

1-1 By: Schwertner S.J.R. No. 93  
 1-2 (In the Senate - Filed May 1, 2023; May 1, 2023, read first  
 1-3 time and referred to Committee on Business & Commerce; May 2, 2023,  
 1-4 reported favorably by the following vote: Yeas 8, Nays 0, three  
 1-5 present not voting; May 2, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Schwertner	X			
1-8 King	X			
1-9 Birdwell	X			
1-10 Campbell	X			
1-11 Creighton	X			
1-12 Johnson				X
1-13 Kolthorst	X			
1-14 Menéndez				X
1-15 Middleton	X			
1-16 Nichols	X			
1-17 Zaffirini				X

1-19 SENATE JOINT RESOLUTION

1-20 proposing a constitutional amendment providing for the creation of  
 1-21 the Texas energy fund and the authorization of other funding  
 1-22 mechanisms to support the construction, maintenance, and  
 1-23 modernization of electric generating facilities.

1-24 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Article III, Texas Constitution, is amended by  
 1-26 adding Section 49-q to read as follows:

1-27 Sec. 49-q. (a) The Texas energy fund is created as a  
 1-28 special fund in the state treasury outside the general revenue  
 1-29 fund.

1-30 (b) As provided by general law, money in the Texas energy  
 1-31 fund may be administered and used, without further appropriation,  
 1-32 only by the Public Utility Commission of Texas or that commission's  
 1-33 successor in function to provide loans and grants to finance the  
 1-34 construction, maintenance, and modernization of electric  
 1-35 generating facilities.

1-36 (c) The entity administering the Texas energy fund may  
 1-37 establish separate accounts in the fund as necessary or convenient  
 1-38 for the fund's administration.

1-39 (d) The Texas energy fund consists of:

1-40 (1) money transferred or deposited to the credit of  
 1-41 the fund by or as authorized by law, including money from any source  
 1-42 transferred or deposited to the credit of the fund at the discretion  
 1-43 of the entity administering the fund;

1-44 (2) revenue, including the proceeds of any fee,  
 1-45 assessment, or tax imposed by this state, that general law  
 1-46 dedicates for deposit to the credit of the fund; and

1-47 (3) investment earnings and interest earned on money  
 1-48 in the fund.

1-49 (e) The legislature may appropriate general revenue for the  
 1-50 purpose of depositing money to the credit of the Texas energy fund  
 1-51 to be used for the purposes of that fund.

1-52 (f) Regardless of whether the legislature directs that the  
 1-53 money be deposited to the credit of the Texas energy fund, the  
 1-54 legislature may appropriate general revenue to be expended for any  
 1-55 purpose related to construction, maintenance, or modernization of  
 1-56 electric generating facilities to ensure the reliability or  
 1-57 adequacy of an electric power grid in this state.

1-58 (g) For purposes of Section 22, Article VIII, of this  
 1-59 constitution:

1-60 (1) money in the Texas energy fund is dedicated by this  
 1-61 constitution; and

2-1 (2) an appropriation of state tax revenues for the  
2-2 purpose of depositing money to the credit of the Texas energy fund  
2-3 is treated as if it were an appropriation of revenues dedicated by  
2-4 this constitution.

2-5 SECTION 2. This proposed constitutional amendment shall be  
2-6 submitted to the voters at an election to be held November 7, 2023.  
2-7 The ballot shall be printed to permit voting for or against the  
2-8 proposition: "The constitutional amendment providing for the  
2-9 creation of the Texas energy fund and the authorization of other  
2-10 funding mechanisms to support the construction, maintenance, and  
2-11 modernization of electric generating facilities."

2-12

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