

By: Nichols, et al.

S.J.R. No. 5

SENATE JOINT RESOLUTION

proposing a constitutional amendment dedicating certain revenue derived from the tax imposed on the sale, use, or rental of a motor vehicle to the state highway fund and the available school fund.

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

SECTION 1. Article VIII, Texas Constitution, is amended by adding Section 7-c to read as follows:

Sec. 7-c. (a) Subject to Subsection (c) of this section, the net revenue derived from the tax authorized by Chapter 152, Tax Code, or its successor, and imposed on the sale, use, or rental of a motor vehicle that exceeds the first \$2.5 billion of that revenue coming into the treasury in a state fiscal year shall be deposited as follows:

(1) the next \$2.5 billion of that revenue coming into the treasury in that state fiscal year shall be deposited to the credit of the state highway fund; and

(2) any additional revenue to which this subsection applies that comes into the treasury in that state fiscal year shall be deposited:

(A) fifty percent to the credit of the state highway fund;

(B) thirty percent to the credit of the general revenue fund; and

(C) twenty percent to the available school fund.

1 (b) Money deposited to the credit of the state highway fund
2 under this section may be appropriated only to:

3 (1) construct, maintain, or acquire rights-of-way for
4 public roadways other than toll roads; or

5 (2) repay the principal of and interest on general
6 obligation bonds issued as authorized by Section 49-p, Article III,
7 of this constitution.

8 (c) Revenue described by Subsection (a) of this section
9 that, under general law in effect on January 1, 2015, was required
10 to be deposited to the credit of a fund outside the general revenue
11 fund from which money could be appropriated only for a purpose that
12 decreases the rates of, or reduces reliance on, ad valorem taxes
13 imposed to fund public schools is not included as part of the first
14 \$5 billion coming into the treasury for purposes of Subsection (a)
15 of this section, and the requirements applicable to the deposit of
16 money in excess of \$2.5 billion prescribed by Subsection (a) of this
17 section do not apply to that revenue to the extent general law
18 continues to require the deposit of that revenue as described by
19 this subsection and limit the appropriation of that revenue to the
20 purpose described by this subsection.

21 SECTION 2. The following temporary provision is added to
22 the Texas Constitution:

23 TEMPORARY PROVISION. (a) This temporary provision applies
24 to the constitutional amendment proposed by the 84th Legislature,
25 Regular Session, 2015, dedicating certain revenue derived from the
26 tax imposed on the sale, use, or rental of a motor vehicle to the
27 state highway fund.

1 (b) The changes to Article VIII of this constitution made by
2 the amendment take effect September 1, 2017.

3 (c) Beginning with the state fiscal year beginning on
4 September 1, 2017, the legislature may not appropriate any revenue
5 to which Section 7-c(a)(1) or (2)(A), Article VIII, of this
6 constitution applies for any purpose other than a purpose described
7 by Section 7-c(b), Article VIII, of this constitution.

8 (d) This temporary provision expires September 1, 2018.

9 SECTION 3. This proposed constitutional amendment shall be
10 submitted to the voters at an election to be held November 8, 2016.
11 The ballot shall be printed to permit voting for or against the
12 proposition: "The constitutional amendment dedicating certain
13 revenue derived from the tax imposed on the sale, use, or rental of
14 a motor vehicle to the state highway fund."