

1-1 By: Pitts (Senate Sponsor - Ogden) H.B. No. 4583
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on Finance;
1-4 May 23, 2009, reported favorably by the following vote: Yeas 13,
1-5 Nays 0; May 23, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation and re-creation of funds and accounts in
1-9 the state treasury, the dedication and rededication of revenue, and
1-10 the exemption of unappropriated money from use for general
1-11 governmental purposes.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. DEFINITION. In any provision of this Act that
1-14 does not amend current law, "state agency" means an office,
1-15 institution, or other agency that is in the executive branch of
1-16 state government, has authority that is not limited to a
1-17 geographical portion of the state, and was created by the
1-18 constitution or a statute of this state. The term does not include
1-19 an institution of higher education as defined by Section 61.003,
1-20 Education Code.

1-21 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.
1-22 Except as otherwise specifically provided by this Act, all funds
1-23 and accounts created or re-created in the state treasury by an Act
1-24 of the 81st Legislature, Regular Session, 2009, that becomes law
1-25 and all dedications or rededications of revenue in the state
1-26 treasury or otherwise collected by a state agency for a particular
1-27 purpose by an Act of the 81st Legislature, Regular Session, 2009,
1-28 that becomes law are abolished on the later of August 31, 2009, or
1-29 the date the Act creating or re-creating the fund or account or
1-30 dedicating or rededicating revenue takes effect.

1-31 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND
1-32 ACCOUNTS. Section 2 of this Act does not apply to:

1-33 (1) statutory dedications, funds, and accounts that
1-34 were enacted before the 81st Legislature convened to comply with
1-35 requirements of state constitutional or federal law;

1-36 (2) dedications, funds, or accounts that remained
1-37 exempt from former Section 403.094(h), Government Code, at the time
1-38 dedications, accounts, and funds were abolished under that
1-39 provision;

1-40 (3) increases in fees or in other revenue dedicated as
1-41 described by this section; or

1-42 (4) increases in fees or in other revenue required to
1-43 be deposited in a fund or account described by this section.

1-44 SECTION 4. ACCOUNTS IN GENERAL REVENUE FUND. Effective on
1-45 the later of August 31, 2009, or the date the Act creating or
1-46 re-creating the account takes effect, the following accounts and
1-47 the revenue deposited to the credit of the accounts are exempt from
1-48 Section 2 of this Act and are created in the general revenue fund,
1-49 if created or re-created by an Act of the 81st Legislature, Regular
1-50 Session, 2009, that becomes law:

1-51 (1) the honesty-in-premium account created in the
1-52 general revenue fund by House Bill No. 2750, Senate Bill No. 1257,
1-53 or similar legislation;

1-54 (2) the renewing our communities account created by
1-55 House Bill No. 492 or similar legislation;

1-56 (3) the account for conservation of marine resources
1-57 created by House Bill No. 1749, Senate Bill No. 735, or similar
1-58 legislation;

1-59 (4) the pretrial victim-offender mediation program
1-60 account created in the general revenue fund by House Bill No. 2139
1-61 or similar legislation;

1-62 (5) the fuel ethanol, renewable methane, and biodiesel
1-63 production account created in the general revenue fund by House
1-64 Bill No. 2318 or similar legislation;

2-1 (6) the emergency radio infrastructure account
2-2 created by House Bill No. 2507 or similar legislation;
2-3 (7) the Texas nursery and floral account created by
2-4 House Bill No. 3496 or similar legislation;
2-5 (8) the dedicated account for purchasing and
2-6 distributing child passenger safety seat systems to low-income
2-7 families created by House Bill No. 528, Senate Bill No. 61, or
2-8 similar legislation;
2-9 (9) the trafficking of persons investigation and
2-10 prosecution account created in the general revenue fund by House
2-11 Bill No. 639, Senate Bill No. 89, or similar legislation;
2-12 (10) the Texas Rural Development Fund account created
2-13 in the general revenue fund by House Bill No. 1715, Senate Bill No.
2-14 684, or similar legislation;
2-15 (11) the mathematics and science teacher investment
2-16 fund account created in the general revenue fund by House Bill No.
2-17 2773, Senate Bill No. 816, or similar legislation;
2-18 (12) the Texas Rural Investment Fund account created
2-19 in the general revenue fund by House Bill No. 1911, House Bill No.
2-20 3236, Senate Bill No. 1016, Senate Bill No. 1988, or similar
2-21 legislation;
2-22 (13) the hospital district airline fares account
2-23 created in the general revenue fund by House Bill No. 2899, Senate
2-24 Bill No. 1264, or similar legislation; and
2-25 (14) the commission advanced clean energy project
2-26 account created in the general revenue fund by House Bill No. 2811,
2-27 Senate Bill No. 2111, or similar legislation.

2-28 SECTION 5. REVENUE DEDICATION. Effective on the later of
2-29 August 31, 2009, or the date the Act dedicating or rededicating the
2-30 revenue takes effect, the following dedication or rededication of
2-31 revenue collected by a state agency for a particular purpose is
2-32 exempt from Section 2 of this Act, if dedicated or rededicated by an
2-33 Act of the 81st Legislature, Regular Session, 2009, that becomes
2-34 law:

2-35 (1) all dedications or rededications of revenue to the
2-36 Texas Department of Insurance operating account;
2-37 (2) the dedication of assessments and penalties by
2-38 House Bill No. 77, Senate Bill No. 638, or similar legislation;
2-39 (3) the dedication of tax revenue by House Bill No.
2-40 982, Senate Bill No. 2187, or similar legislation;
2-41 (4) the dedication of fee revenue by House Bill No.
2-42 1286, Senate Bill No. 924, or similar legislation;
2-43 (5) the dedication of fee revenue by House Bill No.
2-44 1965 or similar legislation;
2-45 (6) the dedication of revenue by House Bill No. 2259,
2-46 Senate Bill No. 1378, or similar legislation;
2-47 (7) the dedication of revenue by House Bill No. 2389 or
2-48 similar legislation;
2-49 (8) the dedication of fee revenue by House Bill No.
2-50 4064 or similar legislation;
2-51 (9) the dedication of revenue by House Bill No. 4110,
2-52 Senate Bill No. 2208, or similar legislation;
2-53 (10) the dedication of revenue by House Bill No. 1834,
2-54 Senate Bill No. 161, or similar legislation;
2-55 (11) the dedication of fee revenue by House Bill No.
2-56 1406, Senate Bill No. 862, or similar legislation;
2-57 (12) the dedication of fee revenue by House Bill No.
2-58 2203, Senate Bill No. 1007, or similar legislation;
2-59 (13) the dedication of proceeds by House Bill No.
2-60 4427, Senate Bill No. 1774, or similar legislation;
2-61 (14) the dedication of certain penalty proceeds by
2-62 House Bill No. 2517, Senate Bill No. 2279, or similar legislation;
2-63 and
2-64 (15) the dedication of revenue by House Bill No. 2774
2-65 or similar legislation.

2-66 SECTION 6. FEDERAL FUNDS. Section 2 of this Act does not
2-67 apply to funds created pursuant to an Act of the 81st Legislature,
2-68 Regular Session, 2009, for which separate accounting is required by
2-69 federal law, except that the funds shall be deposited in accounts in

3-1 the general revenue fund unless otherwise required by federal law.

3-2 SECTION 7. TRUST FUNDS. (a) Section 2 of this Act does not
3-3 apply to trust funds or dedicated revenue deposited to trust funds
3-4 created under an Act of the 81st Legislature, Regular Session,
3-5 2009, except that the trust funds shall be held in the state
3-6 treasury, with the comptroller in trust, or outside the state
3-7 treasury with the comptroller's approval.

3-8 (b) Section 2 of this Act does not apply to:

3-9 (1) the state-licensed residential mortgage loan
3-10 originator recovery fund created by House Bill No. 10 or similar
3-11 legislation, or to dedicated revenue deposited to that fund;

3-12 (2) the anthropogenic carbon dioxide storage trust
3-13 fund created as a special fund in the state treasury by House Bill
3-14 No. 2669, Senate Bill No. 1387, or similar legislation, or to
3-15 dedicated revenue deposited to that fund;

3-16 (3) the scholarship trust fund for fifth-year
3-17 accounting students created by House Bill No. 2440, Senate Bill No.
3-18 1412, or similar legislation, or to dedicated revenue deposited to
3-19 that fund; or

3-20 (4) the unauthorized insurance guaranty fund created
3-21 by House Bill No. 4339 or similar legislation, to the fund account
3-22 established for the deposit of money held by the fund, or to
3-23 dedicated revenue deposited to that fund or fund account.

3-24 SECTION 8. BOND FUNDS. Section 2 of this Act does not apply
3-25 to bond funds and pledged funds created or affected by an Act of the
3-26 81st Legislature, Regular Session, 2009, except that the funds
3-27 shall be held in the state treasury, with the comptroller in trust,
3-28 or outside the state treasury with the comptroller's approval.

3-29 SECTION 9. CONSTITUTIONAL FUNDS. (a) Section 2 of this Act
3-30 does not apply to funds or accounts that would be created or
3-31 re-created by the Texas Constitution or revenue that would be
3-32 dedicated or rededicated by the Texas Constitution under a
3-33 constitutional amendment proposed by the 81st Legislature, Regular
3-34 Session, 2009, or to dedicated revenue deposited to funds or
3-35 accounts that would be so created or re-created, if the
3-36 constitutional amendment is approved by the voters.

3-37 (b) Section 2 of this Act does not apply to the national
3-38 research university fund or any revenue transferred or deposited to
3-39 or dedicated to that fund under House Bill No. 51, House Bill No.
3-40 4453, Senate Bill No. 1560, or similar legislation that becomes
3-41 law.

3-42 SECTION 10. SEPARATE FUNDS IN THE TREASURY. Effective
3-43 September 1, 2009, the following fund in the state treasury and the
3-44 revenue deposited to the credit of the fund is exempt from Section 2
3-45 of this Act and is created as a separate fund in the state treasury,
3-46 if created by an Act of the 81st Legislature, Regular Session, 2009,
3-47 that becomes law:

3-48 (1) FLOODPLAIN MANAGEMENT fund created by House Bill
3-49 No. 2536 or similar legislation.

3-50 SECTION 11. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
3-51 Effective September 1, 2009, Sections 403.095(b), (d), and (e),
3-52 Government Code, are amended to read as follows:

3-53 (b) Notwithstanding any law dedicating or setting aside
3-54 revenue for a particular purpose or entity, dedicated revenues
3-55 that, on August 31, 2011 [~~2009~~], are estimated to exceed the amount
3-56 appropriated by the General Appropriations Act or other laws
3-57 enacted by the 81st [~~80th~~] Legislature are available for general
3-58 governmental purposes and are considered available for the purpose
3-59 of certification under Section 403.121.

3-60 (d) Following certification of the General Appropriations
3-61 Act and other appropriations measures enacted by the 81st [~~80th~~]
3-62 Legislature, the comptroller shall reduce each dedicated account as
3-63 directed by the legislature by an amount that may not exceed the
3-64 amount by which estimated revenues and unobligated balances exceed
3-65 appropriations. The reductions may be made in the amounts and at
3-66 the times necessary for cash flow considerations to allow all the
3-67 dedicated accounts to maintain adequate cash balances to transact
3-68 routine business. The legislature may authorize, in the General
3-69 Appropriations Act, the temporary delay of the excess balance

4-1 reduction required under this subsection. This subsection does not
 4-2 apply to revenues or balances in:
 4-3 (1) funds outside the treasury;
 4-4 (2) trust funds, which for purposes of this section
 4-5 include funds that may or are required to be used in whole or in part
 4-6 for the acquisition, development, construction, or maintenance of
 4-7 state and local government infrastructures, recreational
 4-8 facilities, or natural resource conservation facilities;
 4-9 (3) funds created by the constitution or a court; or
 4-10 (4) funds for which separate accounting is required by
 4-11 federal law.

4-12 (e) This section expires on September 1, 2011 [~~2009~~].

4-13 SECTION 12. CERTAIN REVENUES DEDICATED TO COMPENSATION TO
 4-14 VICTIMS OF CRIME FUND. (a) Section 495.025(c), Government Code, as
 4-15 added by Section 1, Chapter 100 (S.B. 1580), Acts of the 80th
 4-16 Legislature, Regular Session, 2007, is reenacted to read as
 4-17 follows:

4-18 (c) The department shall transfer 50 percent of all
 4-19 commissions paid to the department by a vendor under this section to
 4-20 the compensation to victims of crime fund established by Subchapter
 4-21 B, Chapter 56, Code of Criminal Procedure, and the other 50 percent
 4-22 to the credit of the undedicated portion of the general revenue
 4-23 fund, except that the department shall transfer the first \$10
 4-24 million of the commissions collected in any given year under a
 4-25 contract awarded under this section to the compensation to victims
 4-26 of crime fund established by Subchapter B, Chapter 56, Code of
 4-27 Criminal Procedure. This section does not reduce any appropriation
 4-28 to the department.

4-29 (b) Revenue dedicated to the compensation to victims of
 4-30 crime fund by Section 495.025(c), Government Code, as added by
 4-31 Section 1, Chapter 100 (S.B. 1580), Acts of the 80th Legislature,
 4-32 Regular Session, 2007, is rededicated to that fund by this section
 4-33 and that rededication is exempt from Section 2 of this Act.

4-34 SECTION 13. SPECIAL FUND FOR SPECIAL RANGERS. Section 2 of
 4-35 this Act does not apply to the special fund established for special
 4-36 rangers under House Bill No. 2062, Senate Bill No. 1683, or similar
 4-37 legislation of the 81st Legislature, Regular Session, 2009, that
 4-38 becomes law, or to proceeds transferred to the fund.

4-39 SECTION 14. CHRIS KYKER ENDOWMENT FOR SENIORS FUND.
 4-40 Section 2 of this Act does not apply to the Chris Kyker Endowment
 4-41 for Seniors Fund created as a special fund outside the state
 4-42 treasury by House Bill No. 610, Senate Bill No. 1230, or similar
 4-43 legislation of the 81st Legislature, Regular Session, 2009, that
 4-44 becomes law, or to revenue deposited to the fund.

4-45 SECTION 15. HEALTHY TEXAS SMALL EMPLOYER PREMIUM
 4-46 STABILIZATION FUND. Sections 2 and 7 of this Act do not apply to the
 4-47 healthy Texas small employer premium stabilization fund created by
 4-48 Senate Bill No. 6 or similar legislation, or to dedicated revenue
 4-49 deposited to that account.

4-50 SECTION 16. AMERICAN RECOVERY AND REINVESTMENT ACT FUND.
 4-51 (a) Section 2 of this Act does not apply to the American Recovery
 4-52 and Reinvestment Act fund created by Subsection (b) of this
 4-53 section, or to revenue deposited to the fund.

4-54 (b) Subchapter B, Chapter 403, Government Code, is amended
 4-55 by adding Section 403.0122 to read as follows:

4-56 Sec. 403.0122. DEPOSIT OF AMERICAN RECOVERY AND
 4-57 REINVESTMENT ACT MONEY. (a) In this section:

4-58 (1) "Fund" means the American Recovery and
 4-59 Reinvestment Act fund.

4-60 (2) "Recovery act" means the federal American Recovery
 4-61 and Reinvestment Act of 2009 (Pub. L. No. 111-5).

4-62 (b) The American Recovery and Reinvestment Act fund is
 4-63 created as a special fund in the state treasury outside the general
 4-64 revenue fund.

4-65 (c) Notwithstanding any other law of this state and except
 4-66 as otherwise provided by federal law, state agencies that receive
 4-67 money under the recovery act shall deposit the money to the credit
 4-68 of the fund as the comptroller determines is necessary to hold and
 4-69 account for money received under the recovery act.

