By:  Schwertner S.J.R. No. 93

(In the Senate - Filed May 1, 2023; May 1, 2023, read first time and referred to Committee on Business & Commerce; May 2, 2023, reported favorably by the following vote: Yeas 8, Nays 0, three present not voting; May 2, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Schwertner           X

King                 X

Birdwell             X

Campbell             X

Creighton            X

Johnson                              X

Kolkhorst            X

Menéndez                             X

Middleton            X

Nichols              X

Zaffirini                            X

SENATE JOINT RESOLUTION

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

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

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

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

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

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

(d)  The Texas energy fund consists of:

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

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

(3)  investment earnings and interest earned on money in the fund.

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

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

(g)  For purposes of Section 22, Article VIII, of this constitution:

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

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

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

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