

SENATE COMMITTEE ON BORDER AFFAIRS

76TH LEGISLATURE

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March 25, 1999

RQ-0048-JC

The Honorable John Cornyn
Attorney General
State of Texas
Price Daniel, Sr., Building
209 West 14th Street, 8th Floor
Austin, Texas 78701

Via: Hand Delivery

FILE # ML-40745-99

I.D. # 40745

RECEIVED

MAR 26 1999

Re: GARVEE Bonds - Constitutional Amendment Issue

Opinion Committee

Dear General Cornyn:

Pursuant to Government Code Section 402.042, I request your opinion on the following issue: whether a constitutional amendment or a vote of the people is required in order to implement a Grant Anticipation Revenue Vehicle (GARVEE) program in Texas. The proposal is more fully detailed in Comptroller Rylander's March 1999 *Challenging the Status Quo* report, beginning at GG2 on page 219, which has been provided to your office under separate cover.

Article 8, Section 7-b, of the Texas Constitution currently dedicates federal government reimbursement revenues to Texas roadways. In the GARVEE proposal, a state statute would bootstrap to the federal National Highway System Act, thereby accelerating vital highway construction and directing some federal reimbursement revenue to GARVEE debt service for Texas roadways. Thus, resolution of the issue turns on the application of provisions of the Texas Constitution, and possibly the Supremacy Clause of the United States Constitution.

Because the Legislature is currently in session, and an absence of prejudice to any person's legal rights, I request a waiver of the mailing provision in Government Code Section 402.042(c) and submit this request by hand delivery.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Eddie Lucio, Jr.".
Senator Eddie Lucio, Jr.
Chairman, Senate Committee on Border Affairs

