

By: Williams

S.J.R. No. 39

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the creation of  
2 the new capacity fund and the dedication of certain state revenue to  
3 that fund.

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

5 SECTION 1. Article III, Texas Constitution, is amended by  
6 adding Section 49-q to read as follows:

7 Sec. 49-q. (a) In this section:

8 (1) "Commission" means the governing body of the state  
9 agency responsible for transportation.

10 (2) "Obligation" means bonds, notes, and other public  
11 securities.

12 (b) The new capacity fund is created as a special fund in the  
13 state treasury outside the general revenue fund and shall be  
14 administered by the commission.

15 (c) Money deposited to the credit of the new capacity fund:

16 (1) is dedicated to new capacity transportation  
17 projects, including planning of, acquisition of rights-of-way for,  
18 engineering for, design of, and construction of those projects, and  
19 may be used only for those purposes;

20 (2) may not be used for the construction or financing  
21 of toll roads or for participation in a comprehensive development  
22 agreement; and

23 (3) may not be used to pay for the cost or issuance of  
24 obligations of the state or related credit agreements.

1        (d) Notwithstanding Section 7-a, Article VIII, of this  
2 constitution, the new capacity fund consists of:

3            (1) after payment of all expenses of collection,  
4 revenues derived from any:

5            (A) increase in motor vehicle registration fees  
6 imposed throughout the state on or after September 1, 2013; and

7            (B) additional motor vehicle registration fee  
8 imposed throughout the state on or after September 1, 2013;

9            (2) any other money transferred by law to the fund; and

10           (3) interest earned on the balance of the fund.

11        (e) The commission may not issue or sell obligations of the  
12 state or enter into related credit agreements that are payable from  
13 or secured by a pledge of or a lien on the money on deposit in the  
14 new capacity fund.

15        (f) The legislature by general law shall prescribe the  
16 manner in which money in the fund may be used, subject to the  
17 limitations provided by this section.

18        SECTION 2. The following temporary provision is added to  
19 the Texas Constitution:

20        TEMPORARY PROVISION. (a) This temporary provision applies  
21 to the constitutional amendment proposed by the 83rd Legislature,  
22 Regular Session, 2013, providing for the creation of the new  
23 capacity fund and the dedication of certain state revenue to that  
24 fund.

25        (b) On the effective date of that constitutional amendment,  
26 the comptroller of public accounts shall transfer an amount equal  
27 to, after payment of all expenses of collection, the amount of

1 revenues derived from any:

2 (1) increase in motor vehicle registration fees  
3 imposed throughout the state on or after September 1, 2013; and

4 (2) additional motor vehicle registration fee imposed  
5 throughout the state on or after September 1, 2013.

6 (c) This temporary provision expires January 1, 2015.

7 SECTION 3. This proposed constitutional amendment shall be  
8 submitted to the voters at an election to be held November 5, 2013.  
9 The ballot shall be printed to permit voting for or against the  
10 proposition: "The constitutional amendment providing for the  
11 creation of the new capacity fund and the dedication of certain  
12 state revenue to that fund."