

By: Harless

H.J.R. No. 48

A JOINT RESOLUTION

1 proposing a constitutional amendment limiting the permissible uses
2 of the state highway fund, including further limiting the use of
3 additional tax and fee revenue attributable to changes to certain
4 state taxes and fees, to increase revenue for nontolled public
5 highway purposes.

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

7 SECTION 1. Section 7-a, Article VIII, Texas Constitution,
8 is amended to read as follows:

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

1 from the motor fuel tax shall be allocated to the Available School
2 Fund; and, provided, however, that the net revenue derived by
3 counties from motor vehicle registration fees shall never be less
4 than the maximum amounts allowed to be retained by each County and
5 the percentage allowed to be retained by each County under the laws
6 in effect on January 1, 1945. Nothing contained herein shall be
7 construed as authorizing the pledging of the State's credit for any
8 purpose.

9 (b) For a biennium, the Legislature may not appropriate
10 funds derived from the revenue described by Subsection (a) of this
11 section or Section 7-b of this article for a purpose other than
12 acquiring rights-of-way or planning, designing, constructing, or
13 maintaining public roadways in an amount that exceeds the lesser
14 of:

15 (1) the total amount of those funds appropriated for a
16 purpose other than acquiring rights-of-way or planning, designing,
17 constructing, or maintaining public roadways in the preceding
18 biennium; or

19 (2) the amount determined under Subsection (c) of this
20 section.

21 (c) For each biennium, the maximum amount that may be
22 appropriated as provided by Subsection (b) of this section is
23 reduced by 20 percent from the preceding biennium if the estimate of
24 anticipated revenue from all sources made in advance of the regular
25 session under Section 49a(a), Article III, of this constitution for
26 the biennium exceeds the total amount of revenue from all sources
27 for the preceding biennium by more than three times the amount of

1 the reduction.

2 (d) All net revenue deposited to the credit of the state
3 highway fund, as required by this section or by general law, that is
4 attributable to all or part of the following sources shall be
5 deposited to the credit of a special account in that fund:

6 (1) the state sales and use tax imposed on motor
7 vehicles by Chapter 152, Tax Code, or its successor;

8 (2) the taxes imposed on gasoline and diesel fuel used
9 to propel motor vehicles on the public roadways attributable to the
10 portion of the tax rates in excess of 20 cents for each net gallon or
11 fractional part on which the gasoline or diesel fuel tax is imposed;

12 (3) registration fees imposed on motorcycles and
13 mopeds by Section 502.251, Transportation Code, or its successor,
14 attributable to the portion of the rate of those fees that exceeds
15 the rate in effect on August 31, 2015;

16 (4) registration fees imposed on vehicles that weigh
17 6,000 pounds or less by Section 502.252, Transportation Code, or
18 its successor, and other vehicles to which that section applies,
19 attributable to the portion of the rate of those fees that exceeds
20 the rate in effect on August 31, 2015;

21 (5) registration fees imposed on vehicles that weigh
22 more than 6,000 pounds by Section 502.253, Transportation Code, or
23 its successor, and other vehicles to which that section applies,
24 attributable to the portion of the rates of those fees that exceed
25 the rates in effect on August 31, 2015;

26 (6) registration fees imposed on trailers, travel
27 trailers, and semitrailers by Section 502.254, Transportation

1 Code, or its successor, attributable to the portion of the rate of
2 those fees that exceeds the rate in effect on August 31, 2015; and

3 (7) the revenue from any other tax, fee, or charge not
4 previously dedicated to the state highway fund that is dedicated to
5 that fund by an act of the 84th Legislature, Regular Session, 2015.

6 (e) Interest earned on the account under Subsection (d) of
7 this section in the state highway fund shall be credited to the
8 account. Revenue allocated to the account and interest on the
9 revenue may be used only for acquiring rights-of-way and planning,
10 designing, constructing, and maintaining nontolled public
11 roadways.

12 SECTION 2. The following temporary provision is added to
13 the Texas Constitution:

14 TEMPORARY PROVISION. (a) This temporary provision applies
15 to the constitutional amendment proposed by the 84th Legislature,
16 Regular Session, 2015, to limit the permissible uses of the state
17 highway fund, including further limiting the use of additional tax
18 and fee revenue attributable to changes to certain state taxes and
19 fees, to increase revenue for nontolled public highway purposes.

20 (b) Sections 7-a(b) and (c), Article VIII, of this
21 constitution apply only in connection with a state fiscal biennium
22 that begins on or after September 1, 2017.

23 (c) Sections 7-a(d) and (e), Article VIII, of this
24 constitution take effect January 1, 2016.

25 (d) This temporary provision expires September 2, 2017.

26 SECTION 3. This proposed constitutional amendment shall be
27 submitted to the voters at an election to be held November 3, 2015.

1 The ballot shall be printed to permit voting for or against the
2 proposition: "The constitutional amendment limiting the
3 permissible uses of the state highway fund, including further
4 limiting the use of additional tax and fee revenue attributable to
5 changes to certain state taxes and fees, to increase revenue for
6 nontolled public highway purposes."