

BILL ANALYSIS

Senate Research Center
79R5905 KCR-F

S.B. 733
By: Williams
Finance
3/14/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law requires the attorney general, prior to each legislative session, to certify the amount of money anticipated to be available for appropriation in the upcoming biennium by the legislature for victim-related services and assistance.

The calculation of that excess is made by using estimates of revenue for the fund as well as the estimates of the amount of the fund that will be obligated to spend under the statute to fund the Crime Victims Compensation Program and the Crime Victims Institute. As part of the calculation, the statute requires that the attorney general multiply the amount requested to be obligated by 120 percent and also set aside \$10 million in the event of a catastrophe.

The resulting amount is considered the "excess" funds- this year the amount certified was \$46,573,177.

In the Legislative Budget Board's (LBB) base bill, the appropriation of excess funds totaled \$103.7 million, exceeding the certification by \$57 million. One way to close the gap between the amount certified and the amount appropriated is to eliminate the 20 percent buffer in statute which would then increase the certified amount available to the legislature.

As proposed, S.B. 733 eliminates the calculation by which the amount requested to be obligated is multiplied by 120 percent. If this bill passes, the attorney general could adjust the amount certified as available for appropriation from \$46,573,177 to \$74,931,427 -- resulting in an additional amount certified to the legislature of \$28,358,250.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 56.541(b), Code of Criminal Procedure, to require the attorney general, at the time the attorney general certifies the estimates made under Subsection (a), to also certify for the next state fiscal biennium the amount of excess money in the compensation to victims of crime fund for purposes of Subsection (c), calculated by subtracting, rather than multiplying, the amount estimated under Subsection (a)(2) from the sum of the amounts estimated under Subsections (a)(1) and (a)(3). Deletes existing text relating to the calculation of the amounts.

SECTION 2. Effective date: September 1, 2005.