

1-1 By: Carona S.J.R. No. 9
1-2 (In the Senate - Filed November 10, 2008; March 13, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 15, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 15, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.J.R. No. 9 By: Carona

1-8 SENATE JOINT RESOLUTION

1-9 proposing a constitutional amendment prescribing the purposes for
1-10 which revenue from motor vehicle registration fees and taxes on
1-11 motor fuels and lubricants and certain revenues received from the
1-12 federal government may be used.

1-13 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Sections 7-a and 7-b, Article VIII, Texas
1-15 Constitution, are amended to read as follows:

1-16 Sec. 7-a. (a) Subject to legislative appropriation,
1-17 allocation, and direction, all net revenues remaining after payment
1-18 of all refunds allowed by law and expenses of collection derived
1-19 from motor vehicle registration fees, and all taxes, except gross
1-20 production and ad valorem taxes, on motor fuels and lubricants used
1-21 to propel motor vehicles over public roadways, shall be used only
1-22 for ~~[the sole purpose of]~~ acquiring rights-of-way and~~[~~
1-23 constructing and~~[~~ maintaining~~[, and policing]~~ such public
1-24 roadways, and for the administration of such laws as may be
1-25 prescribed by the Legislature pertaining to the supervision of
1-26 traffic and safety on such roads performed by, or under the
1-27 supervision of, the agency of this state, or a component or
1-28 successor in function, responsible for the construction and
1-29 maintenance of state highways; [and for the payment of the
1-30 principal and interest on county and road district bonds or
1-31 warrants voted or issued prior to January 2, 1939, and declared
1-32 eligible prior to January 2, 1945, for payment out of the County and
1-33 Road District Highway Fund under existing law;] provided, however,
1-34 that one-fourth (1/4) of such net revenue from the motor fuel tax
1-35 shall be allocated to the Available School Fund; and, provided,
1-36 however, that the net revenue derived by counties from motor
1-37 vehicle registration fees shall never be less than the maximum
1-38 amounts allowed to be retained by each County and the percentage
1-39 allowed to be retained by each County under the laws in effect on
1-40 January 1, 1945.

1-41 (b) Nothing in this section may [contained herein shall] be
1-42 construed as authorizing the pledging of the State's credit for any
1-43 purpose.

1-44 Sec. 7-b. All revenues received from the federal government
1-45 as reimbursement for state expenditures of funds that are
1-46 themselves dedicated for acquiring rights-of-way and constructing
1-47 and~~[~~ maintaining~~[, and policing]~~ public roadways or for the
1-48 administration of a law described by Section 7-a of this article are
1-49 also constitutionally dedicated and shall be used only for those
1-50 purposes.

1-51 SECTION 2. The following temporary provision is added to
1-52 the Texas Constitution:

1-53 TEMPORARY PROVISION. (a) This temporary provision applies
1-54 to the constitutional amendment proposed by the 81st Legislature,
1-55 Regular Session, 2009, prescribing the purposes for which revenue
1-56 from motor vehicle registration fees and taxes on motor fuels and
1-57 lubricants and certain revenues received from the federal
1-58 government may be used.

1-59 (b) The amendments to Sections 7-a and 7-b, Article VIII, of
1-60 this constitution, take effect September 1, 2018.

1-61 (c) Beginning in the state fiscal year beginning on
1-62 September 1, 2018, and subject to Subsection (e) of this temporary
1-63 provision, the legislature may not appropriate any revenue

2-1 described by Section 7-a or 7-b, Article VIII, of this
2-2 constitution, and the state agency responsible for the construction
2-3 and maintenance of state highways may not allocate any revenue
2-4 described by those sections that is appropriated to the state
2-5 agency, for any purpose other than acquiring rights-of-way and
2-6 constructing and maintaining public roadways or for the
2-7 administration of a law described by Section 7-a, Article VIII, of
2-8 this constitution.

2-9 (d) Beginning in each state fiscal year that begins on or
2-10 after September 1, 2011, but before September 1, 2018, and subject
2-11 to Subsection (e) of this temporary provision, the legislature
2-12 shall proportionally decrease the amount of revenue described by
2-13 Sections 7-a and 7-b, Article VIII, of this constitution, that is
2-14 appropriated for any purpose other than acquiring rights-of-way and
2-15 constructing and maintaining public roadways or for the
2-16 administration of a law described by Section 7-a of that article, as
2-17 necessary to comply with Subsection (c) of this temporary provision
2-18 beginning September 1, 2018. The state agency responsible for the
2-19 construction and maintenance of state highways shall ensure that
2-20 any revenue described by Sections 7-a and 7-b, Article VIII, of this
2-21 constitution, that is appropriated to the agency is allocated in a
2-22 manner that reflects that proportional decrease.

2-23 (e) This temporary provision does not affect:

2-24 (1) the allocation of revenue to the available school
2-25 fund or the allocation to counties of motor vehicle registration
2-26 fees under Section 7-a, Article VIII, of this constitution; or

2-27 (2) the use of revenue described by Sections 7-a and
2-28 7-b, Article VIII, of this constitution, for a purpose specifically
2-29 authorized by another provision of this constitution.

2-30 (f) This temporary provision expires September 1, 2019.

2-31 SECTION 3. This proposed constitutional amendment shall be
2-32 submitted to the voters at an election to be held November 3, 2009.
2-33 The ballot shall be printed to permit voting for or against the
2-34 proposition: "The constitutional amendment prescribing the
2-35 purposes for which revenue from motor vehicle registration fees and
2-36 taxes on motor fuels and lubricants and certain revenues received
2-37 from the federal government may be used."

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