

- SUBJECT:** Appropriations-related changes for Article V agencies
- COMMITTEE:** Appropriations — committee substitute recommended
- VOTE:** 20 ayes — Heflin, Luna, Berman, Branch, B. Brown, F. Brown, Crownover, J. Davis, Deshotel, Ellis, Hamric, Hope, Hupp, Isett, E. Jones, Kolkhorst, Pickett, Pitts, Stick, Wohlgemuth
- 0 nays
- 9 absent — Dukes, Eiland, Gutierrez, McClendon, Menendez, Raymond, Solis, Truitt, Turner
- WITNESSES:** None
- BACKGROUND:** Texas Constitution, Art. 3, sec. 35 limits bills to one subject, except for general appropriations bills, which can include various subjects and accounts. However, this provision has been interpreted as prohibiting the general appropriations bill from changing substantive law. In other words, appropriations bills deal only with spending. Because the levels of funding in an appropriations bill assume certain programmatic changes, the statutory changes required to meet that funding level are contained in other legislation.
- On April 17, the House passed HB 1 by Heflin, the House version of the general appropriations bill for fiscal 2004-05. The Senate passed its version of the bill on April 29, and the bill now is in conference committee.
- The statutory changes required to implement the final version of the state budget will be contained in a series of bills, all of which have been reported favorably by the House Appropriations Committee.
- For further discussion of issues in the state budget, see HRO State Finance Report Number 78-2, *CSHB 1: The House Appropriations Committee's Proposed Budget for Fiscal 2004-05*, April 9, 2003.
- DIGEST:** CSHB 3305 would exempt the Criminal Justice Policy Council from Government Code requirements that certain agencies perform internal

auditing. It would require the Adjutant General's Department to reduce expenditures by instituting measures to receive as much federal funding as possible while implementing cost-saving measures.

The bill would eliminate a requirement that the Texas Alcoholic Beverage Commission (TABC) set certain surcharges at a level so that the anticipated total of all fees and surcharges collected in a fiscal year equal the TABC's legislative appropriation for regulating alcoholic beverages.

The Texas Youth Commission (TYC) would have to transfer to the custody of the Texas Department of Criminal Justice's (TDCJ) pardons and paroles division certain youths who had been sentenced to TYC under determinate (fixed) sentences, or who had been returned to the commission after a request to transfer them to TDCJ, to serve the rest of their sentences on parole when released under supervision after turning 18 years old, instead of 19.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

NOTES:

The committee substitute added the provisions relating to TYC and would remove authorization for the Legislature to reduce or eliminate the amount of state funds required by statute for agencies in Article V of the general appropriations act to achieve a balanced budget.

The companion bill, SB 1864 by Bivins, has been referred to the Senate Finance Committee.

Other bills that would make statutory revisions to implement HB 1 are:

- HB 3306 by Berman, relating to appropriations for the judiciary in Article 4;
- HB 3443 by Pickett, relating to appropriations for business and economic development agencies in Article 7;
- HB 3441 by Pickett, relating to appropriations for general government agencies in Article 1;
- HB 3519 by Wohlgemuth, relating to appropriations for health and human services agencies in Article 2;

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- HB 3459 by Pitts, relating to appropriations for agencies of public education and higher education in Article 3;
- HB 3378 by Hope, relating to appropriations for Article 8 regulatory agencies; and
- HB 3442 by Pickett, relating to natural resources agency appropriations in Article 6.