

By: Carona

S.J.R. No. 9

A JOINT RESOLUTION

1 proposing a constitutional amendment limiting the purposes for
2 which revenue from taxes on motor fuels and lubricants may be used
3 and authorizing the legislature to provide for automatic
4 adjustments of the rates of motor fuels taxes.

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

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

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

1 from motor vehicle registration fees shall never be less than the
2 maximum amounts allowed to be retained by each County and the
3 percentage allowed to be retained by each County under the laws in
4 effect on January 1, 1945.

5 (b) Subject to legislative appropriation, allocation, and
6 direction:

7 (1) three-fourths of the net revenue that is remaining
8 after payment of all refunds allowed by law and expenses of
9 collection and that is derived from all taxes, except gross
10 production and ad valorem taxes, on motor fuels and lubricants used
11 to propel motor vehicles over public highways shall be used for the
12 sole purpose of constructing and maintaining public highways; and

13 (2) one-fourth of that net revenue shall be allocated
14 to the available school fund.

15 (c) Nothing contained in this section [~~herein~~] shall be
16 construed as authorizing the pledging of the State's credit for any
17 purpose.

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

26 SECTION 2. This proposed constitutional amendment shall be
27 submitted to the voters at an election to be held November 3, 2009.

1 The ballot shall be printed to permit voting for or against the
2 proposition: "The constitutional amendment limiting the purposes
3 for which revenue from taxes on motor fuels and lubricants may be
4 used and authorizing the legislature to provide for automatic
5 adjustments of the rates of motor fuels taxes."