

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB4583** by Pitts (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. ), **As Passed 2nd House**

**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 or recreated by the 81st Legislature, Regular Session (2009), 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 0001.

The bill would define the state agencies to which this act would apply; and it would provide for the blanket abolition of new or re-created funds, accounts, and revenue dedications, unless they were specifically exempted in the bill.

The bill would exempt dedications, funds, and accounts that were enacted before the 81st 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 81st Legislature, Regular Session (2009).

The following funds, accounts, and dedications of revenue would be exempt from abolition by this bill, if created or re-created by Acts of the 81st Legislature, Regular Session (2009):

GR Account—Texas Physician Health Program;

GR Account—Jobs and Education for Texans;

GR Account—Physician Education Loan Repayment Program;

GR Account—Texas Local Participation Transportation Fund;

the National Research University Fund;

the Pass-Through Toll Bond Proceeds Fund;

the Freestanding Emergency Medical Care Facility Licensing Fund;

the Texas Transportation Revolving Local Fund;

the Neighborhood and Community Recovery Local Fund;

the Floodplain Management Fund;

the Healthy Texas Small Employer Premium Stabilization Fund;

the American Recovery and Reinvestment Act Fund;

GR Account—Large County and Municipality Recreation and Parks;

federal revenues deposited to the American Recovery and Reinvestment Act Fund;

revenues deposited to the GR Account—Large County and Municipality Recreation and Parks;

prison payphone commissions revenues dedicated to GR Account 0469—Compensation to Victims of Crime;

revenue dedicated to GR Account 0036—Texas Department of Insurance Operating;

and the dedication of taxes, assessments, penalties or fees created by the following legislation: SB 1007; HB 4341; SB 1414; SB 421; SB 1655; HB 1299; HB 4390; SB 1940; SB 1013; HB 2081; SB 333; HB 982; SB 2187; HB 1684; HB 1965; HB 2259; SB 1587; HB 3359; SB 1844; SB 862; HB 51; HB 4453; SB 1560; or similar legislation.

Federal funds, created by the 81st Legislature, Regular Session (2009), for which separate accounting is required by federal law, would be exempt. These funds would be deposited into accounts within Fund 0001, unless otherwise required by federal law.

The bill would exempt all trust funds and bond funds created by the 81st Legislature, Regular Session (2009), except that all trust funds would have to be held in the State Treasury, with the Comptroller in trust, or outside the State Treasury with the Comptroller's approval except for the System Benefit Local Trust Fund created in HB 1182 or similar legislation and the Scholarship Trust Fund created in HB 2440, SB 1412 or similar legislation.

The bill would exempt funds or accounts created or re-created or revenue dedicated or rededicated under a constitutional amendment proposed by an act of the 81st Legislature, Regular Session (2009), if approved by the voters.

The bill would except all dedications or rededications of specialty license plate revenue or accounts or funds created or re-created involving a specialty license plate.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the Comptroller as directed by the Legislature, to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations following certification of all appropriations enacted by the 81st Legislature. Dedicated revenues exceeding amounts appropriated by the 81st Legislature are available for certification through August 31, 2011. 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 would be exempt from this section. These provisions would expire September 1, 2011.

The provisions of this bill would prevail over any other act of the 81st Legislature, Regular Session (2009)—regardless of the date of enactment—purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury.

The bill would allocate the revenue generated by HB 2154 in the following fashion: 15 percent to GR Account—Physician Education Loan Repayment Program and the remainder to General Revenue Fund 0001 in fiscal 2010; 25 percent to GR Account—Physician Education Loan Repayment Program and the remainder to General Revenue Fund 0001 in fiscal 2011; and, 50 percent to GR Account—Physician Education Loan Repayment Program and the remainder to General Revenue Fund 0001 for years following fiscal 2011.

The bill would require the Comptroller to further designate General Revenue Dedicated Accounts used for certification purposes in the Biennial Revenue Estimate.

The funds, accounts, and revenue dedications that would be abolished and become part of Fund 0001 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 81st Legislature Regular Session (2009), are dependent upon appropriations made in the 2010-11 General Appropriations Act and cannot be estimated at this time.

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 August 31, 2009.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** JOB, SD, MN, SJS