

By: Smith of Tarrant

H.J.R. No. 111

A JOINT RESOLUTION

1 proposing a constitutional amendment limiting the purposes for
2 which revenue from motor vehicle registration fees, taxes on motor
3 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 fuels
6 taxes.

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

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

11 Sec. 7-a. Subject to legislative appropriation, allocation
12 and direction, all net revenues remaining after payment of all
13 refunds allowed by law and expenses of collection derived from
14 motor vehicle registration fees, and all taxes, except gross
15 production and ad valorem taxes, on motor fuels and lubricants used
16 to propel motor vehicles over public roadways, shall be used only
17 for ~~[the sole purpose of]~~ acquiring rights-of-way and ~~[7]~~
18 constructing and ~~[7]~~ maintaining~~[, and policing such]~~ public
19 roadways, and for the administration of such laws as may be
20 prescribed by the Legislature pertaining to the supervision of
21 traffic and safety on such roads performed by, or under the
22 supervision of, the state agency that is responsible for the
23 construction and maintenance of state highways ~~[, and for the~~
24 ~~payment of the principal and interest on county and road district~~

1 ~~bonds or warrants voted or issued prior to January 2, 1939, and~~
2 ~~declared eligible prior to January 2, 1945, for payment out of the~~
3 ~~County and Road District Highway Fund under existing law];~~
4 provided, however, that one-fourth (1/4) of such net revenue from
5 the motor fuel tax shall be allocated to the Available School Fund;
6 and, provided, however, that the net revenue derived by counties
7 from motor vehicle registration fees shall never be less than the
8 maximum amounts allowed to be retained by each County and the
9 percentage allowed to be retained by each County under the laws in
10 effect on January 1, 1945. Nothing contained herein shall be
11 construed as authorizing the pledging of the State's credit for any
12 purpose.

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

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

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

3 TEMPORARY PROVISION. (a) This temporary provision applies
4 to the constitutional amendment proposed by the 81st Legislature,
5 Regular Session, 2009, to limit the purposes for which revenues
6 from motor vehicle registration fees, taxes on motor fuels and
7 lubricants, and certain revenues received from the federal
8 government may be used.

9 (b) The changes to Sections 7-a and 7-b, Article VIII, of
10 this constitution made by the amendment apply only in connection
11 with a state fiscal biennium that begins on or after September 1,
12 2011.

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