

By: Pitts

H.B. No. 4583

Substitute the following for H.B. No. 4583:

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C.S.H.B. No. 4583

A BILL TO BE ENTITLED

AN ACT

1
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 renewing our communities account created by
22 House Bill No. 492 or similar legislation;

23 (2) the account for conservation of marine resources
24 created by House Bill No. 1749, Senate Bill No. 735, or similar
25 legislation;

26 (3) the pretrial victim-offender mediation program
27 account created in the general revenue fund by House Bill No. 2139

1 or similar legislation;

2 (4) the fuel ethanol, renewable methane, and biodiesel
3 production account created in the general revenue fund by House
4 Bill No. 2318 or similar legislation;

5 (5) the emergency radio infrastructure account
6 created by House Bill No. 2507 or similar legislation;

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

9 (7) the dedicated account for purchasing and
10 distributing child passenger safety seat systems to low-income
11 families created by House Bill No. 528, Senate Bill No. 61, or
12 similar legislation;

13 (8) the trafficking of persons investigation and
14 prosecution account created in the general revenue fund by House
15 Bill No. 639, Senate Bill No. 89, or similar legislation;

16 (9) the Texas Rural Development Fund account created
17 in the general revenue fund by House Bill No. 1715, Senate Bill No.
18 684, or similar legislation;

19 (10) the mathematics and science teacher investment
20 fund account created in the general revenue fund by House Bill No.
21 2773, Senate Bill No. 816, or similar legislation;

22 (11) the Texas Rural Investment Fund account created
23 in the general revenue fund by House Bill No. 1911, House Bill No.
24 3236, Senate Bill No. 1016, Senate Bill No. 1988, or similar
25 legislation;

26 (12) the hospital district airline fares account
27 created in the general revenue fund by House Bill No. 2899, Senate

1 Bill No. 1264, or similar legislation; and

2 (13) the commission advanced clean energy project
3 account created in the general revenue fund by House Bill No. 2811,
4 Senate Bill No. 2111, or similar legislation.

5 SECTION 5. REVENUE DEDICATION. Effective on the later of
6 August 31, 2009, or the date the Act dedicating or rededicating the
7 revenue takes effect, the following dedication or rededication of
8 revenue collected by a state agency for a particular purpose is
9 exempt from Section 2 of this Act, if dedicated or rededicated by an
10 Act of the 81st Legislature, Regular Session, 2009, that becomes
11 law:

12 (1) the dedication of assessments and penalties by
13 House Bill No. 77, Senate Bill No. 638, or similar legislation;

14 (2) the dedication of tax revenue by House Bill No.
15 982, Senate Bill No. 2187, or similar legislation;

16 (3) the dedication of fee revenue by House Bill No.
17 1286, Senate Bill No. 924, or similar legislation;

18 (4) the dedication of fee revenue by House Bill No.
19 1965 or similar legislation;

20 (5) the dedication of revenue by House Bill No. 2259,
21 Senate Bill No. 1378, or similar legislation;

22 (6) the dedication of revenue by House Bill No. 2389 or
23 similar legislation;

24 (7) the dedication of fee revenue by House Bill No.
25 4064 or similar legislation;

26 (8) the dedication of revenue by House Bill No. 4110,
27 Senate Bill No. 2208, or similar legislation;

1 (9) the dedication of revenue by House Bill No. 1834,
2 Senate Bill No. 161, or similar legislation;

3 (10) the dedication of fee revenue by House Bill No.
4 1406, Senate Bill No. 862, or similar legislation;

5 (11) the dedication of fee revenue by House Bill No.
6 2203, Senate Bill No. 1007, or similar legislation;

7 (12) the dedication of proceeds by House Bill No.
8 4427, Senate Bill No. 1774, or similar legislation;

9 (13) the dedication of certain penalty proceeds by
10 House Bill No. 2517, Senate Bill No. 2279, or similar legislation;
11 and

12 (14) the dedication of revenue by House Bill No. 2774
13 or similar legislation.

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

19 SECTION 7. TRUST FUNDS. (a) Section 2 of this Act does not
20 apply to trust funds or dedicated revenue deposited to trust funds
21 created under an Act of the 81st Legislature, Regular Session,
22 2009, except that the trust funds shall be held in the state
23 treasury, with the comptroller in trust, or outside the state
24 treasury with the comptroller's approval.

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

26 (1) the state-licensed residential mortgage loan
27 originator recovery fund created by House Bill No. 10 or similar

1 legislation, or to dedicated revenue deposited to that fund;

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

6 (3) the scholarship trust fund for fifth-year
7 accounting students created by House Bill No. 2440, Senate Bill No.
8 1412, or similar legislation, or to dedicated revenue deposited to
9 that fund; or

10 (4) the unauthorized insurance guaranty fund created
11 by House Bill No. 4339 or similar legislation, or to dedicated
12 revenue deposited to that fund.

13 SECTION 8. BOND FUNDS. Section 2 of this Act does not apply
14 to bond funds and pledged funds created or affected by an Act of the
15 81st Legislature, Regular Session, 2009, except that the funds
16 shall be held in the state treasury, with the comptroller in trust,
17 or outside the state treasury with the comptroller's approval.

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

26 (b) Section 2 of this Act does not apply to the national
27 research university fund or any revenue transferred or deposited to

1 or dedicated to that fund under House Bill No. 51, House Bill No.
2 4453, Senate Bill No. 1560, or similar legislation that becomes
3 law.

4 SECTION 10. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
5 Effective September 1, 2009, Sections 403.095(b), (d), and (e),
6 Government Code, are amended to read as follows:

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

14 (d) Following certification of the General Appropriations
15 Act and other appropriations measures enacted by the 81st [~~80th~~]
16 Legislature, the comptroller shall reduce each dedicated account as
17 directed by the legislature by an amount that may not exceed the
18 amount by which estimated revenues and unobligated balances exceed
19 appropriations. The reductions may be made in the amounts and at
20 the times necessary for cash flow considerations to allow all the
21 dedicated accounts to maintain adequate cash balances to transact
22 routine business. The legislature may authorize, in the General
23 Appropriations Act, the temporary delay of the excess balance
24 reduction required under this subsection. This subsection does not
25 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 section expires on September 1, 2011 [~~2009~~].

9 SECTION 11. CERTAIN REVENUES DEDICATED TO COMPENSATION TO
10 VICTIMS OF CRIME FUND. (a) Section 495.025(c), Government Code, as
11 added by Section 1, Chapter 100 (S.B. 1580), Acts of the 80th
12 Legislature, Regular Session, 2007, is reenacted to read as
13 follows:

14 (c) The department shall transfer 50 percent of all
15 commissions paid to the department by a vendor under this section to
16 the compensation to victims of crime fund established by Subchapter
17 B, Chapter 56, Code of Criminal Procedure, and the other 50 percent
18 to the credit of the undedicated portion of the general revenue
19 fund, except that the department shall transfer the first \$10
20 million of the commissions collected in any given year under a
21 contract awarded under this section to the compensation to victims
22 of crime fund established by Subchapter B, Chapter 56, Code of
23 Criminal Procedure. This section does not reduce any appropriation
24 to the department.

25 (b) Revenue dedicated to the compensation to victims of
26 crime fund by Section 495.025(c), Government Code, as added by
27 Section 1, Chapter 100 (S.B. 1580), Acts of the 80th Legislature,

1 Regular Session, 2007, is rededicated to that fund by this section
2 and that rededication is exempt from Section 2 of this Act.

3 SECTION 12. SPECIAL FUND FOR SPECIAL RANGERS. Section 2 of
4 this Act does not apply to the special fund established for special
5 rangers under House Bill No. 2062, Senate Bill No. 1683, or similar
6 legislation of the 81st Legislature, Regular Session, 2009, that
7 becomes law, or to proceeds transferred to the fund.

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

14 SECTION 14. AMERICAN RECOVERY AND REINVESTMENT ACT FUND.
15 (a) Section 2 of this Act does not apply to the American Recovery
16 and Reinvestment Act fund created by Subsection (b) of this
17 section, or to revenue deposited to the fund.

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

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

22 (1) "Fund" means the American Recovery and
23 Reinvestment Act fund.

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

26 (b) The American Recovery and Reinvestment Act fund is
27 created as a special fund in the state treasury outside the general

1 revenue fund.

2 (c) Notwithstanding any other law of this state and except
3 as otherwise provided by federal law, state agencies that receive
4 money under the recovery act shall deposit the money to the credit
5 of the fund as the comptroller determines is necessary to hold and
6 account for money received under the recovery act.

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

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

20 (f) Interest earned on money deposited to the credit of the
21 fund is exempt from Section 404.071. Interest earned on money in
22 the fund shall be retained in the fund.

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

25 SECTION 15. DESIGNATED TRAUMA FACILITY AND EMS ACCOUNT.
26 Section 2 of this Act does not apply to general revenue account no.
27 5111 established in the general revenue fund, the fund for

1 emergency medical services, trauma facilities, and trauma care
2 systems.

3 SECTION 16. SYSTEM BENEFIT FUND. Section 2 of this Act
4 does not apply to general revenue account no. 5100, the system
5 benefit fund account.

6 SECTION 17. LARGE COUNTY AND MUNICIPALITY RECREATION AND
7 PARKS ACCOUNT. (a) On the effective date of this Act, the large
8 county and municipality recreation and parks account, established
9 by Section 39, Chapter 1159 (H.B. 12), Acts of the 80th Legislature,
10 Regular Session, 2007, is re-created by this section as an account
11 in the general revenue fund.

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

15 SECTION 18. EFFECT OF ACT. (a) This Act prevails over any
16 other Act of the 81st Legislature, Regular Session, 2009,
17 regardless of the relative dates of enactment, that purports to
18 create or re-create a special fund or account in the state treasury
19 or to dedicate or rededicate revenue to a particular purpose,
20 including any fund, account, or revenue dedication abolished under
21 former Section 403.094, Government Code.

22 (b) Revenue that, under the terms of another Act of the 81st
23 Legislature, Regular Session, 2009, would be deposited to the
24 credit of a special account or fund shall be deposited to the credit
25 of the undedicated portion of the general revenue fund unless the
26 fund, account, or dedication is exempted under this Act.

27 SECTION 19. EFFECTIVE DATE. This Act takes effect

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1 immediately if it receives a vote of two-thirds of all the members
2 elected to each house, as provided by Section 39, Article III, Texas
3 Constitution. If this Act does not receive the vote necessary for
4 immediate effect, this Act takes effect on the 91st day after the
5 last day of the legislative session.