

By: Leibowitz

H.B. No. 338

A BILL TO BE ENTITLED

1 AN ACT

2 relating to ensuring that at least 75 percent of dedicated revenues
3 are spent for the purpose of the dedication.

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

5 SECTION 1. Section 316.033, Government Code, is amended to
6 read as follows:

7 Sec. 316.033. FUNDS EXCLUDED. This subchapter applies to
8 funds established by state law, but does not apply to:

9 (1) any portion of a fund derived from
10 ~~[constitutionally]~~ dedicated revenues; or

11 (2) ~~to~~ funds or fund balances that are:

12 (A) ~~(1)~~ dedicated by the Texas Constitution or
13 by statute;

14 (B) ~~(2)~~ held in trust or escrow for the benefit
15 of any person or entity other than a state agency;

16 (C) ~~(3)~~ pledged to the payment of bonds, notes,
17 or other debts;

18 (D) ~~(4)~~ derived from gifts, donations, or
19 endowments made to state agencies or institutions of higher
20 education;

21 (E) ~~(5)~~ pledged to the capital trust fund to be
22 used for construction; or

23 (F) ~~(6)~~ maintained by institutions of higher
24 education, including the Texas State Technical College System.

1 SECTION 2. Section 403.095, Government Code, is amended to
2 read as follows:

3 Sec. 403.095. USE OF DEDICATED REVENUE. (a) Revenue that
4 has been set aside by law for a particular purpose or entity, other
5 than any portion of the revenue that is available for general
6 governmental purposes as provided by Subsection (b), is available
7 only for that purpose or entity [~~to the extent money is appropriated~~
8 ~~for that purpose or entity~~]. Expenditures made in furtherance of
9 the dedicated purpose or entity shall be made from money received
10 from the dedicated revenue source to the extent those funds are
11 available [~~appropriated~~].

12 (b) Notwithstanding any law dedicating or setting aside
13 revenue for a particular purpose or entity, an amount equal to the
14 lesser of either 25 percent of the dedicated revenues from a tax,
15 fee, or other source or the amount by which dedicated revenues
16 received from the revenue source [~~that, on August 31, 2009,~~] are
17 estimated to exceed the amount of dedicated revenues appropriated
18 by the legislature for the dedicated purpose from the revenue
19 source for a state fiscal biennium is [~~General Appropriations Act~~
20 ~~or other laws enacted by the 80th Legislature are~~] available for
21 general governmental purposes on the last day of the state fiscal
22 biennium and [~~are~~] considered available for the purpose of
23 certification under Section 403.121. The availability of the
24 revenue for general governmental purposes under this subsection
25 expires on the first day of the succeeding state fiscal biennium.

26 (c) The comptroller shall develop accounting and revenue
27 estimating procedures so that each dedicated account maintained in

1 the general revenue fund can be separately identified as to
2 balances of cash and other assets and the amounts of revenues and
3 expenditures and appropriations for each fiscal year.

4 (d) ~~[Following certification of the General Appropriations~~
5 ~~Act and other appropriations measures enacted by the 80th~~
6 ~~Legislature, the comptroller shall reduce each dedicated account as~~
7 ~~directed by the legislature by an amount that may not exceed the~~
8 ~~amount by which estimated revenues and unobligated balances exceed~~
9 ~~appropriations. The reductions may be made in the amounts and at~~
10 ~~the times necessary for cash flow considerations to allow all the~~
11 ~~dedicated accounts to maintain adequate cash balances to transact~~
12 ~~routine business. The legislature may authorize, in the General~~
13 ~~Appropriations Act, the temporary delay of the excess balance~~
14 ~~reduction required under this subsection.] This section~~

15 ~~[subsection]~~ does not apply to revenues or balances in:

16 (1) funds outside the treasury;

17 (2) trust funds, which for purposes of this section
18 include funds that may or are required to be used in whole or in part
19 for the acquisition, development, construction, or maintenance of
20 state and local government infrastructures, recreational
21 facilities, or natural resource conservation facilities;

22 (3) funds created by the constitution or a court; or

23 (4) funds for which separate accounting is required by
24 federal law.

25 ~~[(e) This section expires on September 1, 2009.]~~

26 SECTION 3. Section 316.032, Government Code, is repealed.

27 SECTION 4. This Act takes effect September 1, 2009.