

1 AN ACT

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

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

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

14 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.
15 Except as otherwise specifically provided by this Act, all funds
16 and accounts created or re-created by an Act of the 84th
17 Legislature, Regular Session, 2015, that becomes law and all
18 dedications or rededications of revenue collected by a state agency
19 for a particular purpose by an Act of the 84th Legislature, Regular
20 Session, 2015, that becomes law are abolished on the later of August
21 31, 2015, or the date the Act creating or re-creating the fund or
22 account or dedicating or rededicating revenue takes effect.

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

1 (1) statutory dedications, funds, and accounts that
2 were enacted before the 84th Legislature convened to comply with
3 requirements of state constitutional or federal law;

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

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

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

12 SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not
13 apply to funds created under an Act of the 84th Legislature, Regular
14 Session, 2015, for which separate accounting is required by federal
15 law, except that the funds shall be deposited in accounts in the
16 general revenue fund unless otherwise required by federal law.

17 SECTION 5. TRUST FUNDS. Section 2 of this Act does not
18 apply to trust funds or dedicated revenue deposited to trust funds
19 created under an Act of the 84th Legislature, Regular Session,
20 2015, except that the trust funds shall be held in the state
21 treasury, with the comptroller in trust, or outside the state
22 treasury with the comptroller's approval.

23 SECTION 6. BOND FUNDS. Section 2 of this Act does not apply
24 to bond funds and pledged funds created or affected by an Act of the
25 84th Legislature, Regular Session, 2015, except that the funds
26 shall be held in the state treasury, with the comptroller in trust,
27 or outside the state treasury with the comptroller's approval.

1 SECTION 7. CONSTITUTIONAL FUNDS. Section 2 of this Act does
2 not apply to funds or accounts that would be created or re-created
3 by the Texas Constitution or revenue that would be dedicated or
4 rededicated by the Texas Constitution under a constitutional
5 amendment proposed by the 84th Legislature, Regular Session, 2015,
6 or to dedicated revenue deposited to funds or accounts that would be
7 so created or re-created, if the constitutional amendment is
8 approved by the voters.

9 SECTION 8. ADDITIONAL USES FOR DEDICATED FUNDS, ACCOUNTS,
10 OR REVENUE. Section 2 of this Act does not apply to a newly
11 authorized dedication of or use of a dedicated fund, a dedicated
12 account, or dedicated revenue as provided by an Act of the 84th
13 Legislature, Regular Session, 2015, to the extent that Act affects
14 a fund, an account, or revenue that was exempted from funds
15 consolidation before January 1, 2015. A dedicated fund, a
16 dedicated account, or dedicated revenue that was exempted from
17 funds consolidation before January 1, 2015, may be used as an Act of
18 the 84th Legislature, Regular Session, 2015, provides, and a change
19 in the name or authorized use of a previously exempted dedicated
20 fund or account does not affect the fund's or account's dedicated
21 nature.

22 SECTION 9. ENVIRONMENTAL RADIATION AND PERPETUAL CARE
23 ACCOUNT. On September 1, 2015, the environmental radiation and
24 perpetual care account created by Section 401.306, Health and
25 Safety Code, as enacted by Section 12, Chapter 1159 (S.B. 347), Acts
26 of the 83rd Legislature, Regular Session, 2013, is re-created by
27 this Act as an account in the general revenue fund, and all revenue

1 dedicated for deposit to the credit of the environmental radiation
2 and perpetual care account by a provision of Chapter 1159 (S.B.
3 347), Acts of the 83rd Legislature, Regular Session, 2013, is
4 rededicated by this Act for that purpose. Section 2 of this Act
5 does not apply to the account as re-created by this Act or a
6 dedication of revenue to the account as rededicated by this Act.

7 SECTION 10. SPECIAL FUND FOR MONEY RECEIVED FROM FEDERAL
8 GOVERNMENT. Section 2 of this Act does not apply to a special fund
9 in the state treasury established by the comptroller of public
10 accounts for the purpose of holding money received from the federal
11 government as authorized by House Bill No. 8, or by similar
12 legislation of the 84th Legislature, Regular Session, 2015, that
13 becomes law. If that law provides that the comptroller may not
14 deposit to the credit of the general revenue fund money received
15 from the federal government or accrued interest or other earnings
16 on money received from the federal government, Section 4 of this Act
17 does not apply to federal funds to which that law applies.

18 SECTION 11. ACCOUNTS IN GENERAL REVENUE FUND. Effective on
19 the later of the effective date of the Act creating or re-creating
20 the specified account or August 31, 2015, the following accounts
21 and the revenue deposited to the credit of those accounts are exempt
22 from Section 2 of this Act and the accounts are created or
23 re-created in the general revenue fund, if created or re-created by
24 an Act of the 84th Legislature, Regular Session, 2015, that becomes
25 law:

26 (1) the veterans recovery account, created as an
27 account in the general revenue fund by House Bill No. 175 or similar

1 legislation;

2 (2) the Texas B-On-time student loan account,
3 continued as an account in the general revenue fund by House Bill
4 No. 700 or similar legislation;

5 (3) the Texas farm and ranch lands conservation fund,
6 continued as an account in the general revenue fund by House Bill
7 No. 1925 or similar legislation;

8 (4) the Global Agricultural Innovation Institute
9 account, created as an account in the general revenue fund by House
10 Bill No. 3983 or similar legislation;

11 (5) the hospital perpetual care account, created as an
12 account in the general revenue fund by Senate Bill No. 424 or
13 similar legislation;

14 (6) the mathematics and science teacher investment
15 fund, continued as an account in the general revenue fund by Senate
16 Bill No. 686 or similar legislation;

17 (7) the account in the general revenue fund to which
18 certain fee revenue is deposited by the Texas Medical Board as
19 provided by Senate Bill No. 848 or similar legislation;

20 (8) the wine industry development fund, re-created as
21 an account in the general revenue fund by Senate Bill No. 880,
22 Senate Bill No. 881, or similar legislation;

23 (9) the professional development account, continued
24 as an account in the general revenue fund by Senate Bill No. 893 or
25 similar legislation;

26 (10) the compensation to child pornography victims
27 fund, created as an account in the general revenue fund by Senate

1 Bill No. 1010 or similar legislation;

2 (11) the truancy prevention and diversion fund,
3 re-created as an account in the general revenue fund by Senate Bill
4 No. 1925 or similar legislation; and

5 (12) the deferred maintenance fund, created as an
6 account in the general revenue fund by Senate Bill No. 2004 or
7 similar legislation.

8 SECTION 12. SEPARATE FUNDS. Effective on the later of the
9 effective date of the Act creating or re-creating the specified
10 fund or August 31, 2015, the following funds, if created or
11 re-created by an Act of the 84th Legislature, Regular Session,
12 2015, the revenue deposited to the funds, and the revenue dedicated
13 for deposit to the funds, are exempt from Section 2 of this Act, and
14 the funds are created or re-created as separate funds inside or
15 outside of the state treasury, as specified by the Act creating or
16 re-creating the fund:

17 (1) a separate fund established in the treasury of a
18 political subdivision or maintained by a state law enforcement
19 agency for scholarships for children of peace officers killed in
20 the line of duty as authorized by House Bill No. 530 or similar
21 legislation;

22 (2) the Texas research university fund, the Texas
23 comprehensive research fund, and the core research support fund
24 created or re-created as provided by House Bill No. 1000 or similar
25 legislation;

26 (3) a special fund outside the treasury created to
27 receive certain fees payable to the State Securities Board, as

1 provided by House Bill No. 2493 or similar legislation;

2 (4) the county road oil and gas fund, created as a
3 trust fund outside the treasury to be held and administered by the
4 comptroller of public accounts by House Bill No. 2521 or similar
5 legislation;

6 (5) the permanent fund supporting graduate medical
7 education, created as a special fund in the treasury by Senate Bill
8 No. 18 or similar legislation;

9 (6) a special fund to be maintained by the Texas
10 Appraiser Licensing and Certification Board, created as provided by
11 Senate Bill No. 1007 or similar legislation;

12 (7) the grain producer indemnity fund, created as a
13 trust fund outside the treasury by Senate Bill No. 1099 or similar
14 legislation; and

15 (8) the Texas Department of Motor Vehicles fund,
16 re-created as a special fund in the treasury by Senate Bill No. 1512
17 or similar legislation.

18 SECTION 13. REVENUE DEDICATIONS. Effective on the later of
19 the effective date of the Act dedicating or rededicating the
20 specified revenue or August 31, 2015, the following dedications or
21 rededications of revenue collected for a particular purpose are
22 exempt from Section 2 of this Act, if dedicated or rededicated by an
23 Act of the 84th Legislature, Regular Session, 2015:

24 (1) the dedication of revenue provided by House Bill
25 No. 14 or similar legislation;

26 (2) the dedication of certain fee revenue provided by
27 House Bill No. 984 or similar legislation;

1 (3) the dedication of certain revenue consisting of
2 penalties, payments, or civil restitution to the judicial fund
3 provided by House Bill No. 1079 or similar legislation;

4 (4) the dedication of voluntary contributions to the
5 fund for veterans' assistance provided by House Bill No. 1584 or
6 similar legislation;

7 (5) the dedication of fee revenue to the Texas
8 Department of Motor Vehicles fund by House Bill No. 2085 or similar
9 legislation;

10 (6) the dedication of tax revenue imposed under
11 Chapter 151, Tax Code, for deposit to the rural volunteer fire
12 department insurance fund as provided by Section 151.801(c-2), Tax
13 Code, as added by House Bill No. 2113, Senate Bill No. 761, or
14 similar legislation;

15 (7) the dedication of certain fee revenue by House
16 Bill No. 2145 or similar legislation;

17 (8) the dedication of certain penalty revenue to the
18 Texas Department of Insurance operating account as provided by
19 House Bill No. 2466 or similar legislation;

20 (9) the dedication of fee revenue to the Texas
21 Department of Insurance operating account by House Bill No. 2491 or
22 similar legislation;

23 (10) the dedication of fee revenue to the state
24 highway fund as provided by House Bill No. 2861 or similar
25 legislation;

26 (11) the dedication of voluntary contributions to the
27 Glenda Dawson Donate Life-Texas Registry fund and the dedication of

1 certain fee revenue to the Texas Mobility Fund provided by House
2 Bill No. 3283, Senate Bill No. 1561, or similar legislation;

3 (12) the dedication of voluntary contributions to the
4 fund for veterans' assistance provided by House Bill No. 3710 or
5 similar legislation;

6 (13) the dedication of certain money received by the
7 Texas Department of Transportation to the state highway fund by
8 House Bill No. 3868 or similar legislation;

9 (14) the dedication of tax revenue to the oil and gas
10 regulation and cleanup fund by House Bill No. 4034 or similar
11 legislation;

12 (15) the dedication of fee revenue by Senate Bill
13 No. 195 or similar legislation;

14 (16) the dedication of revenue by Senate Bill No. 204
15 or similar legislation;

16 (17) the dedication of revenue by Senate Bill No. 208
17 or similar legislation;

18 (18) the dedication of penalty revenue to the
19 compensation to victims of crime fund as provided by Senate Bill
20 No. 273 or similar legislation;

21 (19) the dedication of fee revenue to the state
22 highway fund and the Texas Department of Motor Vehicles fund
23 provided by Senate Bill No. 562 or similar legislation;

24 (20) the dedication of certain money received by the
25 Texas Department of Transportation to the state highway fund
26 provided by Senate Bill No. 638 or similar legislation;

27 (21) the dedication of fee revenue by Senate Bill

1 No. 699 or similar legislation;

2 (22) the dedication of certain revenue as provided by
3 Senate Bill No. 783 or similar legislation;

4 (23) the dedication of fee revenue to the Texas
5 Department of Housing and Community Affairs by Senate Bill No. 976
6 or similar legislation;

7 (24) the dedication of money received by the Parks and
8 Wildlife Department to the game, fish, and water safety account and
9 the state parks account by Senate Bill No. 1132 or similar
10 legislation;

11 (25) the dedication of fee revenue by House Bill
12 No. 2439 or similar legislation; and

13 (26) the dedication of fee revenue by House Bill
14 No. 872 or similar legislation.

15 SECTION 14. CREATION OF NEW ACCOUNTS FOR LICENSE PLATE
16 FEES. Section 2 of this Act does not apply to a new account created
17 for receipt of fees for special license plates or for receipt of
18 related revenue, gifts, or grants as provided by an Act of the 84th
19 Legislature, Regular Session, 2015, or to the dedication of revenue
20 to or contained in the new account. All license plate revenue shall
21 be deposited to the credit of appropriate subaccounts of the
22 License Plate Trust Fund No. 802.

23 SECTION 15. GOVERNOR'S UNIVERSITY RESEARCH INITIATIVE
24 FUND; DEDICATION OF REVENUE. Section 2 of this Act does not apply
25 to the governor's university research initiative fund or any other
26 fund created by House Bill No. 7, House Bill No. 26, Senate Bill
27 No. 632, or similar legislation of the 84th Legislature, Regular

1 Session, 2015, that becomes law, any dedication of revenue made to
2 the fund, or any dedication of revenue contained in the legislation
3 creating the fund.

4 SECTION 16. ACCOUNTS IN STATE BULLION DEPOSITORY. Section
5 2 of this Act does not apply to an account in the state bullion
6 depository created by House Bill No. 483 or similar legislation of
7 the 84th Legislature, Regular Session, 2015, that becomes law, or
8 any dedication of revenue made to such an account.

9 SECTION 17. FUND, ACCOUNT, OR REVENUE DEDICATION: HOUSE
10 BILL NO. 7. Section 2 of this Act does not apply to a fund, account,
11 or dedication of revenue created or re-created by House Bill No. 7
12 or similar legislation of the 84th Legislature, Regular Session,
13 2015.

14 SECTION 18. CONSUMER DIRECTED HEALTH PLAN ACCOUNTS.
15 Section 2 of this Act does not apply to a consumer directed health
16 plan account created by House Bill No. 966 or similar legislation
17 of the 84th Legislature, Regular Session, 2015, that becomes law.

18 SECTION 19. TEXASSURE FUND. (a) Effective September 1,
19 2015, Sections 502.357(b) and (c), Transportation Code, are amended
20 to read as follows:

21 (b) Fees collected under this section shall be deposited to
22 the credit of the state highway fund except that the comptroller
23 shall provide for a portion of the fees to be deposited first to the
24 credit of a special fund in the state treasury outside the general
25 revenue fund to be known as the TexasSure Fund in a total amount
26 that is necessary to cover the total amount appropriated to the
27 Texas Department of Insurance from that fund and for the remaining

1 fees to be deposited to the state highway fund. Subject to
2 appropriations, the money deposited to the credit of the state
3 highway fund under this section may [~~shall~~] be used by the
4 Department of Public Safety to:

5 (1) support the Department of Public Safety's
6 reengineering of the driver's license system to provide for the
7 issuance by the Department of Public Safety of a driver's license or
8 personal identification certificate, to include use of image
9 comparison technology;

10 (2) establish and maintain a system to support the
11 driver responsibility program under Chapter 708; and

12 (3) make lease payments to the master lease purchase
13 program for the financing of the driver's license reengineering
14 project.

15 (c) [~~Fees collected under this section shall be deposited to~~
16 ~~the credit of the state highway fund.~~] Subject to appropriation,
17 fees collected under this section [~~the money~~] may be used by the
18 Department of Public Safety, the Texas Department of Insurance, the
19 Department of Information Resources, and the department to carry
20 out Subchapter N, Chapter 601.

21 (b) Section 2 of this Act does not apply to the TexasSure
22 Fund or revenue dedicated to that fund.

23 SECTION 20. FLOODPLAIN PLANNING, MANAGEMENT, AND
24 EDUCATION. On September 1, 2015, the floodplain management account
25 created by Section 16.3161, Water Code, as enacted by Section 7,
26 Chapter 1323 (S.B. 1436), Acts of the 80th Legislature, Regular
27 Session, 2007, is re-created by this Act as a special fund in the

1 state treasury outside the general revenue fund, and all revenue
2 dedicated for deposit to the credit of the floodplain management
3 account by a provision of Chapter 1323 (S.B. 1436), Acts of the 80th
4 Legislature, Regular Session, 2007, is rededicated by this Act for
5 that purpose, except that revenue deposited to the floodplain
6 management account may be transferred to the Disaster Contingency
7 Fund No. 453 to be used for extraordinary costs associated with
8 flood risk analysis, planning, and public education. On September
9 1, 2015, the comptroller of public accounts shall transfer all
10 revenue estimated to be collected for deposit to the credit of the
11 floodplain management account in the 2016-2017 biennium to the
12 Disaster Contingency Fund No. 453. Section 2 of this Act does not
13 apply to the floodplain management account as re-created by this
14 Act or a dedication of revenue to the account or fund as dedicated
15 or rededicated by this Act.

16 SECTION 21. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
17 Effective September 1, 2015, Section 403.095, Government Code, is
18 amended by amending Subsections (b), (d), and (e) and adding
19 Subsection (f) to read as follows:

20 (b) Notwithstanding any law dedicating or setting aside
21 revenue for a particular purpose or entity, dedicated revenues that
22 on August 31, 2017 [~~2015~~], are estimated to exceed the amount
23 appropriated by the General Appropriations Act or other laws
24 enacted by the 84th [~~83rd~~] 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 84th [~~83rd~~
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) Notwithstanding Subsection (b), dedicated revenues in
22 the following accounts or funds or that by law are directed to be
23 deposited to the credit of the following accounts or funds are not
24 available for general governmental purposes and are not considered
25 available for certification under Section 403.121:

- 26 (1) the Texas Department of Insurance operating
27 account no. 0036;

- 1 (2) the lifetime license endowment account no. 0544;
2 (3) the permanent fund for health and tobacco
3 education and enforcement account no. 5044;
4 (4) the permanent fund for children and public health
5 account no. 5045;
6 (5) the permanent fund for emergency medical services
7 and trauma care account no. 5046;
8 (6) the permanent fund for rural health facility
9 capital improvement account no. 5047;
10 (7) the permanent hospital fund for capital
11 improvements and the Texas Center for Infectious Disease account
12 no. 5048;
13 (8) the child abuse and neglect prevention operating
14 fund account no. 5084;
15 (9) the child abuse and neglect prevention trust fund
16 account no. 5085; and
17 (10) the separate fund account of each institution of
18 higher education in the general revenue fund.

19 (f) This section expires September 1, 2017 [2015].

20 SECTION 22. EFFECT OF ACT. (a) This Act prevails over any
21 other Act of the 84th Legislature, Regular Session, 2015,
22 regardless of the relative dates of enactment, that purports to
23 create or re-create a special fund or account or to dedicate or
24 rededicate revenue to a particular purpose, including any fund,
25 account, or revenue dedication abolished under former Section
26 403.094, Government Code.

27 (b) An exemption from the application of Section [403.095](#),

1 Government Code, contained in another Act of the 84th Legislature,
2 Regular Session, 2015, that is exempted from the application of
3 Section 2 of this Act has no effect.

4 (c) Revenue that, under the terms of another Act of the 84th
5 Legislature, Regular Session, 2015, would be deposited to the
6 credit of a special account or fund shall be deposited to the credit
7 of the undedicated portion of the general revenue fund unless the
8 fund, account, or dedication is exempted under this Act.

9 SECTION 23. EFFECTIVE DATE. Except as otherwise provided
10 by this Act:

11 (1) this Act takes effect immediately if this Act
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution;
14 and

15 (2) if this Act does not receive the vote necessary for
16 immediate effect, this Act takes effect on the 91st day after the
17 last day of the legislative session.

President of the Senate

Speaker of the House

I certify that H.B. No. 6 was passed by the House on April 28, 2015, by the following vote: Yeas 141, Nays 1, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 6 on May 29, 2015, 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. 6 on May 31, 2015, by the following vote: Yeas 142, Nays 1, 2 present, not voting.

Chief Clerk of the House

H.B. No. 6

I certify that H.B. No. 6 was passed by the Senate, with amendments, on May 27, 2015, 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. 6 on May 31, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor