

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 5, 2011**

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

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

**IN RE: SB1588** by Ogden (relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **Committee Report 1st House, Substituted**

**The funds, accounts, and revenue dedications that would be abolished and become part of General Revenue Fund are not known 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 82nd Legislature, Regular Session (2011), are dependent upon appropriations made in the 2012-13 General Appropriations Act and cannot be estimated at this time.**

The bill would abolish all funds, accounts, and revenue dedications created or recreated by the 82nd Legislature, Regular Session (2011), 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.

The bill would exempt dedications, funds, and accounts that were enacted before the 82nd 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 or in other revenue that were previously dedicated or required to be deposited in a fund or account exempted prior to the 82nd Legislature, Regular Session (2011).

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 82nd Legislature, Regular Session (2011): revenue to the credit of the State Highway Fund 0006 and GR Account 0009—Game, Fish, and Water Safety; GR Accounts for receipt of fees for special license plates or for receipt of related revenue, gifts, or grants; the Charter District Bond Guarantee Reserve Fund and the revenue deposited to the credit of the fund; the Scholarship Trust Fund for Fifth-Year Accounting Students; the Civil Justice Data Repository Fund; newly authorized dedication of or use of a dedicated fund, a dedicated account, or dedicated revenues, that were exempted from funds consolidation before January 1, 2011; GR Account—Driver's License System Improvement; GR Account—Poison Control Services; GR Account—Judicial and Court Personnel Training Fund; GR Account—Oil and Gas Regulation and Cleanup Fund; the Fund for Veterans' Assistance; and the dedication of taxes, charges, fees, contributions, amounts, or revenues created by the following legislation: SB 9, SB 1583, SB 597, HB 1437, SB 776, SB 1811, SB 777, HB 1521, SB 435, SB 1579, HB 1015, HB 3665, SB 1582, HB 1614, HB 3648, SB 665, SB 1584, HB 3106, SB 1664, SB 1635, HB 3179, HB 1300, HB 3418, SB 1584, HB 1301.

Federal funds, created by the 82nd Legislature, Regular Session (2011), for which separate accounting is required by federal law, would be exempt. These funds would be deposited into accounts within General Revenue Fund 0001, unless otherwise required by federal law.

The bill would exempt all trust funds and bond funds created by the 82nd Legislature, Regular Session (2011), 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.

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 82nd Legislature, Regular Session (2011), if approved by the voters.

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 82nd Legislature. Dedicated revenues exceeding amounts appropriated by the 82nd Legislature are available for certification through August 31, 2013. 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, 2013.

The provisions of this bill would prevail over any other act of the 82nd Legislature, Regular Session (2011)—regardless of the date of enactment—purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury.

This 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 September 1, 2011.

### **Local Government Impact**

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

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

**LBB Staff:** JOB, KK, SD