

SENATE AMENDMENTS

2nd Printing

By: Pitts

H.B. No. 4583

A BILL TO BE ENTITLED

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 honesty-in-premium account created in the
22 general revenue fund by House Bill No. 2750, Senate Bill No. 1257,
23 or similar legislation;

24 (2) the renewing our communities account created by
25 House Bill No. 492 or similar legislation;

26 (3) the account for conservation of marine resources
27 created by House Bill No. 1749, Senate Bill No. 735, or similar

1 legislation;

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

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

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

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

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

16 (9) the trafficking of persons investigation and
17 prosecution account created in the general revenue fund by House
18 Bill No. 639, Senate Bill No. 89, or similar legislation;

19 (10) the Texas Rural Development Fund account created
20 in the general revenue fund by House Bill No. 1715, Senate Bill No.
21 684, or similar legislation;

22 (11) the mathematics and science teacher investment
23 fund account created in the general revenue fund by House Bill No.
24 2773, Senate Bill No. 816, or similar legislation;

25 (12) the Texas Rural Investment Fund account created
26 in the general revenue fund by House Bill No. 1911, House Bill No.
27 3236, Senate Bill No. 1016, Senate Bill No. 1988, or similar

1 legislation;

2 (13) the hospital district airline fares account
3 created in the general revenue fund by House Bill No. 2899, Senate
4 Bill No. 1264, or similar legislation; and

5 (14) the commission advanced clean energy project
6 account created in the general revenue fund by House Bill No. 2811,
7 Senate Bill No. 2111, or similar legislation.

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

15 (1) all dedications or rededications of revenue to the
16 Texas Department of Insurance operating account;

17 (2) the dedication of assessments and penalties by
18 House Bill No. 77, Senate Bill No. 638, or similar legislation;

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

21 (4) the dedication of fee revenue by House Bill No.
22 1286, Senate Bill No. 924, or similar legislation;

23 (5) the dedication of fee revenue by House Bill No.
24 1965 or similar legislation;

25 (6) the dedication of revenue by House Bill No. 2259,
26 Senate Bill No. 1378, or similar legislation;

27 (7) the dedication of revenue by House Bill No. 2389 or

1 similar legislation;

2 (8) the dedication of fee revenue by House Bill No.
3 4064 or similar legislation;

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

6 (10) the dedication of revenue by House Bill No. 1834,
7 Senate Bill No. 161, or similar legislation;

8 (11) the dedication of fee revenue by House Bill No.
9 1406, Senate Bill No. 862, or similar legislation;

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

12 (13) the dedication of proceeds by House Bill No.
13 4427, Senate Bill No. 1774, or similar legislation;

14 (14) the dedication of certain penalty proceeds by
15 House Bill No. 2517, Senate Bill No. 2279, or similar legislation;
16 and

17 (15) the dedication of revenue by House Bill No. 2774
18 or similar legislation.

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

24 SECTION 7. TRUST FUNDS. (a) Section 2 of this Act does not
25 apply to trust funds or dedicated revenue deposited to trust funds
26 created under an Act of the 81st Legislature, Regular Session,
27 2009, except that the trust funds shall be held in the state

1 treasury, with the comptroller in trust, or outside the state
2 treasury with the comptroller's approval.

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

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

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

11 (3) the scholarship trust fund for fifth-year
12 accounting students created by House Bill No. 2440, Senate Bill No.
13 1412, or similar legislation, or to dedicated revenue deposited to
14 that fund; or

15 (4) the unauthorized insurance guaranty fund created
16 by House Bill No. 4339 or similar legislation, to the fund account
17 established for the deposit of money held by the fund, or to
18 dedicated revenue deposited to that fund or fund account.

19 SECTION 8. BOND FUNDS. Section 2 of this Act does not apply
20 to bond funds and pledged funds created or affected by an Act of the
21 81st Legislature, Regular Session, 2009, except that the funds
22 shall be held in the state treasury, with the comptroller in trust,
23 or outside the state treasury with the comptroller's approval.

24 SECTION 9. CONSTITUTIONAL FUNDS. (a) Section 2 of this Act
25 does not apply to funds or accounts that would be created or
26 re-created by the Texas Constitution or revenue that would be
27 dedicated or rededicated by the Texas Constitution under a

1 constitutional amendment proposed by the 81st Legislature, Regular
2 Session, 2009, or to dedicated revenue deposited to funds or
3 accounts that would be so created or re-created, if the
4 constitutional amendment is approved by the voters.

5 (b) Section 2 of this Act does not apply to the national
6 research university fund or any revenue transferred or deposited to
7 or dedicated to that fund under House Bill No. 51, House Bill No.
8 4453, Senate Bill No. 1560, or similar legislation that becomes
9 law.

10 SECTION 10. SEPARATE FUNDS IN THE TREASURY. Effective
11 September 1, 2009, the following fund in the state treasury and the
12 revenue deposited to the credit of the fund is exempt from Section 2
13 of this Act and is created as a separate fund in the state treasury,
14 if created by an Act of the 81st Legislature, Regular Session, 2009,
15 that becomes law:

16 (1) FLOODPLAIN MANAGEMENT fund created by House Bill
17 No. 2536 or similar legislation.

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

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

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

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

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

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

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

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

17 SECTION 13. SPECIAL FUND FOR SPECIAL RANGERS. Section 2 of
18 this Act does not apply to the special fund established for special
19 rangers under House Bill No. 2062, Senate Bill No. 1683, or similar
20 legislation of the 81st Legislature, Regular Session, 2009, that
21 becomes law, or to proceeds transferred to the fund.

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

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

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

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

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

14 (1) "Fund" means the American Recovery and
15 Reinvestment Act fund.

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

18 (b) The American Recovery and Reinvestment Act fund is
19 created as a special fund in the state treasury outside the general
20 revenue fund.

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

26 (d) Other money may be deposited to the credit of the fund as
27 appropriated by the legislature, as required by federal law, or as

1 necessary to account for money related to the recovery act. Money
2 deposited to the credit of the fund may only be used for the
3 purposes identified in the recovery act to stimulate the economy,
4 including aid for unemployment, welfare, education, health, and
5 infrastructure.

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

12 (f) Interest earned on money deposited to the credit of the
13 fund is exempt from Section 404.071. Interest earned on money in
14 the fund shall be retained in the fund.

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

17 SECTION 17. DESIGNATED TRAUMA FACILITY AND EMS ACCOUNT.
18 Section 2 of this Act does not apply to general revenue account no.
19 5111 established in the general revenue fund, the fund for
20 emergency medical services, trauma facilities, and trauma care
21 systems.

22 SECTION 18. SYSTEM BENEFIT FUND. Section 2 of this Act
23 does not apply to general revenue account no. 5100, the system
24 benefit fund account.

25 SECTION 19. LARGE COUNTY AND MUNICIPALITY RECREATION AND
26 PARKS ACCOUNT. (a) On the effective date of this Act, the large
27 county and municipality recreation and parks account, established

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

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

7 SECTION 20. HEALTH CARE ACCESS FUND IN THE TREASURY.
8 Effective September 1, 2009, the health care access fund created by
9 House Bill No. 2154, House Bill No. 1876, Senate Bill No. 2527, or
10 similar legislation, and the revenue deposited to the credit of the
11 health care access fund, are exempt from Section 2 of this Act and
12 the health care access fund is created as a separate fund in the
13 state treasury outside the general revenue fund.

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

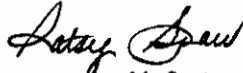
21 (b) Revenue that, under the terms of another Act of the 81st
22 Legislature, Regular Session, 2009, would be deposited to the
23 credit of a special account or fund shall be deposited to the credit
24 of the undedicated portion of the general revenue fund unless the
25 fund, account, or dedication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

26 SECTION 22. EFFECTIVE DATE. This Act takes effect
27 immediately if it receives a vote of two-thirds of all the members

1 elected to each house, as provided by Section 39, Article III, Texas
2 Constitution. If this Act does not receive the vote necessary for
3 immediate effect, this Act takes effect on the 91st day after the
4 last day of the legislative session.

ADOPTED

MAY 27 2009


Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend H.B. No. 4583 (senate committee report) by striking all
2 below the enacting clause and substituting:

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

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

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

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

26 (2) dedications, funds, or accounts that remained
27 exempt from former Section 403.094(h), Government Code, at the time
28 dedications, accounts, and funds were abolished under that
29 provision;

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

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

5 SECTION 4. ACCOUNTS IN GENERAL REVENUE FUND. Effective on
6 the later of August 31, 2009, or the date the Act creating or
7 re-creating the account takes effect, the following accounts and
8 the revenue deposited to the credit of the accounts are exempt from
9 Section 2 of this Act and are created in the general revenue fund,
10 if created or re-created by an Act of the 81st Legislature, Regular
11 Session, 2009, that becomes law:

12 (1) the Texas physician health program account created
13 as a special account in the general revenue fund by Senate Bill No.
14 1331 or similar legislation; and

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

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

25 (1) all dedications or rededications of revenue to the
26 Texas Department of Insurance operating account by any Act,
27 including the dedication of fees by Senate Bill No. 1007 or similar
28 legislation and the dedication of fees by House Bill No. 4341 or
29 similar legislation;

30 (2) the dedication of fee revenue by Senate Bill No.
31 1414 or similar legislation;

1 (3) the dedication of lottery proceeds by Senate Bill
2 No. 421, Senate Bill No. 1655, House Bill No. 1299, House Bill No.
3 4390, Senate Bill No. 1940, or similar legislation;

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

6 (5) the dedication of court costs by Senate Bill No.
7 333 or similar legislation;

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

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

12 (8) the dedication of revenue by House Bill No. 1965 or
13 similar legislation;

14 (9) the dedication of revenue by House Bill No. 2259 or
15 similar legislation;

16 (10) the dedication of fee revenue by Senate Bill No.
17 1587, House Bill No. 3359, or similar legislation;

18 (11) the dedication or rededication of revenue by
19 Senate Bill No. 1844 or similar legislation; and

20 (12) the dedication or rededication of revenue by
21 Senate Bill No. 862.

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

27 SECTION 7. TRUST FUNDS. (a) Section 2 of this Act does not
28 apply to trust funds or dedicated revenue deposited to trust funds
29 created under an Act of the 81st Legislature, Regular Session,
30 2009, except that the trust funds shall be held in the state
31 treasury, with the comptroller in trust, or outside the state

1 treasury with the comptroller's approval.

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

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

7 (2) the consumer assistance account created as a
8 restitution account in the attorney general's departmental
9 suspense account in the state treasury by Senate Bill No. 2350 or
10 similar legislation, or to revenue deposited to that account.

11 (c) Notwithstanding Subsection (a) of this section, Section
12 2 of this Act applies to:

13 (1) the system benefit fund and to revenue deposited
14 to the credit of that fund if that fund is purported to be
15 re-created by House Bill No. 1182 or similar legislation as a trust
16 fund; and

17 (2) the scholarship trust fund and to revenue
18 deposited to the credit of that fund if that fund is purported to be
19 created by House Bill No. 2440, Senate Bill No. 1412, or similar
20 legislation as a trust fund.

21 SECTION 8. BOND FUNDS. Section 2 of this Act does not apply
22 to bond funds and pledged funds created or affected by an Act of the
23 81st Legislature, Regular Session, 2009, except that the funds
24 shall be held in the state treasury, with the comptroller in trust,
25 or outside the state treasury with the comptroller's approval.

26 SECTION 9. CONSTITUTIONAL FUNDS. (a) Section 2 of this Act
27 does not apply to funds or accounts that would be created or
28 re-created by the Texas Constitution or revenue that would be
29 dedicated or rededicated by the Texas Constitution under a
30 constitutional amendment proposed by the 81st Legislature, Regular
31 Session, 2009, or to dedicated revenue deposited to funds or

1 accounts that would be so created or re-created, if the
2 constitutional amendment is approved by the voters.

3 (b) Section 2 of this Act does not apply to the national
4 research university fund or any revenue transferred or deposited to
5 or dedicated to that fund under House Bill No. 51, House Bill No.
6 4453, Senate Bill No. 1560, or similar legislation that becomes
7 law.

8 SECTION 10. SEPARATE FUNDS IN THE TREASURY. Effective
9 September 1, 2009, the following funds in the state treasury and the
10 revenue deposited to the credit of the funds are exempt from Section
11 2 of this Act and the funds are created as separate funds in the
12 state treasury, if created by an Act of the 81st Legislature,
13 Regular Session, 2009, that becomes law:

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

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

23 (3) the freestanding emergency medical care facility
24 licensing fund created by House Bill No. 1357 or similar
25 legislation.

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

29 (b) Notwithstanding any law dedicating or setting aside
30 revenue for a particular purpose or entity, dedicated revenues
31 that, on August 31, 2011 [~~2009~~], are estimated to exceed the amount

1 appropriated by the General Appropriations Act or other laws
2 enacted by the 81st [~~80th~~] Legislature are available for general
3 governmental purposes and are considered available for the purpose
4 of certification under Section 403.121.

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

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

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

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

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

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

17 SECTION 13. PHYSICIAN EDUCATION LOAN REPAYMENT PROGRAM.

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

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

28 (1) during the state fiscal year ending August 31,
29 2010:

30 (A) 15 percent of the amount of that revenue
31 described by those provisions shall be deposited to the credit of

1 the physician education loan repayment program account; and

2 (B) the remainder of that revenue shall be
3 deposited to the credit of the undedicated portion of the general
4 revenue fund;

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

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

9 (B) the remainder of that revenue shall be
10 deposited to the credit of the undedicated portion of the general
11 revenue fund; and

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

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

16 (B) the remainder of that revenue shall be
17 deposited to the credit of the undedicated portion of the general
18 revenue fund.

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

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

24 (1) the Texas transportation revolving fund or any
25 similar revolving fund created by or under Senate Bill No. 1350,
26 Senate Bill No. 505, Senate Bill No. 263, or similar legislation;
27 and

28 (2) the neighborhood and community recovery fund
29 created by Senate Bill No. 11, House Bill No. 4310, or similar
30 legislation.

31 SECTION 15. HEALTHY TEXAS SMALL EMPLOYER PREMIUM

1 STABILIZATION FUND. Sections 2 and 7 of this Act do not apply to the
2 healthy Texas small employer premium stabilization fund created by
3 Senate Bill No. 6 or similar legislation, or to dedicated revenue
4 deposited to that account.

5 SECTION 16. AMERICAN RECOVERY AND REINVESTMENT ACT FUND.

6 (a) Section 2 of this Act does not apply to the American Recovery
7 and Reinvestment Act fund created by Subsection (b) of this
8 section, or to revenue deposited to the fund.

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

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

13 (1) "Fund" means the American Recovery and
14 Reinvestment Act fund.

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

17 (b) The American Recovery and Reinvestment Act fund is
18 created as a special fund in the state treasury outside the general
19 revenue fund.

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

25 (d) Other money may be deposited to the credit of the fund as
26 appropriated by the legislature, as required by federal law, or as
27 necessary to account for money related to the recovery act. Money
28 deposited to the credit of the fund may only be used for the
29 purposes identified in the recovery act to stimulate the economy,
30 including aid for unemployment, welfare, education, health, and
31 infrastructure.

1 (e) Agencies shall transfer amounts between the fund and
2 other accounts and funds in the treasury as necessary to properly
3 account for money received under the recovery act as directed by the
4 comptroller. This section does not affect the authority of the
5 comptroller to establish and use accounts necessary to manage and
6 account for revenues and expenditures.

7 (f) Interest earned on money deposited to the credit of the
8 fund is exempt from Section 404.071. Interest earned on money in
9 the fund shall be retained in the fund.

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

12 SECTION 17. LICENSE PLATES. Sections 2 and 7 of this Act do
13 not apply to the dedication or rededication of specialty license
14 plate revenue or to an account or fund created or re-created by an
15 Act of the 81st Legislature, Regular Session, 2009, that becomes
16 law involving a specialty license plate.

17 SECTION 18. LARGE COUNTY AND MUNICIPALITY RECREATION AND
18 PARKS ACCOUNT. (a) On the effective date of this Act, the large
19 county and municipality recreation and parks account, established
20 by Section 39, Chapter 1159 (H.B. 12), Acts of the 80th Legislature,
21 Regular Session, 2007, is re-created by this section as an account
22 in the general revenue fund.

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

26 SECTION 19. EFFECT OF ACT. (a) This Act prevails over any
27 other Act of the 81st Legislature, Regular Session, 2009,
28 regardless of the relative dates of enactment, that purports to
29 create or re-create a special fund or account in the state treasury
30 or to dedicate or rededicate revenue to a particular purpose,
31 including any fund, account, or revenue dedication abolished under

1 former Section 403.094, Government Code.

2 (b) Revenue that, under the terms of another Act of the 81st
3 Legislature, Regular Session, 2009, would be deposited to the
4 credit of a special account or fund shall be deposited to the credit
5 of the undedicated portion of the general revenue fund unless the
6 fund, account, or dedication is exempted under this Act.

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

ADOPTED

FLOOR AMENDMENT NO. 2 MAY 27 2009 BY: Carron

Floor Amendment No. 1 Amend H.B. No. 4583 (~~senate committee printing~~) as follows:
Secretary of the Senate

(1) Add the following subdivisions, numbered appropriately, to Section 4 of the bill and renumber any subsequent subdivisions of that section accordingly:

(_) the Texas local participation transportation fund created as a dedicated account in the general revenue fund by Senate Bill No. 1383, House Bill No. 3917, or similar legislation;

ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 3

Patry Dew
Secretary of the Senate

BY: *John*
Yater

Floor Amd # 1 by

1 Amend/H.B. 4583 (senate committee printing) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS accordingly:

4 SECTION _____. The comptroller of public accounts shall, in
5 the comptroller's statement under Section 49-a, Article III,
6 Texas Constitution, to the 82nd Legislature on its convening,
7 include an estimate of general revenue dedicated account
8 balances based on the laws then in effect, separately
9 identifying those account balances available for certification.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4583 by Pitts (Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Passed 2nd House**

The fiscal implications of the bill cannot be determined at this time

Local Government Impact

The fiscal implications of the bill cannot be determined at this time

Source Agencies:

LBB Staff: JOB, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Steve Ogden, Chair, Senate Committee on Finance

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB4583** by Pitts (Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Engrossed**

The fiscal impact of provisions relating to the abolition of funds, accounts and revenue dedications would depend on other actions of the legislature.

The bill would abolish all funds, accounts, and revenue dedications created or recreated by the 81st Legislature, Regular Session (2009), unless specifically exempted under separate sections of this bill.

Any funds, accounts, or revenue dedications abolished under this bill would be deposited to the credit of the unobligated portion of the General Revenue Fund 0001.

The bill would define the state agencies to which this act would apply; and it would provide for the blanket abolition of new or re-created funds, accounts, and revenue dedications, unless they were specifically exempted in the bill.

The bill would exempt dedications, funds, and accounts that were enacted before the 81st Legislature convened to comply with the State Constitution or federal requirements, or that remained exempt from the abolishment and removal of dedication provisions of the former Section 403.094(h) of the Government Code and increases in existing fees that were previously dedicated or required to be deposited in a fund or account exempted prior to the 81st Legislature, Regular Session (2009).

The following funds, accounts, and dedications of revenue would be exempt from abolition by this bill, if created or re-created by Acts of the 81st Legislature, Regular Session (2009):

GR Account—Honesty-In-Premium;

GR Account 5129—Renewing Our Communities;

GR Account—Conservation of Marine Resources;

GR Account—Pretrial Victim-Offender Mediation Program;

GR Account 5112—Fuel Ethanol, Renewable Methane, and Biodiesel Production;

GR Account—Emergency Radio Infrastructure;

GR Account—Texas Nursery and Floral;

GR Account—Child Passenger Safety Seat Systems Purchase and Distribution;

GR Account—Trafficking of Persons Investigation and Prosecution;

GR Account—Texas Rural Development;

GR Account—Mathematics and Science Teacher Investment;

GR Account—Texas Rural Investment;

GR Account—Hospital District Airline Fares;

GR Account—Commission Advanced Clean Energy Project;

the Floodplain Management Fund;

the Special Fund for Special Rangers;

the Chris Kyker Endowment for Seniors Fund;

the Healthy Texas Small Employer Premium Stabilization Fund;

the American Recovery and Reinvestment Act Fund;

GR Account 5111—Emergency Medical Services, Trauma Facilities, and Trauma Care Systems;

GR Account 5100—System Benefit;

GR Account—Large County and Municipality Recreation and Parks;

the Health Care Access Fund;

federal revenues deposited to the American Recovery and Reinvestment Act Fund;

revenues deposited to the GR Account—Large County and Municipality Recreation and Parks;

prison payphone commissions revenues dedicated to GR Account 0469—Compensation to Victims of Crime;

revenue dedicated to GR Account 0036—Texas Department of Insurance Operating;

and the dedication of taxes, assessments, penalties or fees created by the following legislation: HB 77; SB 638; HB 982; SB 2187; HB 1286; SB 924; HB 1965; HB 2259; SB 1378; HB 2389; HB 4064; HB 4110; SB 2208; HB 1834; SB 161; HB 1406; SB 862; HB 2203; SB 1007; HB 4427; SB 1774; HB 2517; SB 2279; HB 2774; SB 6; HB 2750; SB 1257; HB 2536; HB 2154; HB 1876; SB 2527; or similar legislation.

Federal funds, created by the 81st Legislature, Regular Session (2009), for which separate accounting is required by federal law, would be exempt. These funds would be deposited into accounts within Fund 0001, unless otherwise required by federal law.

The bill would exempt all trust funds and bond funds created by the 81st Legislature, Regular Session (2009), except that all trust funds would have to be held in the State Treasury, with the Comptroller in trust, or outside the State Treasury with the Comptroller's approval.

The bill would exempt funds or accounts created or re-created or revenue dedicated or rededicated under a constitutional amendment proposed by an act of the 81st Legislature, Regular Session (2009), if approved by the voters.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the Comptroller as directed by the Legislature, to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations following certification of all appropriations enacted by the 81st Legislature. Dedicated revenues exceeding amounts

appropriated by the 81st Legislature are available for certification through August 31, 2011. Funds outside of the State Treasury, trust funds, funds created by the State Constitution or a court, and funds for which separate accounting was required by federal law would be exempt from this section. These provisions would expire September 1, 2011.

The provisions of this bill would prevail over any other act of the 81st Legislature, Regular Session (2009)—regardless of the date of enactment—purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury.

The funds, accounts, and revenue dedications that would be abolished and become part of Fund 0001 cannot be determined at this time. Any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill that are dependent upon the passage of another act of the 81st Legislature Regular Session (2009), are dependent upon appropriations made in the 2010-11 General Appropriations Act and cannot be estimated at this time.

This bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect August 31, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, SD, SJS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable Jim Pitts, Chair, House Committee on Appropriations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4583 by Pitts (Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **Committee Report 1st House, Substituted**

The fiscal impact of provisions relating to the abolition of funds, accounts and revenue dedications would depend on other actions of the legislature.

The bill would abolish all funds, accounts, and revenue dedications created or recreated by the 81st Legislature, Regular Session (2009), unless specifically exempted under separate sections of this bill.

Any funds, accounts, or revenue dedications abolished under this bill would be deposited to the credit of the unobligated portion of the General Revenue Fund 0001.

The bill would define the state agencies to which this act would apply; and it would provide for the blanket abolition of new or re-created funds, accounts, and revenue dedications, unless they were specifically exempted in the bill.

The bill would exempt dedications, funds, and accounts that were enacted before the 81st Legislature convened to comply with the State Constitution or federal requirements, or that remained exempt from the abolishment and removal of dedication provisions of the former Section 403.094(h) of the Government Code and increases in existing fees that were previously dedicated or required to be deposited in a fund or account exempted prior to the 81st Legislature, Regular Session (2009).

The following funds, accounts, and dedications of revenue would be exempt from abolition by this bill, if created or re-created by Acts of the 81st Legislature, Regular Session (2009):

GR Account 5129—Renewing Our Communities;

GR Account—Conservation of Marine Resources;

GR Account—Pretrial Victim-Offender Mediation Program;

GR Account 5112—Fuel Ethanol, Renewable Methane, and Biodiesel Production;

GR Account—Emergency Radio Infrastructure;

GR Account—Texas Nursery and Floral;

GR Account—Child Passenger Safety Seat Systems Purchase and Distribution;

GR Account—Trafficking of Persons Investigation and Prosecution;

GR Account—Texas Rural Development;

GR Account—Mathematics and Science Teacher Investment;

GR Account—Texas Rural Investment;

GR Account—Hospital District Airline Fares;

GR Account—Commission Advanced Clean Energy Project;

the Special Fund for Special Rangers;

the Chris Kyker Endowment for Seniors Fund;

the American Recovery and Reinvestment Act Fund;

GR Account 5111—Emergency Medical Services, Trauma Facilities, and Trauma Care Systems;

GR Account 5100—System Benefit;

GR Account—Large County and Municipality Recreation and Parks;

federal revenues deposited to the American Recovery and Reinvestment Act Fund;

revenues deposited to the GR Account—Large County and Municipality Recreation and Parks;

prison payphone commissions revenues dedicated to GR Account 0469—Compensation to Victims of Crime;

and the dedication of taxes, assessments, penalties or fees created by the following legislation: HB 77; SB 638; HB 982; SB 2187; HB 1286; SB 924; HB 1965; HB 2259; SB 1378; HB 2389; HB 4064; HB 4110; SB 2208; HB 183; SB 161; HB 1406; SB 862; HB 2203; SB 1007; HB 4427; SB 1774; HB 2517; SB 2279; HB 2774; or similar legislation.

Federal funds, created by the 81st Legislature, Regular Session (2009), for which separate accounting is required by federal law, would be exempt. These funds would be deposited into accounts within Fund 0001, unless otherwise required by federal law.

The bill would exempt all trust funds and bond funds created by the 81st Legislature, Regular Session (2009), except that all trust funds would have to be held in the State Treasury, with the Comptroller in trust, or outside the State Treasury with the Comptroller's approval.

The bill would exempt funds or accounts created or re-created or revenue dedicated or rededicated under a constitutional amendment proposed by an act of the 81st Legislature, Regular Session (2009), if approved by the voters.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the Comptroller as directed by the Legislature, to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations following certification of all appropriations enacted by the 81st Legislature. Dedicated revenues exceeding amounts appropriated by the 81st Legislature are available for certification through August 31, 2011. Funds outside of the State Treasury, trust funds, funds created by the State Constitution or a court, and funds for which separate accounting was required by federal law would be exempt from this section. These provisions would expire September 1, 2011.

The provisions of this bill would prevail over any other act of the 81st Legislature, Regular Session (2009)—regardless of the date of enactment—purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury.

The funds, accounts, and revenue dedications that would be abolished and become part of Fund 0001 cannot be determined at this time. Any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill that are dependent upon the passage of another act of the 81st Legislature Regular Session (2009), are dependent upon appropriations made in the 2010-11 General Appropriations Act and cannot be estimated at this time.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, SD, SJS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

TO: Honorable Jim Pitts, Chair, House Committee on Appropriations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4583 by Pitts (Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Introduced**

<p>The fiscal impact of provisions relating to the abolition of funds, accounts and revenue dedications would depend on other actions of the legislature.</p>
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The bill would abolish all funds, accounts, and revenue dedications created or recreated by the 81st Legislature, Regular Session (2009), unless specifically exempted under separate sections of this bill.

Any funds, accounts, or revenue dedications abolished under this bill would be deposited to the credit of the unobligated portion of the General Revenue Fund 0001.

The bill would define the state agencies to which this act would apply; and it would provide for the blanket abolition of new or re-created funds, accounts, and revenue dedications, unless they were specifically exempted in the bill.

The bill would exempt dedications, funds, and accounts that were enacted before the 81st Legislature convened to comply with the State Constitution or federal requirements, or that remained exempt from the abolishment and removal of dedication provisions of the former Section 403.094(h) of the Government Code and increases in existing fees that were previously dedicated or required to be deposited in a fund or account exempted prior to the 81st Legislature, Regular Session (2009).

The following funds, accounts, and dedications of revenue would be exempt from abolition by this bill, if created or re-created by Acts of the 81st Legislature, Regular Session (2009):

the Elderly and Disabled Persons Account;

the Assistant Public Defender Supplement Fund;

the Freestanding Emergency Medical Care Facility Licensing Fund; and

the dedication of the fee created by HB 1212, or similar legislation, for updating, developing and maintaining a state index of marriage license applications.

Federal funds, created by the 81st Legislature, Regular Session (2009), for which separate accounting is required by federal law, would be exempt. These funds would be deposited into accounts within Fund 0001, unless otherwise required by federal law.

The bill would exempt all trust funds and bond funds created by the 81st Legislature, Regular Session (2009), except that all trust funds would have to be held in the State Treasury, with the Comptroller in trust, or outside the State Treasury with the Comptroller's approval.

The bill would exempt funds or accounts created or re-created or revenue dedicated or rededicated under a constitutional amendment proposed by an act of the 81st Legislature, Regular Session (2009), if approved by the voters.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the Comptroller as directed by the Legislature, to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations following certification of all appropriations enacted by the 81st Legislature. Dedicated revenues exceeding amounts appropriated by the 81st Legislature are available for certification through August 31, 2011. Funds outside of the State Treasury, trust funds, funds created by the State Constitution or a court, and funds for which separate accounting was required by federal law would be exempt from this section. These provisions would expire September 1, 2011.

The bill would require the Comptroller, after the certification of the General Appropriations Act, to publish in the *Texas Register* and on the Internet, a report listing each dedicated fund or account, the amount appropriated from each fund or account for the biennium, and the estimated balance in each fund or account that remained unappropriated.

The provisions of this bill would prevail over any other act of the 81st Legislature, Regular Session (2009)—regardless of the date of enactment—purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury.

The funds, accounts, and revenue dedications that would be abolished and become part of Fund 0001 cannot be determined at this time. Any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill that are dependent upon the passage of another act of the 81st Legislature Regular Session (2009), are dependent upon appropriations made in the 2010-11 General Appropriations Act and cannot be estimated at this time.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, SD, SJS

