

By: Heflin

H.B. No. 10

A BILL TO BE ENTITLED

AN ACT

relating to the use of dedicated revenue during a state budget crisis.

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

SECTION 1. Subchapter F, Chapter 403, Government Code, is amended by adding Section 403.0955 to read as follows:

Sec. 403.0955. USE OF DEDICATED REVENUE DURING STATE BUDGET CRISIS. (a) Notwithstanding any law dedicating or setting aside revenue for a particular purpose or entity, revenue that has been set aside by law for a particular purpose or entity is available for general governmental purposes:

(1) during a current biennium if the comptroller certifies that appropriations from general revenue made by the preceding legislature for the current biennium exceed available general revenues and cash balances for the remainder of the current biennium; and

(2) during the succeeding biennium if an estimate of anticipated revenues for the succeeding biennium prepared by the comptroller pursuant to Article III, Section 49a, Texas Constitution is less than the revenues that are estimated at the same time by the comptroller to be available for the current biennium.

(b) Revenue described by Subsection (a) is considered available for the purpose of certification under Section 403.121.

1 (c) This section does not apply to revenues or balances in:
2 (1) funds outside the treasury;
3 (2) trust funds;
4 (3) funds created by the constitution or a court; or
5 (4) funds for which separate accounting is required by
6 federal law.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2003.