

By: Truitt, Anchia, McClendon

H.J.R. No. 9

Substitute the following for H.J.R. No. 9:

By: Pickett

C.S.H.J.R. No. 9

A JOINT RESOLUTION

1 proposing a constitutional amendment prescribing the purposes for  
2 which revenue from motor vehicle registration fees and taxes on  
3 motor fuels and lubricants and certain revenues received from the  
4 federal government may be used and authorizing the legislature to  
5 provide for automatic adjustments of the rates of motor fuel taxes.

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

7 SECTION 1. Article VIII, Texas Constitution, is amended by  
8 amending Sections 7-a and 7-b and adding Section 7-d to read as  
9 follows:

10 Sec. 7-a. (a) 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 only  
16 for ~~[the sole purpose of]~~ acquiring rights-of-way and ~~[7]~~  
17 constructing and ~~[7]~~ maintaining~~[, and policing]~~ such public  
18 roadways, and for the administration of such laws as may be  
19 prescribed by the Legislature pertaining to the supervision of  
20 traffic and safety on such roads performed by, or under the  
21 supervision of, the agency of this state, or a component or  
22 successor in function, responsible for the construction and  
23 maintenance of state highways; ~~[and for the payment of the~~  
24 ~~principal and interest on county and road district bonds or~~

1 ~~warrants voted or issued prior to January 2, 1939, and declared~~  
2 ~~eligible prior to January 2, 1945, for payment out of the County and~~  
3 ~~Road District Highway Fund under existing law;~~ provided, however,  
4 that one-fourth (1/4) of such net revenue from the motor fuel tax  
5 shall be allocated to the Available School Fund; and, provided,  
6 however, that the net revenue derived by counties from motor  
7 vehicle registration fees shall never be less than the maximum  
8 amounts allowed to be retained by each County and the percentage  
9 allowed to be retained by each County under the laws in effect on  
10 January 1, 1945.

11 (b) Nothing in this section may [~~contained herein shall~~] be  
12 construed as authorizing the pledging of the State's credit for any  
13 purpose.

14 Sec. 7-b. All revenues received from the federal government  
15 as reimbursement for state expenditures of funds that are  
16 themselves dedicated for acquiring rights-of-way and constructing  
17 and[~~7~~] maintaining[~~7, and policing~~] public roadways or for the  
18 administration of a law described by Section 7-a of this article are  
19 also constitutionally dedicated and shall be used only for those  
20 purposes.

21 Sec. 7-d. (a) The Legislature by general law may authorize  
22 the comptroller of public accounts to automatically adjust the  
23 rates of taxes imposed on motor fuels. A general law authorizing  
24 the comptroller of public accounts to automatically adjust the  
25 rates must prescribe the manner in which the comptroller may adjust  
26 the rates and may include a provision basing the adjustment wholly  
27 or partly on one or more price or cost indexes published by an

1 agency of the United States.

2 (b) Notwithstanding Section 7-a of this article, if the  
3 Legislature authorizes the comptroller of public accounts to  
4 automatically adjust the rates of taxes imposed on motor fuels, the  
5 net revenue derived from that adjustment may, subject to  
6 legislative appropriation, allocation, and direction, be used only  
7 for:

8 (1) acquiring rights-of-way and constructing and  
9 maintaining public roadways;

10 (2) the administration of laws that may be prescribed  
11 by the Legislature pertaining to the supervision of traffic and  
12 safety on public roads performed by, or under the supervision of,  
13 the agency of this state, or a component or successor in function,  
14 responsible for the construction and maintenance of state highways;  
15 and

16 (3) the construction, maintenance, and operation of  
17 passenger rail, transit rail, and freight rail.

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

20 TEMPORARY PROVISION. (a) This temporary provision applies  
21 to the constitutional amendment proposed by the 81st Legislature,  
22 Regular Session, 2009, prescribing the purposes for which revenue  
23 from motor vehicle registration fees and taxes on motor fuels and  
24 lubricants and certain revenues received from the federal  
25 government may be used and authorizing the legislature to provide  
26 for automatic adjustments of the rates of motor fuel taxes.

27 (b) The amendments to Sections 7-a and 7-b, Article VIII, of

1 this constitution, take effect September 1, 2014.

2 (c) Beginning in the state fiscal year beginning on  
3 September 1, 2014, and subject to Subsections (e) and (f) of this  
4 temporary provision, the legislature may not appropriate any  
5 revenue described by Section 7-a or 7-b, Article VIII, of this  
6 constitution, and the state agency responsible for the construction  
7 and maintenance of state highways may not allocate any revenue  
8 described by those sections that is appropriated to the state  
9 agency, for any purpose other than acquiring rights-of-way and  
10 constructing and maintaining public roadways or for the  
11 administration of a law described by Section 7-a, Article VIII, of  
12 this constitution.

13 (d) Beginning in each state fiscal year that begins on or  
14 after September 1, 2011, but before September 1, 2014, and subject  
15 to Subsections (e) and (f) of this temporary provision, the  
16 legislature shall decrease the amount of revenue described by  
17 Sections 7-a and 7-b, Article VIII, of this constitution, that is  
18 appropriated for any purpose other than acquiring rights-of-way and  
19 constructing and maintaining public roadways or for the  
20 administration of a law described by Section 7-a of that article, as  
21 necessary to comply with Subsection (c) of this temporary provision  
22 beginning September 1, 2014. The state agency responsible for the  
23 construction and maintenance of state highways shall ensure that  
24 any revenue described by Sections 7-a and 7-b, Article VIII, of this  
25 constitution, that is appropriated to the agency is allocated in a  
26 manner that reflects that decrease.

27 (e) This temporary provision does not affect:

1           (1) the allocation of revenue to the available school  
2 fund or the allocation to counties of motor vehicle registration  
3 fees under Section 7-a, Article VIII, of this constitution; or

4           (2) the use of revenue described by Sections 7-a and  
5 7-b, Article VIII, of this constitution, for a purpose specifically  
6 authorized by another provision of this constitution.

7           (f) This temporary provision does not apply to revenue  
8 described by Section 7-d, Article VIII, of this constitution.

9           (g) This temporary provision expires September 1, 2015.

10           SECTION 3. This proposed constitutional amendment shall be  
11 submitted to the voters at an election to be held November 3, 2009.  
12 The ballot shall be printed to permit voting for or against the  
13 proposition: "The constitutional amendment prescribing the  
14 purposes for which revenue from motor vehicle registration fees and  
15 taxes on motor fuels and lubricants and certain revenues received  
16 from the federal government may be used and authorizing the  
17 legislature to provide for automatic adjustments of the rates of  
18 motor fuel taxes."