

# ANALYSES OF PROPOSED CONSTITUTIONAL AMENDMENTS

88th Texas Legislature November 7, 2023, Election

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Lieutenant Governor Dan Patrick, Joint Chair Speaker Dade Phelan, Joint Chair  
Jeff Archer, Executive Director

## Text of S.J.R. 75

### SENATE JOINT RESOLUTION

proposing a constitutional amendment creating the Texas water fund to assist in financing water projects in this state.

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

SECTION 1. Article III, Texas Constitution, is amended by adding Section 49- d-16 to read as follows:

Sec. 49-d-16. (a) The Texas water fund is created as a special fund in the state treasury outside the general revenue fund. The fund is administered by the Texas Water Development Board or by that board's successor in function as provided by general law. The legislature may appropriate money for the purpose of depositing the money to the fund to be available for transfer as provided by Subsection (b) of this section.

(b) The administrator of the Texas water fund may use the fund only to transfer money to other funds or accounts administered by the Texas Water Development Board or that board's successor in function. Money transferred from the Texas water fund to a fund or account may be spent without further legislative appropriation in the manner provided by general law governing the use of money in the fund or account to which the money was transferred. The administrator may restore to the fund money transferred from the fund and deposited to the credit of another fund or account. Legislative appropriation is not required for the administrator to transfer money from or restore money to the fund, including the transfer of money from the fund to or the restoration of the money from:

- (1) the Water Assistance Fund No. 480;
- (2) the New Water Supply for Texas Fund;
- (3) the Rural Water Assistance Fund No. 301; or
- (4) the Statewide Water Public Awareness Account.

(c) The Texas water fund consists of:

- (1) money transferred or deposited to the credit of the fund by general law, including money appropriated by the legislature directly to the fund and money from any source transferred or deposited to the credit of the fund authorized by general law;
- (2) any other revenue that the legislature by statute dedicates for deposit to the credit of the fund;
- (3) investment earnings and interest earned on amounts credited to the fund;

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- (4) money from gifts, grants, or donations to the fund; and
- (5) money returned from any authorized transfer.

(d) The legislature by general law shall provide for the manner in which money from the Texas water fund may be used, subject to the limitations provided by this section.

(e) Of the amount of money initially appropriated to the Texas water fund, the administrator of the fund shall allocate not less than 25 percent to be used only for transfer to the New Water Supply for Texas Fund.

(f) The expenses of managing the investments of the Texas water fund shall be paid from that fund.

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

- (1) money in the Texas water 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 water fund is treated as if it were an appropriation of revenues dedicated by this constitution.

(h) Any unexpended and unobligated balance remaining in the Texas water fund at the end of a state fiscal biennium is appropriated to the administrator of that fund for the following state fiscal biennium for the purposes authorized by this section.

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 creating the Texas water fund to assist in financing water projects in this state."

Senate Author: Perry

House Sponsor: King, Tracy O. et al.