

1-1 By: Otto, et al. (Senate Sponsor - Hinojosa) H.B. No. 6
 1-2 (In the Senate - Received from the House April 29, 2015;
 1-3 May 6, 2015, read first time and referred to Committee on Finance;
 1-4 May 24, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 13, Nays 0; May 24, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18			X	
1-19	X			
1-20	X			
1-21	X			
1-22	X			
1-23			X	

1-24 COMMITTEE SUBSTITUTE FOR H.B. No. 6 By: Hinojosa

1-25 A BILL TO BE ENTITLED
 1-26 AN ACT

1-27 relating to the creation and re-creation of funds and accounts, the
 1-28 dedication and rededication of revenue, and the exemption of
 1-29 unappropriated money from use for general governmental purposes.

1-30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-31 SECTION 1. DEFINITION. In any provision of this Act that
 1-32 does not amend current law, "state agency" means an office,
 1-33 institution, or other agency that is in the executive branch or the
 1-34 judicial branch of state government, has authority that is not
 1-35 limited to a geographical portion of the state, and was created by
 1-36 the constitution or a statute of this state. The term does not
 1-37 include an institution of higher education as defined by Section
 1-38 61.003, Education Code.

1-39 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.
 1-40 Except as otherwise specifically provided by this Act, all funds
 1-41 and accounts created or re-created by an Act of the 84th
 1-42 Legislature, Regular Session, 2015, that becomes law and all
 1-43 dedications or rededications of revenue collected by a state agency
 1-44 for a particular purpose by an Act of the 84th Legislature, Regular
 1-45 Session, 2015, that becomes law are abolished on the later of August
 1-46 31, 2015, or the date the Act creating or re-creating the fund or
 1-47 account or dedicating or rededicating revenue takes effect.

1-48 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND
 1-49 ACCOUNTS. Section 2 of this Act does not apply to:

1-50 (1) statutory dedications, funds, and accounts that
 1-51 were enacted before the 84th Legislature convened to comply with
 1-52 requirements of state constitutional or federal law;

1-53 (2) dedications, funds, or accounts that remained
 1-54 exempt from former Section 403.094(h), Government Code, at the time
 1-55 dedications, accounts, and funds were abolished under that
 1-56 provision;

1-57 (3) increases in fees or in other revenue dedicated as
 1-58 described by this section; or

1-59 (4) increases in fees or in other revenue required to
 1-60 be deposited in a fund or account described by this section.

2-1 SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not
 2-2 apply to funds created under an Act of the 84th Legislature, Regular
 2-3 Session, 2015, for which separate accounting is required by federal
 2-4 law, except that the funds shall be deposited in accounts in the
 2-5 general revenue fund unless otherwise required by federal law.

2-6 SECTION 5. TRUST FUNDS. Section 2 of this Act does not
 2-7 apply to trust funds or dedicated revenue deposited to trust funds
 2-8 created under an Act of the 84th Legislature, Regular Session,
 2-9 2015, except that the trust funds shall be held in the state
 2-10 treasury, with the comptroller in trust, or outside the state
 2-11 treasury with the comptroller's approval.

2-12 SECTION 6. BOND FUNDS. Section 2 of this Act does not apply
 2-13 to bond funds and pledged funds created or affected by an Act of the
 2-14 84th Legislature, Regular Session, 2015, except that the funds
 2-15 shall be held in the state treasury, with the comptroller in trust,
 2-16 or outside the state treasury with the comptroller's approval.

2-17 SECTION 7. CONSTITUTIONAL FUNDS. Section 2 of this Act does
 2-18 not apply to funds or accounts that would be created or re-created
 2-19 by the Texas Constitution or revenue that would be dedicated or
 2-20 rededicated by the Texas Constitution under a constitutional
 2-21 amendment proposed by the 84th Legislature, Regular Session, 2015,
 2-22 or to dedicated revenue deposited to funds or accounts that would be
 2-23 so created or re-created, if the constitutional amendment is
 2-24 approved by the voters.

2-25 SECTION 8. ADDITIONAL USES FOR DEDICATED FUNDS, ACCOUNTS,
 2-26 OR REVENUE. Section 2 of this Act does not apply to a newly
 2-27 authorized dedication of or use of a dedicated fund, a dedicated
 2-28 account, or dedicated revenue as provided by an Act of the 84th
 2-29 Legislature, Regular Session, 2015, to the extent that Act affects
 2-30 a fund, an account, or revenue that was exempted from funds
 2-31 consolidation before January 1, 2015. A dedicated fund, a
 2-32 dedicated account, or dedicated revenue that was exempted from
 2-33 funds consolidation before January 1, 2015, may be used as an Act of
 2-34 the 84th Legislature, Regular Session, 2015, provides, and a change
 2-35 in the name or authorized use of a previously exempted dedicated
 2-36 fund or account does not affect the fund's or account's dedicated
 2-37 nature.

2-38 SECTION 9. TEXAS DEPARTMENT OF MOTOR VEHICLES FUND. On
 2-39 September 1, 2015, the Texas Department of Motor Vehicles fund
 2-40 created by Section [1001.151](#), Transportation Code, as enacted by
 2-41 Section 71, Chapter 1287 (H.B. 2202), Acts of the 83rd Legislature,
 2-42 Regular Session 2013, is re-created by this Act as a special fund in
 2-43 the state treasury outside the general revenue fund, and all
 2-44 revenue dedicated for deposit to the credit of the Texas Department
 2-45 of Motor Vehicles fund by a provision of Chapter 1287 (H.B. 2202),
 2-46 Acts of the 83rd Legislature, Regular Session, 2013, is rededicated
 2-47 by this Act for that purpose. Section 2 of this Act does not apply
 2-48 to the fund as re-created by this Act or a dedication of revenue to
 2-49 the fund as rededicated by this Act.

2-50 SECTION 10. ENVIRONMENTAL RADIATION AND PERPETUAL CARE
 2-51 ACCOUNT. On September 1, 2015, the environmental radiation and
 2-52 perpetual care account created by Section [401.306](#), Health and
 2-53 Safety Code, as enacted by Section 12, Chapter 1159 (S.B. 347), Acts
 2-54 of the 83rd Legislature, Regular Session, 2013, is re-created by
 2-55 this Act as an account in the general revenue fund, and all revenue
 2-56 dedicated for deposit to the credit of the environmental radiation
 2-57 and perpetual care account by a provision of Chapter 1159 (S.B.
 2-58 347), Acts of the 83rd Legislature, Regular Session, 2013, is
 2-59 rededicated by this Act for that purpose. Section 2 of this Act
 2-60 does not apply to the account as re-created by this Act or a
 2-61 dedication of revenue to the account as rededicated by this Act.

2-62 SECTION 11. SPECIAL FUND FOR MONEY RECEIVED FROM FEDERAL
 2-63 GOVERNMENT. Section 2 of this Act does not apply to a special fund
 2-64 in the state treasury established by the comptroller of public
 2-65 accounts for the purpose of holding money received from the federal
 2-66 government as authorized by House Bill No. 8, or by similar
 2-67 legislation of the 84th Legislature, Regular Session, 2015, that
 2-68 becomes law.

2-69 SECTION 12. AMENDMENT OF SECTION [403.095](#), GOVERNMENT CODE.

3-1 Effective September 1, 2015, Section 403.095, Government Code, is
3-2 amended by amending Subsections (b), (d), and (e) and adding
3-3 Subsection (f) to read as follows:

3-4 (b) Notwithstanding any law dedicating or setting aside
3-5 revenue for a particular purpose or entity, dedicated revenues that
3-6 on August 31, 2017 [~~2015~~], are estimated to exceed the amount
3-7 appropriated by the General Appropriations Act or other laws
3-8 enacted by the 84th [~~83rd~~] Legislature are available for general
3-9 governmental purposes and are considered available for the purpose
3-10 of certification under Section 403.121.

3-11 (d) Following certification of the General Appropriations
3-12 Act and other appropriations measures enacted by the 84th [~~83rd~~]
3-13 Legislature, the comptroller shall reduce each dedicated account as
3-14 directed by the legislature by an amount that may not exceed the
3-15 amount by which estimated revenues and unobligated balances exceed
3-16 appropriations. The reductions may be made in the amounts and at
3-17 the times necessary for cash flow considerations to allow all the
3-18 dedicated accounts to maintain adequate cash balances to transact
3-19 routine business. The legislature may authorize, in the General
3-20 Appropriations Act, the temporary delay of the excess balance
3-21 reduction required under this subsection. This subsection does not
3-22 apply to revenues or balances in:

- 3-23 (1) funds outside the treasury;
- 3-24 (2) trust funds, which for purposes of this section
3-25 include funds that may or are required to be used in whole or in part
3-26 for the acquisition, development, construction, or maintenance of
3-27 state and local government infrastructures, recreational
3-28 facilities, or natural resource conservation facilities;
- 3-29 (3) funds created by the constitution or a court; or
- 3-30 (4) funds for which separate accounting is required by
3-31 federal law.

3-32 (e) This section expires September 1, 2017 [~~2015~~].

3-33 SECTION 13. EFFECT OF ACT. (a) This Act prevails over any
3-34 other Act of the 84th Legislature, Regular Session, 2015,
3-35 regardless of the relative dates of enactment, that purports to
3-36 create or re-create a special fund or account or to dedicate or
3-37 rededicate revenue to a particular purpose, including any fund,
3-38 account, or revenue dedication abolished under former Section
3-39 403.094, Government Code.

3-40 (b) An exemption from the application of Section 403.095,
3-41 Government Code, contained in another Act of the 84th Legislature,
3-42 Regular Session, 2015, that is exempted from the application of
3-43 Section 2 of this Act has no effect.

3-44 (c) Revenue that, under the terms of another Act of the 84th
3-45 Legislature, Regular Session, 2015, would be deposited to the
3-46 credit of a special account or fund shall be deposited to the credit
3-47 of the undedicated portion of the general revenue fund unless the
3-48 fund, account, or dedication is exempted under this Act.

3-49 SECTION 14. EFFECTIVE DATE. Except as otherwise provided
3-50 by this Act:

3-51 (1) this Act takes effect immediately if this Act
3-52 receives a vote of two-thirds of all the members elected to each
3-53 house, as provided by Section 39, Article III, Texas Constitution;
3-54 and

3-55 (2) if this Act does not receive the vote necessary for
3-56 immediate effect, this Act takes effect on the 91st day after the
3-57 last day of the legislative session.

3-58 * * * * *