

By: Carona, et al.

S.J.R. No. 9

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment prescribing the purposes for  
3 which revenue from motor vehicle registration fees and taxes on  
4 motor fuels and lubricants and certain revenues received from the  
5 federal government may be used.

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

7 SECTION 1. Sections 7-a and 7-b, Article VIII, Texas  
8 Constitution, are amended to read as follows:

9 Sec. 7-a. (a) Subject to legislative appropriation,  
10 allocation, and direction, all net revenues remaining after payment  
11 of all refunds allowed by law and expenses of collection derived  
12 from motor vehicle registration fees, and all taxes, except gross  
13 production and ad valorem taxes, on motor fuels and lubricants used  
14 to propel motor vehicles over public roadways, shall be used only  
15 for ~~[the sole purpose of]~~ acquiring rights-of-way and~~[~~  
16 constructing and~~[~~ maintaining~~[, and policing]~~ such public  
17 roadways, and for the administration of such laws as may be  
18 prescribed by the Legislature pertaining to the supervision of  
19 traffic and safety on such roads performed by, or under the  
20 supervision of, the agency of this state, or a component or  
21 successor in function, responsible for the construction and  
22 maintenance of state highways; ~~[and for the payment of the~~  
23 ~~principal and interest on county and road district bonds or~~  
24 ~~warrants voted or issued prior to January 2, 1939, and declared~~

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

10 (b) Nothing in this section may [~~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 SECTION 2. The following temporary provision is added to  
21 the Texas Constitution:

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

1       (b) The amendments to Sections 7-a and 7-b, Article VIII, of  
2 this constitution, take effect September 1, 2018.

3       (c) Beginning in the state fiscal year beginning on  
4 September 1, 2018, and subject to Subsection (e) of this temporary  
5 provision, the legislature may not appropriate any revenue  
6 described by Section 7-a or 7-b, Article VIII, of this  
7 constitution, and the state agency responsible for the construction  
8 and maintenance of state highways may not allocate any revenue  
9 described by those sections that is appropriated to the state  
10 agency, for any purpose other than acquiring rights-of-way and  
11 constructing and maintaining public roadways or for the  
12 administration of a law described by Section 7-a, Article VIII, of  
13 this constitution.

14       (d) Beginning in each state fiscal year that begins on or  
15 after September 1, 2011, but before September 1, 2018, and subject  
16 to Subsection (e) of this temporary provision, the legislature  
17 shall proportionally decrease the amount of revenue described by  
18 Sections 7-a and 7-b, Article VIII, of this constitution, that is  
19 appropriated for any purpose other than acquiring rights-of-way and  
20 constructing and maintaining public roadways or for the  
21 administration of a law described by Section 7-a of that article, as  
22 necessary to comply with Subsection (c) of this temporary provision  
23 beginning September 1, 2018. The state agency responsible for the  
24 construction and maintenance of state highways shall ensure that  
25 any revenue described by Sections 7-a and 7-b, Article VIII, of this  
26 constitution, that is appropriated to the agency is allocated in a  
27 manner that reflects that proportional decrease.

1       (e) This temporary provision does not affect:

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

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

8       (f) This temporary provision expires September 1, 2019.

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