

BILL ANALYSIS

Senate Research Center
81R1511 CBH-D

S.J.R. 9
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 7-a (Revenues from Motor Vehicle Registration Fees and Taxes on Motor Fuels and Lubricants; Purposes for Which Used), Article VIII (Taxation and Revenue), Texas Constitution allows for funding of both transportation and non-transportation items from dedicated transportation revenues, including motor fuels taxes and vehicle registration fees.

As proposed, S.J.R. 9 requires three-fourths of dedicated transportation revenues to be used for the purpose of constructing and maintaining highways. The bill requires that the remaining one-fourth of revenues be allocated to the available school fund.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Texas Constitution, by amending Section 7-a and adding Section 7-c, as follows:

Sec. 7-a. (a) Creates this section from existing text. Deletes existing text related to requiring all taxes, except gross production and ad valorem taxes, on motor fuels and lubricants used to propel motor vehicles over public roadways, subject to legislative appropriation, allocation, and direction, to be used for the sole purpose of acquiring rights-of-way, constructing, maintaining, and policing such public roadways, and for the administration of such laws as authorized to be prescribed by the Legislature pertaining to the supervision of traffic and safety on such roads; and for the payment of the principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945, for payment out of the County and Road District Highway Fund under existing law; provided, however, that one-fourth (1/4) of such net revenue from the motor fuel tax is required to be allocated to the Available School Fund.

(b) Requires that subject to legislative appropriation, allocation, and direction three-fourths of the net revenue that is remaining after payment of all refunds allowed by law and expenses of collection and that is derived from all taxes, except gross production and ad valorem taxes, on motor fuels and lubricants used to propel motor vehicles over public highways be used for the sole purpose of constructing and maintaining public highways and one-fourth of that net revenue be allocated to the available school fund.

(c) Creates this subsection from existing text. Provides that nothing contained in this section, rather than herein, is required to be construed as authorizing the pledging of the State's credit for any purpose.

Sec. 7-c. Authorizes the legislature by general law to authorize the comptroller of public accounts (comptroller) to automatically adjust the rates of taxes imposed on motor fuels. Requires that a general law authorizing the comptroller to automatically adjust the rates to prescribe the manner in which the comptroller is authorized to adjust the rates and is

authorizes the general law to include a provision basing the adjustment wholly or partly on one or more price or cost index published by an agency of the United States.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.