

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 9, 2013**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Finance

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **SJR55** by Williams (proposing a constitutional amendment appropriating the system benefit fund for the purpose of returning system benefit fund fees to electric customers.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SJR55, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2015.

However, the resolution's actions with respect to the General Revenue-Dedicated System Benefit Account 5100 would result in a (\$730,155,000) reduction to revenue available for certification.

**Appropriations:**

<b>Fiscal Year</b>	<b>Appropriation out of <i>System Benefit Account</i> 5100</b>
2014	\$730,155,000
2015	\$0

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from System Benefit Account 5100	Probable Revenue Gain/(Loss) from New Special Fund
2014	(\$730,155,000)	\$730,155,000
2015	\$0	\$0
2016	\$0	\$0
2017	\$0	\$0
2018	\$0	\$0

**Fiscal Analysis**

The resolution would propose an amendment to Article VIII of the Texas Constitution regarding the appropriation of system benefit fund revenues for the purpose of returning system benefit fund fees to retail electric customers. On November 10, 2013, the proposed amendment would appropriate 90 percent of the unobligated and otherwise unappropriated balance of the General Revenue-Dedicated System Benefit Account No. 5100 (System Benefit Fund) to the Comptroller of Public Accounts (CPA) to be transferred into a new special fund outside of the General Revenue fund. The proposed amendment would require CPA to retain the balance in the new special fund and without further appropriation disburse the money to retail electric customers. The proposed amendment would require the legislature by general law to provide for the Public Utility Commission (PUC) to direct the CPA to disburse the entire balance of the special fund to retail electric customers as soon as practicable and before September 1, 2014.

The proposed amendment would be submitted to voters at an election to be held November 5, 2013.

**Methodology**

Based on information provided by the CPA, it is assumed that 90 percent of the unobligated and otherwise unappropriated balance of the System Benefit Fund would be appropriated to the new special fund on November 10, 2013. As appropriations from the System Benefit Fund in the 2014-15 biennium are unknown, the fiscal impact of the proposed amendment were based on the estimated balance in the System Benefit Fund on September 1, 2013, as presented in the Comptroller's 2014-15 Biennial Revenue Estimate. The proposed amendment would not, in and of itself, provide the mechanism for disbursing funds from the new special fund back to retail electric customers.

Based on information provided by the PUC, duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 473 Public Utility Commission of Texas, 304 Comptroller of Public Accounts

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