

BILL ANALYSIS

C.S.S.B. 1605
By: Ogden
Appropriations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 72nd Legislature enacted Section 403.094, Government Code, which related to the consolidation of funds in existence before August 31, 1993. This section also provided for the abolishment of dedications in existence prior to August 31, 1995, unless otherwise expressly exempted. Committee Substitute Senate Bill 1605 provides regulations for the creation and re-creation of funds and accounts in the state treasury, as well as the dedication and re-dedication of revenue, by Acts of the 79th Legislature and the exemption of unappropriated money from use for general governmental purposes.

RULEMAKING AUTHORITY

It is the committee's opinion that this substitute does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Committee Substitute Senate Bill 1605 provides that, except as otherwise specifically provided by this Act, all funds and accounts created or re-created in the state treasury by an Act of the 79th Legislature, Regular Session, 2005, that become law and all dedications or rededications of revenue in the state treasury or otherwise collected by a state agency for a particular purpose by an Act of the 79th Legislature, Regular Session, 2005, that become law are abolished on the later of August 29, 2005, or the date the Act creating or re-creating the fund or account or dedicating or rededicating revenue takes effect.

The substitute sets forth statutory dedications, funds, accounts, and increases in fees or other revenue that are exempt from being abolished. The substitute provides that, effective on the later of August 29, 2005, or the date the Act creating or re-creating the fund or account or dedicating or re-dedicating revenue takes effect, the following accounts and funds in the state treasury, as well as the revenue deposited to the credit of these accounts and funds, and dedications of revenue are exempt from being abolished:

- any accounts created or re-created by H.B. 2 or similar legislation;
- any accounts created or re-created by H.B. 3 or similar legislation;
- any accounts or funds created or re-created by H.B. 3540 or similar legislation;
- any accounts or funds created or re-created by S.B. 1863 or similar legislation;
- the Texas emerging technology fund created as an account by H.B. 1765, S.B. 831 or similar legislation;
- all dedications or re-dedications of revenue to the Judicial Fund No. 0573 as provided by S.B. 368 or similar legislation;
- all dedications or re-dedications of revenue made by H.B. 2 or similar legislation;
- all dedications or re-dedications of revenue made by H.B. 3 or similar legislation;
- all dedications or re-dedications of revenue made by H.B. 3540 or similar legislation;
- all dedications or re-dedications of revenue made by S.B. 1863 or similar legislation;
- all dedications or re-dedications of revenue to the State Highway Fund No. 0006;
- all dedications or re-dedications of revenue to the Game, Fish and Water Safety Fund Account No. 0009;
- all dedications or re-dedications of revenue to the Texas Department of Insurance Operating Account No. 0036;

- all dedications or re-dedications of revenue to the Clean Air Account No. 0151 as provided by H.B. 1611 or similar legislation;
- all dedications or re-dedications of revenue to the Coastal Protection Account No. 0027 as provided by H.B. 2096 or similar legislation;
- all dedications or re-dedications of revenue to the Water Resource Management Account No. 0153 as provided by H.B. 2428 or similar legislation;
- all dedications or re-dedications of revenue to the Unemployment Compensation Special Administration Account No. 0165 as provided by H.B. 3250 or similar legislation;
- funds that require a separate accounting under federal law and must be deposited to the accounts in the general revenue fund unless otherwise required under federal law;
- trust funds, which are required to be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval;
- bond funds and pledged funds, which are required to be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval;
- funds or accounts that would be created or recreated by the Texas Constitution or revenue that would be dedicated or rededicated by the Texas Constitution under a constitutional amendment, if that amendment is approved by the voters; and
- any dedication of revenue consisting of fees collected from the sale of motor vehicle license plates and any account or fund created or re-created in connection with that revenue by operation of the Act authorizing the license plates.

Committee Substitute Senate Bill 1605 provides that, effective on the later of August 29, 2005, or the date the Act creating or re-creating the fund takes effect, the following funds in the state treasury or otherwise with or in the custody of the comptroller of public accounts are re-created as accounts in the general revenue fund and that these accounts, as well as the revenue deposited to the credit of these accounts, are exempt from being abolished:

- all funds created or re-created by H.B. 2 or similar legislation;
- all funds created or re-created by H.B. 3 or similar legislation; and
- the employment and training investment fund created by S.B. 1096 or similar legislation.

Committee Substitute Senate Bill 1605 amends the Government Code to extend by two years provisions regarding the use of dedicated revenue. The substitute provides that the Act prevails over any other Act of the 79th Legislature, regardless of the relative dates of enactment, that purports to create or recreate a special fund or account in the state treasury or to dedicate or rededicate revenue to a particular purpose, including other specified funds, accounts, or revenue dedications that were abolished. The substitute requires revenues that, under the terms of another Act of the 79th Legislature, would be deposited to the credit of a special account or fund to be deposited to the credit of the unobligated portion of the general revenue fund, unless the fund, account, or dedication is exempted under this Act.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect on the 91st day after adjournment.

COMPARISON OF ORIGINAL TO SUBSTITUTE

Committee Substitute Senate Bill 1605 modifies the original by deleting language referring to the Quality Assurance Account No. 5080, the Felony Prosecutor Supplement Fund No. 0303, the Judicial and Court Personnel Training Fund No. 0540. The substitute also deletes a reference to the Judicial Fund No. 0573.

Committee Substitute Senate Bill 1605 modifies the original by adding language referring to the following accounts and funds: the Texas emerging technology fund; the employment and training investment fund; all accounts or funds created or re-created by H.B. 2, H.B. 3, H.B. 3540, or S.B. 1863, or similar legislation.

Committee Substitute Senate Bill 1605 modifies the original by adding language referring to dedications or re-dedications of revenue made to the following accounts or funds: the Judicial Fund No. 0573; the State Highway Fund No. 0006; the Game, Fish and Water Safety Account No. 0009; the Texas Department of Insurance Operating Account No. 0036; the Clean Air Account No. 0151; the Coastal Protection Account No. 0027; the Water Resource Management Account No. 0153; the Unemployment Compensation Special Administration Account No. 0165; any account or fund created or re-created under H.B. 2, H.B. 3, H.B. 3540, or S.B. 1863, or similar legislation.