

By: Phillips

H.J.R. No. 157

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

4 SECTION 1. proposing a constitutional amendment limiting the  
5 purposes for which revenue from taxes on motor fuels and lubricants  
6 may be used.

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

8 SECTION 1. Article VIII, Texas Constitution, is amended by  
9 amending Section 7-a and adding Section 7-c to read as 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,~~ and on new and used  
16 motor vehicle tires and new and used motor vehicle parts shall be  
17 used for the sole purpose of acquiring rights-of-way, constructing,  
18 and maintaining, ~~[and policing such]~~ public roadways, and for the  
19 administration of such laws as may be prescribed by the Legislature  
20 pertaining to the supervision of traffic and safety on such roads;  
21 ~~[and for the payment of the principal and interest on county and~~  
22 ~~road district bonds or warrants voted or issued prior to January 2,~~  
23 ~~1939, and declared eligible prior to January 2, 1945, for payment~~  
24 ~~out of the County and Road District Highway Fund under existing law,~~

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

8 (b) Subject to legislative appropriation, allocation, and  
9 direction:

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

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

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

21 (d) For a biennium, the Legislature may not appropriate  
22 funds derived from the revenue described by Subsection (a) and  
23 Subsection (b) of this section or Section 7-b of this article for a  
24 purpose other than acquiring rights-of-way or constructing or  
25 maintaining public roadways in an amount that exceeds the lesser  
26 of:

27 (1) the total amount of those funds appropriated for a

1 purpose other than acquiring rights-of-way or constructing or  
2 maintaining public roadways in the preceding biennium; or

3 (2) the amount determined under Subsection (c) of this  
4 section.

5 (e) For each biennium, the maximum amount that may be  
6 appropriated as provided by Subsection (b) of this section is  
7 reduced by 25 percent from the preceding biennium if the estimate of  
8 anticipated revenue from all sources made in advance of the regular  
9 session under Section 49a(a), Article III, of this constitution for  
10 the biennium exceeds the total amount of revenue from all sources  
11 for the preceding biennium by more than three times the amount of  
12 the reduction.

13 SECTION 2. 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 taxes on motor fuels and lubricants may be  
18 used and authorizing the legislature to provide for automatic  
19 adjustments of the rates of motor fuels taxes."