

1 AN ACT

2 relating to the creation and re-creation of funds and accounts in
3 the state treasury, the dedication and rededication of revenue, and
4 the exemption of unappropriated money from use for general
5 governmental purposes.

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

7 SECTION 1. DEFINITION. In any provision of this Act that
8 does not amend current law, "state agency" means an office,
9 institution, or other agency that is in the executive branch of
10 state government, has authority that is not limited to a
11 geographical portion of the state, and was created by the
12 constitution or a statute of this state. The term does not include
13 an institution of higher education as defined by Section 61.003,
14 Education Code.

15 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.
16 Except as otherwise specifically provided by this Act, all funds
17 and accounts created or re-created in the state treasury by an Act
18 of the 81st Legislature, Regular Session, 2009, that becomes law
19 and all dedications or rededications of revenue in the state
20 treasury or otherwise collected by a state agency for a particular
21 purpose by an Act of the 81st Legislature, Regular Session, 2009,
22 that becomes law are abolished on the later of August 31, 2009, or
23 the date the Act creating or re-creating the fund or account or
24 dedicating or rededicating revenue takes effect.

1 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND
2 ACCOUNTS. Section 2 of this Act does not apply to:

3 (1) statutory dedications, funds, and accounts that
4 were enacted before the 81st Legislature convened to comply with
5 requirements of state constitutional or federal law;

6 (2) dedications, funds, or accounts that remained
7 exempt from former Section 403.094(h), Government Code, at the time
8 dedications, accounts, and funds were abolished under that
9 provision;

10 (3) increases in fees or in other revenue dedicated as
11 described by this section; or

12 (4) increases in fees or in other revenue required to
13 be deposited in a fund or account described by this section.

14 SECTION 4. ACCOUNTS IN GENERAL REVENUE FUND. Effective on
15 the later of August 31, 2009, or the date the Act creating or
16 re-creating the account takes effect, the following accounts and
17 the revenue deposited to the credit of the accounts are exempt from
18 Section 2 of this Act and are created in the general revenue fund,
19 if created or re-created by an Act of the 81st Legislature, Regular
20 Session, 2009, that becomes law:

21 (1) the Texas physician health program account created
22 as a special account in the general revenue fund by Senate Bill No.
23 1331 or similar legislation;

24 (2) the Jobs and Education for Texans (JET) fund to be
25 created as a dedicated account in the general revenue fund under
26 Senate Bill No. 1313, House Bill No. 1935, or similar legislation;

27 (3) the Texas local participation transportation fund

1 created as a dedicated account in the general revenue fund by Senate
2 Bill No. 1383, House Bill No. 3917, or similar legislation;

3 (4) the honesty-in-premium account created in the
4 general revenue fund by House Bill No. 2750, Senate Bill No. 1257,
5 or similar legislation;

6 (5) the renewing our communities account created by
7 House Bill No. 492 or similar legislation;

8 (6) the pretrial victim-offender mediation program
9 account created in the general revenue fund by House Bill No. 2139
10 or similar legislation;

11 (7) the fuel ethanol, renewable methane, and biodiesel
12 production account created in the general revenue fund by House
13 Bill No. 2318 or similar legislation;

14 (8) the Texas nursery and floral account created by
15 House Bill No. 3496 or similar legislation; and

16 (9) the Texas Rural Investment Fund account created in
17 the general revenue fund by House Bill No. 1911, House Bill No.
18 3236, Senate Bill No. 1016, Senate Bill No. 1988, or similar
19 legislation.

20 SECTION 5. REVENUE DEDICATION. Effective on the later of
21 August 31, 2009, or the date the Act dedicating or rededicating the
22 revenue takes effect, the following dedications or rededications of
23 revenue collected by a state agency for a particular purpose are
24 exempt from Section 2 of this Act, if dedicated or rededicated by an
25 Act of the 81st Legislature, Regular Session, 2009, that becomes
26 law:

27 (1) all dedications or rededications of revenue to the

1 Texas Department of Insurance operating account by any Act,
2 including the dedication of fees by Senate Bill No. 1007 or similar
3 legislation and the dedication of fees by House Bill No. 4341 or
4 similar legislation;

5 (2) the dedication of fee revenue by Senate Bill No.
6 1414 or similar legislation;

7 (3) the dedication of assessments and penalties by
8 House Bill No. 77, Senate Bill No. 638, or similar legislation;

9 (4) the dedication of revenue by House Bill No. 4110,
10 Senate Bill No. 2208, or similar legislation;

11 (5) the dedication of proceeds by House Bill No. 4427,
12 Senate Bill No. 1774, or similar legislation;

13 (6) the dedication of lottery proceeds by Senate Bill
14 No. 421, Senate Bill No. 1655, House Bill No. 1299, House Bill No.
15 4390, Senate Bill No. 1940, or similar legislation;

16 (7) the dedication or rededication of fees by Senate
17 Bill No. 1013, House Bill No. 2081, or similar legislation;

18 (8) the dedication of court costs by Senate Bill No.
19 333 or similar legislation;

20 (9) the dedication of tax revenue by House Bill No.
21 982, Senate Bill No. 2187, or similar legislation;

22 (10) the dedication of revenue by House Bill No. 1684
23 or similar legislation;

24 (11) the dedication of revenue by House Bill No. 1965
25 or similar legislation;

26 (12) the dedication of revenue by House Bill No. 2259
27 or similar legislation;

1 (13) the dedication of fee revenue by Senate Bill No.
2 1587, House Bill No. 3359, or similar legislation;

3 (14) the dedication or rededication of revenue by
4 Senate Bill No. 1844 or similar legislation; and

5 (15) the dedication or rededication of revenue by
6 Senate Bill No. 862.

7 SECTION 6. FEDERAL FUNDS. Section 2 of this Act does not
8 apply to funds created pursuant to an Act of the 81st Legislature,
9 Regular Session, 2009, for which separate accounting is required by
10 federal law, except that the funds shall be deposited in accounts in
11 the general revenue fund unless otherwise required by federal law.

12 SECTION 7. TRUST FUNDS. (a) Section 2 of this Act does not
13 apply to trust funds or dedicated revenue deposited to trust funds
14 created under an Act of the 81st Legislature, Regular Session,
15 2009, except that the trust funds shall be held in the state
16 treasury, with the comptroller in trust, or outside the state
17 treasury with the comptroller's approval.

18 (b) Section 2 of this Act does not apply to:

19 (1) the state-licensed residential mortgage loan
20 originator recovery fund created by House Bill No. 10 or similar
21 legislation, or to dedicated revenue deposited to that fund;

22 (2) the anthropogenic carbon dioxide storage trust
23 fund created as a special fund in the state treasury by House Bill
24 No. 2669, Senate Bill No. 1387, or similar legislation, or to
25 dedicated revenue deposited to that fund; or

26 (3) the consumer assistance account created as a
27 restitution account in the attorney general's departmental

1 suspense account in the state treasury by Senate Bill No. 2350 or
2 similar legislation, or to revenue deposited to that account.

3 (c) Notwithstanding Subsection (a) of this section, Section
4 2 of this Act applies to the system benefit fund and to revenue
5 deposited to the credit of that fund if that fund is purported to be
6 re-created by House Bill No. 1182 or similar legislation as a trust
7 fund.

8 SECTION 8. BOND FUNDS. Section 2 of this Act does not apply
9 to bond funds and pledged funds created or affected by an Act of the
10 81st Legislature, Regular Session, 2009, except that the funds
11 shall be held in the state treasury, with the comptroller in trust,
12 or outside the state treasury with the comptroller's approval.

13 SECTION 9. CONSTITUTIONAL FUNDS. (a) Section 2 of this Act
14 does not apply to funds or accounts that would be created or
15 re-created by the Texas Constitution or revenue that would be
16 dedicated or rededicated by the Texas Constitution under a
17 constitutional amendment proposed by the 81st Legislature, Regular
18 Session, 2009, or to dedicated revenue deposited to funds or
19 accounts that would be so created or re-created, if the
20 constitutional amendment is approved by the voters.

21 (b) Section 2 of this Act does not apply to the national
22 research university fund or any revenue transferred or deposited to
23 or dedicated to that fund under House Bill No. 51, House Bill No.
24 4453, Senate Bill No. 1560, or similar legislation that becomes
25 law.

26 SECTION 10. SEPARATE FUNDS IN THE TREASURY. Effective
27 September 1, 2009, the following funds in the state treasury and the

1 revenue deposited to the credit of the funds are exempt from Section
2 2 of this Act and the funds are created as separate funds in the
3 state treasury, if created by an Act of the 81st Legislature,
4 Regular Session, 2009, that becomes law:

5 (1) the floodplain management fund created as a
6 special fund in the state treasury outside the general revenue fund
7 by House Bill No. 2536 or similar legislation;

8 (2) the account created by Senate Bill No. 263 or
9 similar legislation for the deposit of proceeds from the sale of the
10 bonds to be used for the sole purpose of financing projects
11 authorized by Section 222.104, Transportation Code, except that,
12 notwithstanding that legislation the fund is created as a separate
13 fund outside of the general revenue fund; and

14 (3) the freestanding emergency medical care facility
15 licensing fund created by House Bill No. 1357 or similar
16 legislation.

17 SECTION 11. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
18 Effective September 1, 2009, Sections 403.095(b), (d), and (e),
19 Government Code, are amended to read as follows:

20 (b) Notwithstanding any law dedicating or setting aside
21 revenue for a particular purpose or entity, dedicated revenues
22 that, on August 31, 2011 [~~2009~~], are estimated to exceed the amount
23 appropriated by the General Appropriations Act or other laws
24 enacted by the 81st [~~80th~~] Legislature are available for general
25 governmental purposes and are considered available for the purpose
26 of certification under Section 403.121.

27 (d) Following certification of the General Appropriations

1 Act and other appropriations measures enacted by the 81st [~~80th~~]
2 Legislature, the comptroller shall reduce each dedicated account as
3 directed by the legislature by an amount that may not exceed the
4 amount by which estimated revenues and unobligated balances exceed
5 appropriations. The reductions may be made in the amounts and at
6 the times necessary for cash flow considerations to allow all the
7 dedicated accounts to maintain adequate cash balances to transact
8 routine business. The legislature may authorize, in the General
9 Appropriations Act, the temporary delay of the excess balance
10 reduction required under this subsection. This subsection does not
11 apply to revenues or balances in:

- 12 (1) funds outside the treasury;
- 13 (2) trust funds, which for purposes of this section
14 include funds that may or are required to be used in whole or in part
15 for the acquisition, development, construction, or maintenance of
16 state and local government infrastructures, recreational
17 facilities, or natural resource conservation facilities;
- 18 (3) funds created by the constitution or a court; or
- 19 (4) funds for which separate accounting is required by
20 federal law.

21 (e) This section expires on September 1, 2011 [~~2009~~].

22 SECTION 12. CERTAIN REVENUES DEDICATED TO COMPENSATION TO
23 VICTIMS OF CRIME FUND. (a) Section 495.025(c), Government Code, as
24 added by Section 1, Chapter 100 (S.B. 1580), Acts of the 80th
25 Legislature, Regular Session, 2007, is reenacted to read as
26 follows:

27 (c) The department shall transfer 50 percent of all

1 commissions paid to the department by a vendor under this section to
2 the compensation to victims of crime fund established by Subchapter
3 B, Chapter 56, Code of Criminal Procedure, and the other 50 percent
4 to the credit of the undedicated portion of the general revenue
5 fund, except that the department shall transfer the first \$10
6 million of the commissions collected in any given year under a
7 contract awarded under this section to the compensation to victims
8 of crime fund established by Subchapter B, Chapter 56, Code of
9 Criminal Procedure. This section does not reduce any appropriation
10 to the department.

11 (b) Revenue dedicated to the compensation to victims of
12 crime fund by Section 495.025(c), Government Code, as added by
13 Section 1, Chapter 100 (S.B. 1580), Acts of the 80th Legislature,
14 Regular Session, 2007, is rededicated to that fund by this section
15 and that rededication is exempt from Section 2 of this Act.

16 SECTION 13. PHYSICIAN EDUCATION LOAN REPAYMENT PROGRAM.

17 (a) Section 2 of this Act does not apply to the physician education
18 loan repayment program account created as an account in the general
19 revenue fund by House Bill No. 2154 or similar legislation or to
20 dedicated revenue deposited to that account.

21 (b) Notwithstanding provisions of House Bill No. 2154 or
22 other law to the contrary, of dedicated revenue directed by
23 Sections 61.539 and 61.5391, Education Code, Section 155.2415, Tax
24 Code, or other law to be deposited to the physician education loan
25 repayment program account described by Subsection (a) of this
26 section:

27 (1) during the state fiscal year ending August 31,

1 2010:

2 (A) 15 percent of the amount of that revenue
3 described by those provisions shall be deposited to the credit of
4 the physician education loan repayment program account; and

5 (B) the remainder of that revenue shall be
6 deposited to the credit of the undedicated portion of the general
7 revenue fund;

8 (2) from September 1, 2010, to August 29, 2011:

9 (A) 25 percent of the amount of that revenue
10 described by those provisions shall be deposited to the credit of
11 the physician education loan repayment program account; and

12 (B) the remainder of that revenue shall be
13 deposited to the credit of the undedicated portion of the general
14 revenue fund; and

15 (3) on and after August 30, 2011:

16 (A) 50 percent of the amount of that revenue
17 described by those provisions shall be deposited to the credit of
18 the physician education loan repayment program account; and

19 (B) the remainder of that revenue shall be
20 deposited to the credit of the undedicated portion of the general
21 revenue fund.

22 SECTION 14. CERTAIN OTHER FUNDS HELD OUTSIDE THE TREASURY.

23 Each of the following funds, if created as a fund held outside the
24 treasury by an Act of the 81st Legislature, Regular Session, 2009,
25 that becomes law, and revenue deposited to the credit of the funds
26 are exempt from this Act:

27 (1) the Texas transportation revolving fund or any

1 similar revolving fund created by or under Senate Bill No. 1350,
2 Senate Bill No. 505, Senate Bill No. 263, or similar legislation;
3 and

4 (2) the neighborhood and community recovery fund
5 created by Senate Bill No. 11, House Bill No. 4310, or similar
6 legislation.

7 SECTION 15. SPECIAL FUND FOR SPECIAL RANGERS. Section 2 of
8 this Act does not apply to the special fund established for special
9 rangers under House Bill No. 2062, Senate Bill No. 1683, or similar
10 legislation of the 81st Legislature, Regular Session, 2009, that
11 becomes law, or to proceeds transferred to the fund.

12 SECTION 16. CHRIS KYKER ENDOWMENT FOR SENIORS FUND.
13 Section 2 of this Act does not apply to the Chris Kyker Endowment
14 for Seniors Fund created as a special fund outside the state
15 treasury by House Bill No. 610, Senate Bill No. 1230, or similar
16 legislation of the 81st Legislature, Regular Session, 2009, that
17 becomes law, or to revenue deposited to the fund.

18 SECTION 17. TRUST FUND TO BECOME DEDICATED GENERAL REVENUE
19 ACCOUNT. Sections 2 and 7 of this Act do not apply to the
20 scholarship trust fund or to revenue deposited to the credit of that
21 fund. However, if that fund is purported to be created or
22 re-created by House Bill No. 2440 or similar legislation as a trust
23 fund, the scholarship trust fund is instead created as a dedicated
24 account in the general revenue fund.

25 SECTION 18. COMPTROLLER'S ESTIMATE OF CERTAIN DEDICATED
26 ACCOUNT BALANCES. The comptroller of public accounts shall, in the
27 comptroller's statement under Section 49-a, Article III, Texas

1 Constitution, to the 82nd Legislature on its convening, include an
2 estimate of general revenue dedicated account balances based on the
3 laws then in effect, separately identifying those account balances
4 available for certification.

5 SECTION 19. HEALTHY TEXAS SMALL EMPLOYER PREMIUM
6 STABILIZATION FUND. Sections 2 and 7 of this Act do not apply to the
7 healthy Texas small employer premium stabilization fund created by
8 Senate Bill No. 6 or similar legislation, or to dedicated revenue
9 deposited to that account.

10 SECTION 20. AMERICAN RECOVERY AND REINVESTMENT ACT FUND.
11 (a) Section 2 of this Act does not apply to the American Recovery
12 and Reinvestment Act fund created by Subsection (b) of this
13 section, or to revenue deposited to the fund.

14 (b) Subchapter B, Chapter 403, Government Code, is amended
15 by adding Section 403.0122 to read as follows:

16 Sec. 403.0122. DEPOSIT OF AMERICAN RECOVERY AND
17 REINVESTMENT ACT MONEY. (a) In this section:

18 (1) "Fund" means the American Recovery and
19 Reinvestment Act fund.

20 (2) "Recovery act" means the federal American Recovery
21 and Reinvestment Act of 2009 (Pub. L. No. 111-5).

22 (b) The American Recovery and Reinvestment Act fund is
23 created as a special fund in the state treasury outside the general
24 revenue fund.

25 (c) Notwithstanding any other law of this state and except
26 as otherwise provided by federal law, state agencies that receive
27 money under the recovery act shall deposit the money to the credit

1 of the fund as the comptroller determines is necessary to hold and
2 account for money received under the recovery act.

3 (d) Other money may be deposited to the credit of the fund as
4 appropriated by the legislature, as required by federal law, or as
5 necessary to account for money related to the recovery act. Money
6 deposited to the credit of the fund may only be used for the
7 purposes identified in the recovery act to stimulate the economy,
8 including aid for unemployment, welfare, education, health, and
9 infrastructure.

10 (e) Agencies shall transfer amounts between the fund and
11 other accounts and funds in the treasury as necessary to properly
12 account for money received under the recovery act as directed by the
13 comptroller. This section does not affect the authority of the
14 comptroller to establish and use accounts necessary to manage and
15 account for revenues and expenditures.

16 (f) Interest earned on money deposited to the credit of the
17 fund is exempt from Section 404.071. Interest earned on money in
18 the fund shall be retained in the fund.

19 (g) The comptroller may issue guidelines for state agencies
20 regarding the implementation of this section.

21 SECTION 21. LICENSE PLATES. Sections 2 and 7 of this Act do
22 not apply to the dedication or rededication of specialty license
23 plate revenue or to an account or fund created or re-created by an
24 Act of the 81st Legislature, Regular Session, 2009, that becomes
25 law involving a specialty license plate.

26 SECTION 22. LARGE COUNTY AND MUNICIPALITY RECREATION AND
27 PARKS ACCOUNT. (a) On the effective date of this Act, the large

1 county and municipality recreation and parks account, established
2 by Section 39, Chapter 1159 (H.B. 12), Acts of the 80th Legislature,
3 Regular Session, 2007, is re-created by this section as an account
4 in the general revenue fund.

5 (b) The large county and municipality recreation and parks
6 account and the revenue deposited to the credit of the account are
7 exempt from Section 2 of this Act.

8 SECTION 23. EFFECT OF ACT. (a) This Act prevails over any
9 other Act of the 81st Legislature, Regular Session, 2009,
10 regardless of the relative dates of enactment, that purports to
11 create or re-create a special fund or account in the state treasury
12 or to dedicate or rededicate revenue to a particular purpose,
13 including any fund, account, or revenue dedication abolished under
14 former Section 403.094, Government Code.

15 (b) Revenue that, under the terms of another Act of the 81st
16 Legislature, Regular Session, 2009, would be deposited to the
17 credit of a special account or fund shall be deposited to the credit
18 of the undedicated portion of the general revenue fund unless the
19 fund, account, or dedication is exempted under this Act.

20 SECTION 24. EFFECTIVE DATE. This Act takes effect
21 immediately if it receives a vote of two-thirds of all the members
22 elected to each house, as provided by Section 39, Article III, Texas
23 Constitution. If this Act does not receive the vote necessary for
24 immediate effect, this Act takes effect on the 91st day after the
25 last day of the legislative session.

President of the Senate

Speaker of the House

I certify that H.B. No. 4583 was passed by the House on May 15, 2009, by the following vote: Yeas 140, Nays 1, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 4583 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 4583 on May 31, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 4583

I certify that H.B. No. 4583 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 4583 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor