

By: Chisum

H.B. No. 4165

A BILL TO BE ENTITLED

AN ACT

relating to the funds consolidation process and the use of state revenue dedicated by law for a particular purpose.

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

SECTION 1. Sections 403.095(b), (d), and (e), Government Code, are amended to read as follows:

(b) Notwithstanding any law dedicating or setting aside revenue for a particular purpose or entity, dedicated revenues that, on August 31, 2011 [~~2009~~], are estimated to exceed the amount appropriated by the General Appropriations Act or other laws enacted by the 81st [~~80th~~] Legislature are available for general governmental purposes and are considered available for the purpose of certification under Section 403.121.

(d) Following certification of the General Appropriations Act and other appropriations measures enacted by the 81st [~~80th~~] Legislature, the comptroller shall reduce each dedicated account as directed by the legislature by an amount that may not exceed the amount by which estimated revenues and unobligated balances exceed appropriations. The reductions may be made in the amounts and at the times necessary for cash flow considerations to allow all the dedicated accounts to maintain adequate cash balances to transact routine business. The legislature may authorize, in the General Appropriations Act, the temporary delay of the excess balance reduction required under this subsection. This subsection does

1 not apply to revenues or balances in:

2 (1) funds outside the treasury;

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

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

9 (4) funds for which separate accounting is required by  
10 federal law.

11 (e) This section expires on September 1, 2011 [~~2009~~].

12 SECTION 2. (a) It is the intent of the legislature that:

13 (1) revenue dedicated by law for a particular purpose  
14 or entity should be expended in accordance with the law dedicating  
15 the revenue;

16 (2) the amendment of Section 403.095, Government Code,  
17 by this Act to provide that Section 403.095 expires September 1,  
18 2011, is the final extension of the expiration date of Section  
19 403.095 and is made solely to allow for an orderly transition in the  
20 management of state funds; and

21 (3) Section 403.095, Government Code, should finally  
22 expire on September 1, 2011.

23 (b) The comptroller of public accounts shall, in the  
24 comptroller's statement under Section 49a, Article III, Texas  
25 Constitution, to the 82nd Legislature on its convening, include an  
26 itemized estimate of the anticipated revenue based on the laws then  
27 in effect that will be received by and for the state from all

1 sources on the assumption that Section 403.095, Government Code,  
2 will be allowed to finally expire September 1, 2011. The estimate  
3 must show the fund accounts to be credited during the succeeding  
4 biennium based on that assumption.

5 SECTION 3. Subchapter D, Chapter 316, Government Code, is  
6 repealed.

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