

By: Howard

H.J.R. No. 135

A JOINT RESOLUTION

1 proposing a constitutional amendment to prohibit using voluntarily
2 paid additional fees and surcharges that are dedicated by law for
3 nondedicated general governmental purposes and to prohibit using
4 that money for certification of appropriations for nondedicated
5 purposes or entities.

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

7 SECTION 1. Section 49a, Article III, Texas Constitution, is
8 amended by adding Subsection (c) to read as follows:

9 (c) In making the determinations necessary for the
10 Comptroller of Public Accounts to endorse the certificate under
11 Subsection (b) of this section, the Comptroller may not consider
12 any portion of any revenue of or money received by this state, or
13 any account or fund balance accrued from revenue or money, that was
14 received from voluntarily paid additional fees or surcharges and
15 that by law has been dedicated to a particular purpose or entity, as
16 available for the purpose of certifying that the amount of
17 appropriations for any other purpose or entity is within the amount
18 estimated to be available in the affected funds. The legislature
19 may not by general law make an unappropriated balance of a dedicated
20 account or fund described by this subsection available for general
21 governmental purposes or certification except by expressly
22 repealing the dedication. For purposes of this subsection:

23 (1) the Comptroller shall identify the revenue, money,
24 and account and fund balances to which this subsection applies,

1 subject to Subdivisions (2) and (3) of this subsection;

2 (2) a fee paid for a regulatory purpose or to receive a
3 direct personal benefit is not considered to be a voluntarily paid
4 additional fee or surcharge; and

5 (3) a fee or surcharge voluntarily paid in addition to
6 a payment described by Subdivision (1) of this subsection, such as
7 an additional dedicated fee paid in connection with registration of
8 a motor vehicle to receive certain specialty license plates, is
9 considered to be a voluntarily paid additional fee or surcharge.

10 SECTION 2. Article VIII, Texas Constitution, is amended by
11 adding Section 31 to read as follows:

12 Sec. 31. Revenue of or money received by this state from one
13 or more particular sources or held in or deposited to an identified
14 account or fund inside or outside the state treasury that was
15 received from voluntarily paid additional fees or surcharges and
16 the appropriation or expenditure of which at the time the revenue is
17 collected or the money is received by the state is dedicated by
18 general law to one or more particular purposes or for one or more
19 particular entities may not be appropriated or expended for any
20 purpose, or to or by any entity, other than a purpose or entity to
21 which the revenue or money is dedicated unless the legislature
22 expressly repeals the dedication. For purposes of this subsection:

23 (1) the Comptroller shall identify the revenue, money,
24 and account and fund balances to which this subsection applies,
25 subject to Subdivisions (2) and (3) of this subsection;

26 (2) a fee paid for a regulatory purpose or to receive a
27 direct personal benefit is not considered to be a voluntarily paid

1 additional fee or surcharge; and

2 (3) a fee or surcharge voluntarily paid in addition to
3 a payment described by Subdivision (1) of this subsection, such as
4 an additional dedicated fee paid in connection with registration of
5 a motor vehicle to receive certain specialty license plates, is
6 considered to be a voluntarily paid additional fee or surcharge.

7 SECTION 3. The following temporary provision is added to
8 the Texas Constitution:

9 TEMPORARY PROVISION. (a) This temporary provision applies
10 to the constitutional amendment proposed by the 83rd Legislature,
11 Regular Session, 2013, to prohibit using voluntarily paid
12 additional fees and surcharges that are dedicated by law for
13 nondedicated general governmental purposes and to prohibit using
14 that money for certification of appropriations for nondedicated
15 purposes or entities.

16 (b) Section 49a(c), Article III, of this constitution takes
17 effect January 1, 2015, and applies only to the certification of an
18 appropriation authorized for all or part of a state fiscal year
19 beginning on or after September 1, 2015.

20 (c) Section 31, Article VIII, of this constitution takes
21 effect September 1, 2015, and applies only to appropriations
22 authorized for all or part of, or expenditures during, a state
23 fiscal year beginning on or after that date.

24 (d) This temporary provision expires January 1, 2016.

25 SECTION 4. This proposed constitutional amendment shall be
26 submitted to the voters at an election to be held November 5, 2013.
27 The ballot shall be printed to permit voting for or against the

1 proposition: "The constitutional amendment to end fee and other
2 revenue diversions by prohibiting using voluntarily paid
3 additional fees and surcharges dedicated by law for nondedicated
4 purposes or entities and to prohibit using that money to certify
5 appropriations for nondedicated purposes or entities."