

CHAPTER 234

S.B. No. 1322

An Act relating to the transfer of certain unobligated fund balances to the General Revenue Fund and to the relationship of this Act to other laws.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. LEGISLATIVE FINDING AND INTENT. (a) The legislature finds that, to ensure the efficient operation of state agencies and to provide for the necessary costs of state government operation, it is in the public interest to provide a means for periodic legislative review and control of unobligated cash balances and income held by state agencies in funds other than the General Revenue Fund. It is the intent of the legislature that: (1) funds possessing an unobligated balance at the end of a fiscal year in excess of that amount necessary for the fulfillment of an agency's statutory duties shall be identified within the General Appropriations Act by fund; and (2) the amounts of unobligated actual or projected balances held in such funds in excess of the amounts determined by the legislature to be sufficient for the fulfillment of statutory requirements shall be appropriated to the General Revenue Fund.

(b) Any appropriation of fund balances made pursuant to this Act shall be for the purpose of providing for the cost of operation of state government. The amount of an unobligated fund balance to be appropriated to the General Revenue Fund may be designated in the General Appropriations Act as a sum certain or designated through use of a formula or percentage.

SECTION 2. FUNDS EXCLUDED. This Act applies to funds established by state laws, but shall not apply to funds or fund balances which are:

- (1) dedicated by the Constitution of the State of Texas or any portion of a fund derived from constitutionally dedicated revenues;
- (2) held in trust or escrow for the benefit of any person or entity other than a state agency;
- (3) pledged to the payment of bonds, notes, or other debts;
- (4) derived from gifts, donations, or endowments made to state agencies or institutions of higher education;
- (5) pledged to the capital trust fund to be used for construction; or
- (6) maintained by institutions of higher education including the Texas State Technical Institute.

SECTION 3. CONFLICT OF PURPOSE. (a) Any law providing specific purpose of use and expenditure for a fund or revenue source and restricting utilization of the revenues and balances is hereby suspended to the extent that it conflicts with the provisions and intent of appropriations made pursuant to this Act in the General Appropriations Act.

(b) If the General Appropriations Act does not provide for the appropriation of unobligated fund balances to the General Revenue Fund, any transfer or appropriation of fund balances shall occur as specified by law.

SECTION 4. NAMES OF THE FUNDS. The following named funds and the amounts of the unobligated balances at the end of the fiscal year ending August 31, 1985, shall be transferred to the General Revenue Fund for purposes of operating the state government.

Fund Number	Name of Fund	Unobligated Balance To Be Transferred to the General Revenue Fund
067	Confiscated Liquor Fund	\$ 793,699
076	Prepaid Funeral Contract Fund	200,000
130	Podiatry Examiners Fund	30,000
270	Hospitals and Special Schools Mineral Fund	495,485
468	Texas Board of Irrigators Fund	100,000
501	Motorcycle Education Fund	88,907
504	Compressed Natural Gas Examination Fund	3,000
509	Consumer Credit Commissioner Expense Fund	50,000
516	Special Community Centers Facilities Construction Fund	215,000

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 6, 1985, by the following vote: Yeas 28, Nays 2; and that the Senate concurred in House amendments on May 27, 1985, by a viva-voce vote; passed the House, with amendments, on May 25, 1985, by a non-record vote.

Approved: June 3, 1985

Effective: August 26, 1985