

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 9, 2005

TO: Honorable Steve Ogden, Chair, Senate Committee on Finance

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1605 by Ogden (Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **Committee Report 1st House, Substituted**

The fiscal impact of provisions relating to the abolition of funds, accounts and revenue dedications would depend on other actions of the legislature.

The bill would abolish all funds, accounts, and revenue dedications created by the Seventy-ninth Legislature, Regular Session, unless specifically exempted under separate sections of this bill. Any funds, accounts, or revenue dedications abolished under this bill would be deposited to the credit of the unobligated portion of the General Revenue Fund.

The bill would exempt dedications, funds, and accounts that were enacted before the Seventy-ninth Legislature convened to comply with the State Constitution or federal requirements, or that remained exempt from the abolishment and removal of dedication provisions of the former Section 403.094(h) of the Government Code and increases in existing fees that were previously dedicated or required to be deposited in a fund or account exempted prior to the Seventy-ninth Legislature, Regular Session.

The bill would exempt trust funds, bond funds, funds required by federal law, separate funds in the State Treasury, and constitutional funds created by the Seventy-ninth Legislature, Regular Session from abolition.

The bill would exempt the Quality Assurance Fund (GR Account 5080), if the account was created or re-created in the General Revenue Fund by an act of the Seventy-ninth Legislature, Regular Session.

The bill would exempt the following funds as accounts in the General Revenue Fund, if the funds were created or recreated by an act of the Seventy-ninth Legislature, Regular Session:

- Felony Prosecutor Supplement Fund (GR Account 0303)
- Judicial and Court Personnel Training Fund (GR Account 0540)
- Judicial Fund (GR Account 0573)

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the Comptroller to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations on August 31, 2007. The bill would exempt funds outside of the State Treasury, trust funds, funds created by the State Constitution or a court, and funds for which separate accounting was required by federal law from this section. These provisions would expire September 1, 2007.

The provisions of this bill would prevail over any other act of the Seventy-ninth Legislature, Regular Session—regardless of the date of enactment—purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect on the 91st day

after the last day of the Legislative Session.

The funds, accounts, and revenue dedications that would be abolished and become part of the General Revenue Fund cannot be determined at this time. Any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill that are dependent upon the passage of another act of the Seventy-ninth Legislature Regular Session, are dependent upon appropriations made in the 2006-07 General Appropriations Act and cannot be estimated at this time.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

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