicles over public roadways,~~]  
15 shall be used for the sole purpose of acquiring rights-of-way, for  
16 constructing and[~~]~~ maintaining[~~and policing such~~] public  
17 roadways, and for the administration of such laws as may be  
18 prescribed by the Legislature pertaining to the supervision of  
19 traffic and safety on such roads; [~~and for the payment of the~~  
20 ~~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.

7 (b) Subject to legislative appropriation, allocation, and  
8 direction, of the net revenue that is remaining after payment of all  
9 refunds allowed by law and expenses of collection and that is  
10 derived from all taxes, except gross production and ad valorem  
11 taxes, on motor fuels and lubricants used to propel motor vehicles  
12 over public highways:

13 (1) three-fourths shall be used for the sole purpose  
14 of constructing and maintaining public highways; and

15 (2) one-fourth shall be allocated to the available  
16 school fund.

17 (c) Nothing contained in this section [~~herein~~] shall be  
18 construed as authorizing the pledging of the State's credit for any  
19 purpose.

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

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

1           (2) the amount determined under Subsection (e) of this  
2 section.

3           (e) For each biennium, the maximum amount that may be  
4 appropriated as provided by Subsection (b) of this section is  
5 reduced by 25 percent from the preceding biennium if the estimate of  
6 anticipated revenue from all sources made in advance of the regular  
7 session under Section 49a(a), Article III, of this constitution for  
8 the biennium exceeds the total amount of revenue from all sources  
9 for the preceding biennium by more than three times the amount of  
10 the reduction.

11           Sec. 7-b. All revenues received from the federal government  
12 as reimbursement for state expenditures of funds that are  
13 themselves dedicated for acquiring rights-of-way and constructing  
14 and[7] maintaining[7, and policing] public roadways are also  
15 constitutionally dedicated and shall be used only for those  
16 purposes.

17           SECTION 2. The following temporary provision is added to  
18 the Texas Constitution:

19           TEMPORARY PROVISION. (a) This temporary provision applies  
20 to the constitutional amendment proposed by the 83rd Legislature,  
21 Regular Session, 2013, to limit the purposes for which revenues  
22 from motor vehicle registration fees, taxes on motor fuels and  
23 lubricants and motor vehicle tires and parts, and certain revenues  
24 received from the federal government may be used.

25           (b) The changes to Sections 7-a and 7-b, Article VIII, of  
26 this constitution made by the amendment apply only in connection  
27 with a state fiscal biennium that begins on or after September 1,

1 2015.

2 (c) This temporary provision expires September 2, 2015.

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