

By: Huffines

S.J.R. No. 35

A JOINT RESOLUTION

1 proposing a constitutional amendment prohibiting the issuance of
2 certain debt and the use of certain revenue for toll roads.

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

4 SECTION 1. Section 49-m(a), Article III, Texas
5 Constitution, is amended to read as follows:

6 (a) The legislature, by law, may authorize the Texas
7 Transportation Commission or its successor to authorize the Texas
8 Department of Transportation or its successor to issue notes or
9 borrow money from any source to carry out the functions of the
10 department other than department functions related to toll roads.

11 SECTION 2. Section 49-n(a), Article III, Texas
12 Constitution, as proposed by H.J.R. 28, 78th Legislature, Regular
13 Session, 2003, is amended to read as follows:

14 (a) To fund highway improvement projects, other than toll
15 roads, the legislature may authorize the Texas Transportation
16 Commission or its successor to issue bonds and other public
17 securities and enter into bond enhancement agreements that are
18 payable from revenue deposited to the credit of the state highway
19 fund.

20 SECTION 3. Section 49-p(a), Article III, Texas
21 Constitution, is amended to read as follows:

22 (a) To provide funding for highway improvement projects,
23 other than toll roads, the legislature by general law may authorize
24 the Texas Transportation Commission or its successor to issue

1 general obligation bonds of the State of Texas in an aggregate
2 amount not to exceed \$5 billion and enter into related credit
3 agreements. The bonds shall be executed in the form, on the terms,
4 and in the denominations, bear interest, and be issued in
5 installments as prescribed by the Texas Transportation Commission
6 or its successor.

7 SECTION 4. Sections 7-a and 7-b, Article VIII, Texas
8 Constitution, are amended to read as follows:

9 Sec. 7-a. Subject to legislative appropriation, allocation
10 and direction, all net revenues remaining after payment of all
11 refunds allowed by law and expenses of collection derived from
12 motor vehicle registration fees, and all taxes, except gross
13 production and ad valorem taxes, on motor fuels and lubricants used
14 to propel motor vehicles over public roadways, shall be used for the
15 sole purpose of policing public roadways and for acquiring
16 rights-of-way for and [] constructing and [] maintaining [~~and~~
17 ~~policing such~~] public roadways, other than toll roads, and for the
18 administration of such laws as may be prescribed by the Legislature
19 pertaining to the supervision of traffic and safety on such roads;
20 [~~and for the payment of the principal and interest on county and~~
21 ~~road district bonds or warrants voted or issued prior to January 2,~~
22 ~~1939, and declared eligible prior to January 2, 1945, for payment~~
23 ~~out of the County and Road District Highway Fund under existing~~
24 ~~law,~~] provided, however, that one-fourth (1/4) of such net revenue
25 from the motor fuel tax shall be allocated to the Available School
26 Fund; and, provided, however, that the net revenue derived by
27 counties from motor vehicle registration fees shall never be less

1 than the maximum amounts allowed to be retained by each County and
2 the percentage allowed to be retained by each County under the laws
3 in effect on January 1, 1945. Nothing contained herein shall be
4 construed as authorizing the pledging of the State's credit for any
5 purpose.

6 Sec. 7-b. All revenues received from the federal government
7 as reimbursement for state expenditures of funds that are
8 themselves dedicated for policing public roadways and for acquiring
9 rights-of-way for and constructing and[~~r~~] maintaining[~~,—and~~
10 ~~policing~~] public roadways, other than toll roads, are also
11 constitutionally dedicated and shall be used only for those
12 purposes.

13 SECTION 5. The following temporary provision is added to
14 the Texas Constitution:

15 TEMPORARY PROVISION. (a) This temporary provision applies
16 to the constitutional amendment proposed by the 85th Legislature,
17 Regular Session, 2017, prohibiting the issuance of certain debt and
18 the use of certain revenue for toll roads.

19 (b) The amendments to Sections 49-m, 49-n, and 49-p, Article
20 III, and Sections 7-a and 7-b, Article VIII, of this constitution
21 apply only in connection with a state fiscal biennium that begins on
22 or after September 1, 2019.

23 (c) This temporary provision expires September 2, 2019.

24 SECTION 6. This proposed constitutional amendment shall be
25 submitted to the voters at an election to be held November 7, 2017.
26 The ballot shall be printed to permit voting for or against the
27 proposition: "The constitutional amendment prohibiting the

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1 issuance of certain debt and the use of certain revenue for toll
2 roads."