

1-1 By: Ogden S.B. No. 1605  
1-2 (In the Senate - Filed March 11, 2005; March 23, 2005, read  
1-3 first time and referred to Committee on Finance; May 11, 2005,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 10, Nays 0; May 11, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1605 By: Ogden

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the creation and re-creation of funds and accounts in  
1-10 the state treasury, the dedication and rededication of revenue, and  
1-11 the exemption of unappropriated money from use for general  
1-12 governmental purposes.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. DEFINITION. In any provision of this Act that  
1-15 does not amend current law, "state agency" means an office,  
1-16 institution, or other agency that is in the executive branch of  
1-17 state government, has authority that is not limited to a  
1-18 geographical portion of the state, and was created by the  
1-19 constitution or a statute of this state. The term does not include  
1-20 an institution of higher education as defined by Section 61.003,  
1-21 Education Code.

1-22 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.  
1-23 Except as otherwise specifically provided by this Act, all funds  
1-24 and accounts created or re-created in the state treasury by an Act  
1-25 of the 79th Legislature, Regular Session, 2005, that becomes law  
1-26 and all dedications or rededications of revenue in the state  
1-27 treasury or otherwise collected by a state agency for a particular  
1-28 purpose by an Act of the 79th Legislature, Regular Session, 2005,  
1-29 that becomes law are abolished on the later of August 29, 2005, or  
1-30 the date the Act creating or re-creating the fund or account or  
1-31 dedicating or rededicating revenue takes effect.

1-32 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND  
1-33 ACCOUNTS. Section 2 of this Act does not apply to:

1-34 (1) statutory dedications, funds, and accounts that  
1-35 were enacted before the 79th Legislature convened to comply with  
1-36 requirements of state constitutional or federal law;

1-37 (2) dedications, funds, or accounts that remained  
1-38 exempt from former Subsection (h), Section 403.094, Government  
1-39 Code, at the time dedications, accounts, and funds were abolished  
1-40 under that provision;

1-41 (3) increases in fees or in other revenue dedicated as  
1-42 described by this section; or

1-43 (4) increases in fees or in other revenue required to  
1-44 be deposited in a fund or account described by this section.

1-45 SECTION 4. ACCOUNTS IN GENERAL REVENUE FUND. Effective on  
1-46 the later of August 29, 2005, or the date the Act creating or  
1-47 re-creating the account takes effect, the following accounts and  
1-48 the revenue deposited to the credit of the accounts are exempt from  
1-49 Section 2 of this Act and are created in the general revenue fund,  
1-50 if created or re-created by an Act of the 79th Legislature, Regular  
1-51 Session, 2005, that becomes law:

1-52 (1) Quality Assurance Account No. 5080.

1-53 SECTION 5. FUNDS TO BECOME ACCOUNTS. Effective on the later  
1-54 of August 29, 2005, or the date the Act creating or re-creating the  
1-55 fund takes effect, the following funds in the state treasury or  
1-56 funds otherwise with the comptroller of public accounts are  
1-57 re-created as accounts in the general revenue fund and the accounts  
1-58 and the revenue deposited to the credit of the accounts are exempt  
1-59 from Section 2 of this Act, if created or re-created by an Act of the  
1-60 79th Legislature, Regular Session, 2005, that becomes law:

1-61 (1) Felony Prosecutor Supplement Fund No. 303;

1-62 (2) Judicial and Court Personnel Training Fund No.  
1-63 540; and

2-1 (3) Judicial Fund No. 573.

2-2 SECTION 6. REVENUE DEDICATION. Effective on the later of  
 2-3 August 29, 2005, or the date the Act dedicating or rededicating the  
 2-4 revenue takes effect, the following dedication or rededication of  
 2-5 revenue collected by a state agency for a particular purpose is  
 2-6 exempt from Section 2 of this Act, if dedicated or rededicated by an  
 2-7 Act of the 79th Legislature, Regular Session, 2005, that becomes  
 2-8 law:

2-9 SECTION 7. FEDERAL FUNDS. Section 2 of this Act does not  
 2-10 apply to funds created pursuant to an Act of the 79th Legislature,  
 2-11 Regular Session, 2005, for which separate accounting is required by  
 2-12 federal law, except that the funds shall be deposited in accounts in  
 2-13 the general revenue fund unless otherwise required by federal law.

2-14 SECTION 8. TRUST FUNDS. Section 2 of this Act does not  
 2-15 apply to trust funds or dedicated revenue deposited to trust funds  
 2-16 created under an Act of the 79th Legislature, Regular Session,  
 2-17 2005, except that the trust funds shall be held in the state  
 2-18 treasury, with the comptroller of public accounts in trust, or  
 2-19 outside the state treasury with the comptroller's approval.

2-20 SECTION 9. BOND FUNDS. Section 2 of this Act does not apply  
 2-21 to bond funds and pledged funds created or affected by an Act of the  
 2-22 79th Legislature, Regular Session, 2005, except that the funds  
 2-23 shall be held in the state treasury, with the comptroller of public  
 2-24 accounts in trust, or outside the state treasury with the  
 2-25 comptroller's approval.

2-26 SECTION 10. CONSTITUTIONAL FUNDS. Section 2 of this Act  
 2-27 does not apply to funds or accounts that would be created or  
 2-28 re-created by the Texas Constitution or revenue that would be  
 2-29 dedicated or rededicated by the Texas Constitution under a  
 2-30 constitutional amendment proposed by the 79th Legislature, Regular  
 2-31 Session, 2005, or to dedicated revenue deposited to funds or  
 2-32 accounts that would be so created or re-created, if the  
 2-33 constitutional amendment is approved by the voters.

2-34 SECTION 11. SEPARATE FUNDS IN THE TREASURY. Effective  
 2-35 September 1, 2005, the following funds in the state treasury and the  
 2-36 revenue deposited to the credit of the funds are exempt from Section  
 2-37 2 of this Act and are created as separate funds in the state  
 2-38 treasury, if created by an Act of the 79th Legislature, Regular  
 2-39 Session, 2005, that becomes law:

2-40 SECTION 12. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.  
 2-41 Effective September 1, 2005, Subsections (b), (d), and (e), Section  
 2-42 403.095, Government Code, are amended to read as follows:

2-43 (b) Notwithstanding any law dedicating or setting aside  
 2-44 revenue for a particular purpose or entity, dedicated revenues  
 2-45 that, on August 31, 2007 [~~2005~~], are estimated to exceed the amount  
 2-46 appropriated by the General Appropriations Act or other laws  
 2-47 enacted by the 79th [~~78th~~] Legislature are available for general  
 2-48 governmental purposes and are considered available for the purpose  
 2-49 of certification under Section 403.121.

2-50 (d) Following certification of the General Appropriations  
 2-51 Act and other appropriations measures enacted by the 79th [~~78th~~]  
 2-52 Legislature, the comptroller shall reduce each dedicated account as  
 2-53 directed by the legislature by an amount that may not exceed the  
 2-54 amount by which estimated revenues and unobligated balances exceed  
 2-55 appropriations. The reductions may be made in the amounts and at  
 2-56 the times necessary for cash flow considerations to allow all the  
 2-57 dedicated accounts to maintain adequate cash balances to transact  
 2-58 routine business. The legislature may authorize, in the General  
 2-59 Appropriations Act, the temporary delay of the excess balance  
 2-60 reduction required under this subsection. This subsection does not  
 2-61 apply to revenues or balances in:

2-62 (1) funds outside the treasury;

2-63 (2) trust funds, which for purposes of this section  
 2-64 include funds that may or are required to be used in whole or in part  
 2-65 for the acquisition, development, construction, or maintenance of  
 2-66 state and local government infrastructures, recreational  
 2-67 facilities, or natural resource conservation facilities;

2-68 (3) funds created by the constitution or a court; or

2-69 (4) funds for which separate accounting is required by

3-1 federal law.

3-2 (e) This section expires on September 1, 2007 [~~2005~~].

3-3 SECTION 13. EFFECT OF ACT. (a) This Act prevails over any  
3-4 other Act of the 79th Legislature, Regular Session, 2005,  
3-5 regardless of the relative dates of enactment, that purports to  
3-6 create or re-create a special fund or account in the state treasury  
3-7 or to dedicate or rededicate revenue to a particular purpose,  
3-8 including any fund, account, or revenue dedication abolished under  
3-9 former Section 403.094, Government Code.

3-10 (b) Revenues that, under the terms of another Act of the  
3-11 79th Legislature, Regular Session, 2005, would be deposited to the  
3-12 credit of a special account or fund shall be deposited to the credit  
3-13 of the unobligated portion of the general revenue fund unless the  
3-14 fund, account, or dedication is exempted under this Act.

3-15 SECTION 14. EFFECTIVE DATE. This Act takes effect  
3-16 immediately if it receives a vote of two-thirds of all the members  
3-17 elected to each house, as provided by Section 39, Article III, Texas  
3-18 Constitution. If this Act does not receive the vote necessary for  
3-19 immediate effect, this Act takes effect on the 91st day after the  
3-20 last day of the legislative session.

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