

By: Davis

S.B. No. 936

A BILL TO BE ENTITLED

AN ACT

relating to the availability and use of certain statutorily dedicated revenues and accounts.

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

SECTION 1. Chapter 322, Government Code, is amended by adding Section 322.024 to read as follows:

Sec. 322.024. REDUCTION OF RELIANCE ON AVAILABLE DEDICATED REVENUES FOR BUDGET CERTIFICATION. (a) In this section, "available dedicated revenues" means revenues that Section 403.095(b) or (b-1) makes available for certification under Section 403.121.

(b) The board shall:

(1) develop and implement a process to review:

(A) new legislative enactments that create dedicated revenues; and

(B) the appropriation and accumulation of dedicated revenues and available dedicated revenues;

(2) develop and implement tools to evaluate the use of available dedicated revenues for state government financing and budgeting; and

(3) develop specific and detailed recommendations on actions the legislature may reasonably take to reduce state government's reliance on available dedicated revenues for the purposes of certification under Section 403.121 as authorized by

1 Section 403.095.

2 (c) The board shall incorporate into the board's budget
3 recommendations appropriate measures to reduce state government's
4 reliance on available dedicated revenues for the purposes of
5 certification under Section 403.121 as authorized by Section
6 403.095.

7 (d) The board shall consult the comptroller as necessary to
8 accomplish the objectives of Subsections (b) and (c).

9 SECTION 2. Effective September 1, 2023, Section 322.024(a),
10 Government Code, as added by this Act, is amended to read as
11 follows:

12 (a) In this section, "available dedicated revenues" means
13 revenues that Section 403.095(b) [~~or (b-1)~~] makes available for
14 certification under Section 403.121.

15 SECTION 3. Section 403.095, Government Code, is amended by
16 amending Subsections (b), (d), and (e) and adding Subsection (b-1)
17 to read as follows:

18 (b) Notwithstanding any law dedicating or setting aside
19 revenue for a particular purpose or entity, an amount of dedicated
20 revenues, not to exceed \$1 billion, that [~~7~~] on August 31 of an
21 odd-numbered year is [~~7, 2013, are~~] estimated to exceed the amount
22 appropriated by the General Appropriations Act or other laws
23 enacted by the legislature is [~~82nd Legislature are~~] available for
24 general governmental purposes and is [~~are~~] considered available for
25 the purpose of certification under Section 403.121.

26 (b-1) Notwithstanding the limitation provided by Subsection
27 (b), the amount of dedicated revenues described by that subsection

1 that on August 31 of an odd-numbered year is estimated to exceed the
2 amount appropriated by the General Appropriations Act or other laws
3 enacted by the legislature is considered available for general
4 governmental purposes and for the purpose of the certification
5 under Section 403.121 in an amount not to exceed:

6 (1) \$5 billion for the fiscal biennium ending August
7 31, 2015;

8 (2) \$4 billion for the fiscal biennium ending August
9 31, 2017;

10 (3) \$3 billion for the fiscal biennium ending August
11 31, 2019; and

12 (4) \$2 billion for the fiscal biennium ending August
13 31, 2021.

14 (d) Following certification of the General Appropriations
15 Act and other appropriations measures enacted by the legislature
16 [~~82nd Legislature~~], the comptroller shall reduce each dedicated
17 account as directed by the legislature by an amount that may not
18 exceed the amount by which estimated revenues and unobligated
19 balances exceed appropriations. The reductions may be made in the
20 amounts and at the times necessary for cash flow considerations to
21 allow all the dedicated accounts to maintain adequate cash balances
22 to transact routine business. The legislature may authorize, in
23 the General Appropriations Act, the temporary delay of the excess
24 balance reduction required under this subsection. This subsection
25 does not apply to revenues or balances in:

26 (1) funds outside the treasury;

27 (2) trust funds, which for purposes of this section

1 include funds that may or are required to be used in whole or in part
2 for the acquisition, development, construction, or maintenance of
3 state and local government infrastructures, recreational
4 facilities, or natural resource conservation facilities;

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

6 (4) funds for which separate accounting is required by
7 federal law.

8 (e) This subsection and Subsection (b-1) expire [~~section~~
9 ~~expires on~~] September 1, 2023 [~~2013~~].

10 SECTION 4. Subchapter F, Chapter 403, Government Code, is
11 amended by adding Section 403.0956 to read as follows:

12 Sec. 403.0956. REALLOCATION OF INTEREST ACCRUED ON CERTAIN
13 DEDICATED REVENUE. Notwithstanding any other law, all interest or
14 other earnings that accrue on all revenue held in an account in the
15 general revenue fund any part of which Section 403.095 makes
16 available for certification under Section 403.121 are available for
17 any general governmental purpose, and the comptroller shall deposit
18 the interest and earnings to the credit of the general revenue fund.
19 This section does not apply to interest or earnings on revenue
20 deposited in accordance with Section 51.008, Education Code.

21 SECTION 5. Except as otherwise provided by this Act:

22 (1) this Act takes effect immediately if this Act
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution;
25 and

26 (2) if this Act does not receive the vote necessary for
27 immediate effect, this Act takes effect on the 91st day after the

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1 last day of the legislative session.