

SENATE AMENDMENTS

2nd Printing

By: Otto, Frank, et al.

H.B. No. 6

A BILL TO BE ENTITLED

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. TEXAS DEPARTMENT OF MOTOR VEHICLES FUND. On
23 September 1, 2015, the Texas Department of Motor Vehicles fund
24 created by Section 1001.151, Transportation Code, as enacted by
25 Section 71, Chapter 1287 (H.B. 2202), Acts of the 83rd Legislature,
26 Regular Session, 2013, is re-created by this Act as a special fund
27 in the state treasury outside the general revenue fund, and all

1 revenue dedicated for deposit to the credit of the Texas Department
2 of Motor Vehicles fund by a provision of Chapter 1287 (H.B. 2202),
3 Acts of the 83rd Legislature, Regular Session, 2013, is rededicated
4 by this Act for that purpose. Section 2 of this Act does not apply
5 to the fund as re-created by this Act or a dedication of revenue to
6 the fund as rededicated by this Act.

7 SECTION 10. ENVIRONMENTAL RADIATION AND PERPETUAL CARE
8 ACCOUNT. On September 1, 2015, the environmental radiation and
9 perpetual care account created by Section 401.306, Health and
10 Safety Code, as enacted by Section 12, Chapter 1159 (S.B. 347), Acts
11 of the 83rd Legislature, Regular Session, 2013, is re-created by
12 this Act as an account in the general revenue fund, and all revenue
13 dedicated for deposit to the credit of the environmental radiation
14 and perpetual care account by a provision of Chapter 1159 (S.B.
15 347), Acts of the 83rd Legislature, Regular Session, 2013, is
16 rededicated by this Act for that purpose. Section 2 of this Act
17 does not apply to the account as re-created by this Act or a
18 dedication of revenue to the account as rededicated by this Act.

19 SECTION 11. SPECIAL FUND FOR MONEY RECEIVED FROM FEDERAL
20 GOVERNMENT. Section 2 of this Act does not apply to a special fund
21 in the state treasury established by the comptroller of public
22 accounts for the purpose of holding money received from the federal
23 government as authorized by House Bill No. 8, or by similar
24 legislation of the 84th Legislature, Regular Session, 2015, that
25 becomes law.

26 SECTION 12. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
27 Effective September 1, 2015, Section 403.095, Government Code, is

1 amended by amending Subsections (b), (d), and (e) and adding
2 Subsection (f) to read as follows:

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

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

- 22 (1) funds outside the treasury;
- 23 (2) trust funds, which for purposes of this section
24 include funds that may or are required to be used in whole or in part
25 for the acquisition, development, construction, or maintenance of
26 state and local government infrastructures, recreational
27 facilities, or natural resource conservation facilities;

1 (3) funds created by the constitution or a court; or
2 (4) funds for which separate accounting is required by
3 federal law.

4 (e) Notwithstanding Subsection (b), dedicated revenues in
5 the following accounts or funds or that by law are directed to be
6 deposited to the credit of the following accounts or funds are not
7 available for general governmental purposes and are not considered
8 available for certification under Section 403.121:

9 (1) the Texas Department of Insurance operating
10 account no. 0036;

11 (2) the unemployment compensation special
12 administration fund no. 0165;

13 (3) the lifetime license endowment account no. 0544;

14 (4) the permanent fund for health and tobacco
15 education and enforcement account no. 5044;

16 (5) the permanent fund for children and public health
17 account no. 5045;

18 (6) the permanent fund for emergency medical services
19 and trauma care account no. 5046;

20 (7) the permanent fund for rural health facility
21 capital improvement account no. 5047;

22 (8) the permanent hospital fund for capital
23 improvements and the Texas Center for Infectious Disease account
24 no. 5048;

25 (9) the child abuse and neglect prevention operating
26 fund account no. 5084;

27 (10) the child abuse and neglect prevention trust fund

1 account no. 5085; and

2 (11) the separate fund account of each institution of
3 higher education in the general revenue fund.

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

5 SECTION 13. EFFECT OF ACT. (a) This Act prevails over any
6 other Act of the 84th Legislature, Regular Session, 2015,
7 regardless of the relative dates of enactment, that purports to
8 create or re-create a special fund or account or to dedicate or
9 rededicate revenue to a particular purpose, including any fund,
10 account, or revenue dedication abolished under former Section
11 403.094, Government Code.

12 (b) An exemption from the application of Section 403.095,
13 Government Code, contained in another Act of the 84th Legislature,
14 Regular Session, 2015, that is exempted from the application of
15 Section 2 of this Act has no effect.

16 (c) Revenue that, under the terms of another Act of the 84th
17 Legislature, Regular Session, 2015, would be deposited to the
18 credit of a special account or fund shall be deposited to the credit
19 of the undedicated portion of the general revenue fund unless the
20 fund, account, or dedication is exempted under this Act.

21 SECTION 14. EFFECTIVE DATE. Except as otherwise provided
22 by this Act:

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

27 (2) if this Act does not receive the vote necessary for

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1 immediate effect, this Act takes effect on the 91st day after the
2 last day of the legislative session.

ADOPTED

MAY 27 2015

Lotay Spaw
Secretary of the Senate

By: *J. J. King*

H.B. No. 6

Substitute the following for H.B. No. 6:

By: *J. J. King*

C.S. H.B. No. 6

A BILL TO BE ENTITLED

AN ACT

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

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

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

SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS. Except as otherwise specifically provided by this Act, all funds and accounts created or re-created by an Act of the 84th Legislature, Regular Session, 2015, that becomes law and all dedications or rededications of revenue collected by a state agency for a particular purpose by an Act of the 84th Legislature, Regular

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Session, 2015, that becomes law are abolished on the later of August 31, 2015, or the date the Act creating or re-creating the fund or account or dedicating or rededicating revenue takes effect.

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

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

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

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

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

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

SECTION 5. TRUST FUNDS. Section 2 of this Act does not apply to trust funds or dedicated revenue deposited to trust funds created under an Act of the 84th Legislature, Regular Session,

2015, except that the trust funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

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

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

SECTION 8. ADDITIONAL USES FOR DEDICATED FUNDS, ACCOUNTS, OR REVENUE. Section 2 of this Act does not apply to a newly authorized dedication of or use of a dedicated fund, a dedicated account, or dedicated revenue as provided by an Act of the 84th Legislature, Regular Session, 2015, to the extent that Act affects a fund, an account, or revenue that was exempted from funds consolidation before January 1, 2015. A dedicated fund, a dedicated account, or dedicated revenue that was exempted from funds consolidation before January 1, 2015, may be used as an Act

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of the 84th Legislature, Regular Session, 2015, provides, and a change in the name or authorized use of a previously exempted dedicated fund or account does not affect the fund's or account's dedicated nature.

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

SECTION 10. ENVIRONMENTAL RADIATION AND PERPETUAL CARE ACCOUNT. On September 1, 2015, the environmental radiation and perpetual care account created by Section 401.306, Health and Safety Code, as enacted by Section 12, Chapter 1159 (S.B. 347), Acts of the 83rd Legislature, Regular Session, 2013, is re-created by this Act as an account in the general revenue fund, and all revenue dedicated for deposit to the credit of the environmental radiation and perpetual care account by a provision of Chapter 1159 (S.B. 347), Acts of the 83rd Legislature, Regular Session, 2013, is

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rededicated by this Act for that purpose. Section 2 of this Act does not apply to the account as re-created by this Act or a dedication of revenue to the account as rededicated by this Act.

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

SECTION 12. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE. Effective September 1, 2015, Section 403.095, Government Code, is amended by amending Subsections (b), (d), and (e) and adding Subsection (f) to read as follows:

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

(d) Following certification of the General Appropriations Act and other appropriations measures enacted by the 84th [~~83rd~~] Legislature, the comptroller shall reduce each dedicated account as directed by the legislature by an amount that may not exceed the

amount by which estimated revenues and unobligated balances exceed appropriations. The reductions may be made in the amounts and at the times necessary for cash flow considerations to allow all the dedicated accounts to maintain adequate cash balances to transact routine business. The legislature may authorize, in the General Appropriations Act, the temporary delay of the excess balance reduction required under this subsection. This subsection does not apply to revenues or balances in:

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

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

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

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

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

SECTION 14. EFFECTIVE DATE. Except as otherwise provided by this Act:

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

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

ADOPTED

MAY 27 2015

FLOOR AMENDMENT NO. 1

Henry Sauer
Secretary of the Senate

BY: *J. J. King*

1 Amend C.S.H.B. No. 6 (senate committee printing) as
2 follows:

3 (1) Strike SECTION 9 of the bill (page 2, lines 38-49).

4 (2) In SECTION 10 of the bill, at the end of the section
5 heading (page 2, line 51), between "ACCOUNT" and the period,
6 insert "; REPEALER".

7 (3) In SECTION 10 of the bill, at the end of the first
8 sentence of the section (page 2, line 59), between "that
9 purpose" and the period, insert the following:

10 , except that Sections 401.207(d-1), (d-2), and (d-3), Health
11 and Safety Code, as added by Section 4, Chapter 1159 (S.B. 347),
12 Acts of the 83rd Legislature, Regular Session, 2013, are
13 repealed. The Texas Commission on Environmental Quality may use
14 revenue dedicated to the environmental radiation and perpetual
15 care account deposited to the credit of the low-level
16 radioactive waste fund as a result of a contract subject to
17 former Sections 401.207(d-1), (d-2), and (d-3), Health and
18 Safety Code, entered into before the effective date of this Act.

19 (4) Add the following at the end of SECTION 11 of the bill
20 (page 2, line 68):

21 If that law provides that the comptroller may not deposit to the
22 credit of the general revenue fund money received from the
23 federal government or accrued interest or other earnings on
24 money received from the federal government, Section 4 of this
25 Act does not apply to federal funds to which that law applies.

26 (5) In SECTION 12 of the bill, strike amended Section
27 403.095(e), Government Code (page 3, line 32), and substitute
28 the following:

29 (e) Notwithstanding Subsection (b), dedicated revenues in

1 the following accounts or funds or that by law are directed to
2 be deposited to the credit of the following accounts or funds
3 are not available for general governmental purposes and are not
4 considered available for certification under Section 403.121:

5 (1) the lifetime license endowment account no. 0544;

6 (2) the permanent fund for health and tobacco
7 education and enforcement account no. 5044;

8 (3) the permanent fund for children and public health
9 account no. 5045;

10 (4) the permanent fund for emergency medical services
11 and trauma care account no. 5046;

12 (5) the permanent fund for rural health facility
13 capital improvement account no. 5047;

14 (6) the permanent hospital fund for capital
15 improvements and the Texas Center for Infectious Disease account
16 no. 5048;

17 (7) the child abuse and neglect prevention operating
18 fund account no. 5084;

19 (8) the child abuse and neglect prevention trust fund
20 account no. 5085; and

21 (9) the separate fund account of each institution of
22 higher education in the general revenue fund.

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

24 (6) Add the following appropriately numbered SECTIONS to
25 the bill:

26 SECTION ____ . ACCOUNTS IN GENERAL REVENUE FUND. Effective
27 on the later of the effective date of the Act creating or re-
28 creating the specified account or August 31, 2015, the following
29 accounts and the revenue deposited to the credit of those
30 accounts are exempt from Section 2 of this Act and the accounts
31 are created or re-created in the general revenue fund, if

1 created or re-created by an Act of the 84th Legislature, Regular
2 Session, 2015, that become law:

3 (1) the veterans recovery account, created as an
4 account in the general revenue fund by House Bill No. 175 or
5 similar legislation;

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

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

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

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

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

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

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

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

30 (10) the compensation to child pornography victims
31 fund, created as an account in the general revenue fund by

1 Senate Bill No. 1010 or similar legislation;

2 (11) the truancy prevention and diversion fund,
3 recreated as an account in the general revenue fund by Senate
4 Bill 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 ____ . SEPARATE FUNDS. Effective on the later of
9 the effective date of the Act creating or re-creating the
10 specified fund or August 31, 2015, the following funds, if
11 created or re-created by an Act of the 84th Legislature, Regular
12 Session, 2015, the revenue deposited to the funds, and the
13 revenue dedicated for deposit to the funds, are exempt from
14 Section 2 of this Act, and the funds are created or re-created
15 as separate funds inside or outside of the state treasury, as
16 specified by the Act creating or 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
25 similar legislation;

26 (3) a special fund in the state treasury created to
27 receive certain fees payable to the State Securities Board, as
28 provided by House Bill No. 2493 or similar legislation;

29 (4) the county road oil and gas fund, created as a
30 trust fund outside the treasury to be held and administered by
31 the comptroller of public accounts by House Bill No. 2521 or

1 similar legislation;

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

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

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

11 (8) the Texas Department of Motor Vehicles fund, re-
12 created as a special fund in the treasury by Senate Bill No.
13 1512 or similar legislation.

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

21 (1) the dedication of revenue to the clean air
22 account provided by House Bill No. 14 or similar legislation;

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

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

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

31 (5) the dedication of fee revenue to the Texas

1 Department of Motor Vehicles fund by House Bill No. 2085 or
2 similar legislation;

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

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

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

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

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

19 (11) the dedication of voluntary contributions to the
20 Glenda Dawson Donate Life-Texas Registry fund provided by House
21 Bill No. 3283, Senate Bill No. 1561, or similar legislation;

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

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

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

31 (15) the dedication of fee revenue by Senate Bill No.

1 195 or similar legislation;

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

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

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

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

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

15 (21) the dedication of fee revenue by Senate Bill No.
16 699 or similar legislation;

17 (22) the dedication of certain revenue to the
18 insurance fraud unit as provided by Senate Bill No. 783 or
19 similar legislation;

20 (23) the dedication of fee revenue to the Texas
21 Department of Housing and Community Affairs by Senate Bill No.
22 976 or similar legislation;

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

27 (25) the dedication of fee revenue by House Bill No.
28 2439 or similar legislation; and

29 (26) the dedication of fee revenue by House Bill No.
30 872 or similar legislation.

31 SECTION ____ . CREATION OF NEW ACCOUNTS FOR LICENSE PLATE

1 FEES. Section 2 of this Act does not apply to a new account
2 created for receipt of fees for special license plates or for
3 receipt of related revenue, gifts, or grants as provided by an
4 Act of the 84th Legislature, Regular Session, 2015, or to the
5 dedication of revenue to or contained in the new account. All
6 license plate revenue shall be deposited to the credit of
7 appropriate subaccounts of the License Plate Trust Fund No. 802.

8 SECTION _____. GOVERNOR'S UNIVERSITY RESEARCH INITIATIVE
9 FUND; DEDICATION OF REVENUE. Section 2 of this Act does not
10 apply to the governor's university research initiative fund or
11 any other fund created by House Bill No. 7, House Bill No. 26,
12 Senate Bill No. 632, or similar legislation of the 84th
13 Legislature, Regular Session, 2015, that becomes law, any
14 dedication of revenue made to the fund, or any dedication of
15 revenue contained in the legislation creating the fund.

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

22 SECTION _____. FUND, ACCOUNT, OR REVENUE DEDICATION: HOUSE
23 BILL NO. 7. Section 2 of this Act does not apply to a fund,
24 account, or dedication of revenue created or re-created by House
25 Bill No. 7 or similar legislation of the 84th Legislature,
26 Regular Session, 2015.

27 SECTION _____. CONSUMER DIRECTED HEALTH PLAN ACCOUNTS.
28 Section 2 of this Act does not apply to a consumer directed
29 health plan account created by House Bill No. 966 or similar
30 legislation of the 84th Legislature, Regular Session, 2015, that
31 becomes law.

1 SECTION _____. TEXASSURE FUND. (a) Effective September 1,
2 2015, Sections 502.357(b) and (c), Transportation Code, are
3 amended to read as follows:

4 (b) Fees collected under this section shall be deposited
5 to the credit of the state highway fund except that the
6 comptroller shall provide for a portion of the fees to be
7 deposited first to the credit of a special fund in the state
8 treasury outside the general revenue fund to be known as the
9 TexasSure Fund in a total amount that is necessary to cover the
10 total amount appropriated to the Texas Department of Insurance
11 from that fund and for the remaining fees to be deposited to the
12 state highway fund. Subject to appropriations, the money
13 deposited to the credit of the state highway fund under this
14 section may [~~shall~~] be used by the Department of Public Safety
15 to:

16 (1) support the Department of Public Safety's
17 reengineering of the driver's license system to provide for the
18 issuance by the Department of Public Safety of a driver's
19 license or personal identification certificate, to include use
20 of image comparison technology;

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

23 (3) make lease payments to the master lease purchase
24 program for the financing of the driver's license reengineering
25 project.

26 (c) [~~Fees collected under this section shall be deposited~~
27 ~~to the credit of the state highway fund.~~] Subject to
28 appropriation, fees collected under this section [~~the money~~] may
29 be used by the Department of Public Safety, the Texas Department
30 of Insurance, the Department of Information Resources, and the
31 department to carry out Subchapter N, Chapter 601.

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

3 (7) Renumber the SECTIONS of the bill accordingly.

MAY 27 2015

BY: Chris Watson

Lacey Spaw
Secretary of the Senate

1 Amend Amendment No. to H.B. No. 6 (senate committee
2 printing) by adding the appropriately numbered SECTION and
3 renumbering subsequent SECTIONS accordingly:

4 SECTION . FLOODPLAIN ^{PLANNING} MAPPING, MANAGEMENT, AND EDUCATION.

5 On September 1, 2015, the Floodplain Management Account created
6 by Section 16.3161, Texas Water Code, as enacted by Section 7,
7 Chapter 1323 (S.B. 1436), Acts of the 80th Legislature, Regular
8 Session 2007, is re-created by this Act as a special fund in the
9 state treasury outside the general revenue fund, and all revenue
10 dedicated for deposit to the credit of the Floodplain Management
11 Account by a provision of Chapter 1323 (S.B. 1436), Acts of the
12 80th Legislature, Regular Session 2007, is rededicated by this
13 Act for that purpose, except that revenue deposited to the
14 Floodplain Management Account may be transferred to the Disaster
15 Contingency Fund No. 453 to be used for extraordinary costs
16 associated with flood risk analysis, ^{planning,} ~~mapping,~~ and public
17 education. On September 1, 2015, The Comptroller of Public
18 Accounts shall transfer all revenue estimated to be collected
19 for deposit to the credit of the Floodplain Management Account
20 in the 2016-17 biennium to the Disaster Contingency Fund No.
21 453. Section 2 of this Act does not apply to the Floodplain
22 Management Account as re-created by this Act or a dedication of
23 revenue to the account or fund as dedicated or rededicated by
24 this Act.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB6 by Otto (Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB6, As Passed 2nd House: a negative impact of (\$19,100,000) through the biennium ending August 31, 2017.

The bill would also result in a reduction of \$434,904,000 in amounts available for certification of the 2016-17 General Appropriations Act, associated with the exemption of certain General Revenue-Dedicated account balances from being available for that purpose.

Any other net gains or losses from the re-creation of existing funds or accounts as exempted in this bill are dependent upon the passage of another act of the Eighty-fourth Legislature, Regular Session, 2015, and are dependent upon appropriations made in the 2016-17 General Appropriations Act.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$12,600,000)
2017	(\$6,500,000)
2018	(\$9,550,000)
2019	(\$9,550,000)
2020	(\$9,500,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from General Revenue Fund 1	Probable Revenue Gain/(Loss) from Disaster Contingency Acct 453	Probable Revenue Gain/(Loss) from New General Revenue Dedicated - Environmental Radiation and Perpetual Care Account	Probable Certification Gain/Loss from Various General Revenue Dedicated Accounts
2016	(\$12,600,000)	\$6,100,000	\$6,596,000	(\$434,904,000)
2017	(\$6,500,000)	\$0	\$6,596,000	\$0
2018	(\$9,550,000)	\$0	\$6,596,000	\$0
2019	(\$9,550,000)	\$0	\$6,596,000	\$0
2020	(\$9,500,000)	\$0	\$6,596,000	\$0

Fiscal Year	Probable Revenue Gain/(Loss) from New Floodplain Management Account	Probable Savings/(Cost) from State Highway Fund 6	Probable Revenue Gain/(Loss) from New TexasSure Fund
2016	\$0	(\$5,175,000)	\$5,175,000
2017	\$0	(\$5,175,000)	\$5,175,000
2018	\$3,050,000	(\$5,175,000)	\$5,175,000
2019	\$3,050,000	(\$5,175,000)	\$5,175,000
2020	\$3,050,000	(\$5,175,000)	\$5,175,000

Fiscal Analysis

The bill would abolish all funds, accounts, and revenue dedications created or recreated by the Eighty-fourth Legislature, Regular Session, 2015, 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. The bill would define the entities to which this bill would apply; and it would provide for the 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 Eighty-fourth Legislature convened to comply with the State Constitution or federal law, 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 or in other revenue that were previously dedicated or required to be deposited in a fund or account exempted prior to the Eighty-fourth Legislature, Regular Session, 2015.

Federal funds, created by the Eighty-fourth Legislature, Regular Session, 2015, for which separate accounting is required by federal law, would be exempt. In particular, this bill would not apply to a special fund in the state treasury established by the Comptroller for the purpose of holding money received from the federal government as authorized by House Bill 8 or other similar legislation enacted by the Eighty-fourth Legislature, Regular Session, 2015.

The bill would exempt all trust funds and bond funds created by the Eighty-fourth Legislature, Regular Session, 2015, except that the funds would have to be held in the State Treasury, with the Comptroller in trust, or outside the State Treasury upon approval by the Comptroller.

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 Eighty-fourth Legislature, Regular Session, 2015, if approved by the voters.

The bill would re-create the Environmental Radiation and Perpetual Care Account created by Section 401.306, Health and Safety Code, as enacted by Section 12, Chapter 1159 (Senate Bill 347), Acts of the Eighty-third Legislature, Regular Session, 2013. All revenue that had been dedicated to that account by Senate Bill 347 would be rededicated for that purpose. Bill provisions would also exempt this account from abolition.

The bill would also re-create the Floodplain Management Account created by Section 16.3161, Texas Water Code, as enacted by Section 7, Chapter 1323 (Senate Bill 1436), Acts of the Eightieth Legislature, Regular Session, 2007. The account would be a special fund outside of the General Revenue Fund, but in the State Treasury. All revenue that had been dedicated to that account by Senate Bill 1436 would be rededicated for that purpose, except that revenue deposited to the Floodplain Account may be transferred to the General Revenue-Dedicated Disaster Contingency Fund No. 453 for extraordinary costs associated with flood risk analysis, planning, and public education. Bill provisions direct the Comptroller to transfer all revenue estimated to be deposited to the Floodplain Management Account in the 2016-17 Biennium to the General Revenue-Dedicated Disaster Contingency Fund No. 453 on September 1, 2015. Bill provisions would also exempt this account/fund from abolition.

The bill would amend Transportation Code, Section 502.357, to direct the Comptroller to deposit a portion of the financial responsibility program fees collected under this section to the credit of fund in the State Treasury, but outside of the General Revenue Fund, known as the TexasSure Fund in the amount necessary to cover the amounts appropriated to the Texas Department of Insurance from that fund. Both the TexasSure Fund and the dedication of financial responsibility of program fees to the Fund would be exempt from abolition under bill provisions.

The bill would amend Sections 403.095(b) and (d) of the Government Code to update references to the Eighty-fourth Legislature and to August 31, 2017. A new Section 403.095(e) would specify that the provisions of 403.095 would not apply to the following accounts or funds:

- (1) GR-D Account 544-Lifetime License Endowment;
- (2) GR-D Account 5044-Permanent Fund for Health and Tobacco Education and Enforcement;
- (3) GR-D Account 5045-Permanent Fund for Children and Public Health;
- (4) GR-D Account 5046-Permanent Fund for Emergency Medical Services and Trauma Care;
- (5) GR-D Account 5047-Permanent Hospital Fund for Rural Health Facility Capital Improvement;
- (6) GR-D Account 5048-Permanent Hospital Fund for Capital Improvements and the Texas Center for Infectious Disease;
- (7) GR-D Account 5084-Child Abuse and Neglect Prevention Operating;
- (8) GR-D Account 5085-Child Abuse and Neglect Prevention Trust; and
- (9) the separate current account of each institution of higher education in the General Revenue Fund.

With the exception of select General Revenue-Dedicated accounts, dedicated revenues exceeding amounts appropriated by the Eighty-fourth Legislature would be available for certification through August 31, 2017. 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, 2017.

Accounts created or recreated in the General Revenue Fund, and related revenue dedications that would not be abolished include: (1) the Veterans Recovery Account created by House Bill 175 or

similar legislation; (2) the Texas B-on-Time Student Loan Account continued as an account by House Bill 700 or similar legislation; (3) the Texas Farm and Ranchlands Conservation Fund continued as an account by House Bill 1925; (4) the Global Agricultural Innovation Institute Account created by House Bill 3983 or similar legislation; (5) the Hospital Perpetual Care Account created by Senate Bill 424 or similar legislation; (6) the Mathematics and Science Teacher Investment Fund continued as an account by Senate Bill 686 or similar legislation; (7) the account in the General Revenue Fund to which certain fee revenue is deposited by the Texas Medical Board as provided by Senate Bill 848 or similar legislation; (8) the Wine Industry Development re-created by Senate Bill 880 or similar legislation; (9) the Professional Development Account continued as an account by Senate Bill 893 or similar legislation; (10) the Compensation to Child Pornography Victims Fund created by Senate Bill 1010 or similar legislation; (11) the Truancy Prevention and Diversion Fund recreated by Senate Bill 1925 or similar legislation; and (12) the Deferred Maintenance Fund created by Senate Bill 2004 or similar legislation.

Funds created or recreated outside the General Revenue Fund, both inside and outside the State Treasury, and related revenue dedications that would not be abolished include: (1) a separate fund in the treasury of a political subdivision or maintained by a state law enforcement agency for scholarships for children of peace officers killed in the line of duty as authorized by House Bill 530 or similar legislation; (2) the Texas Research University Fund, the Texas Comprehensive Research Fund and the Core Research Support Fund created or recreated by House Bill 1000 or similar legislation; (3) a special fund in the State Treasury created to receive certain fees payable to the State Securities Board as provided by House Bill 2493 or similar legislation; (4) the County Road Oil and Gas Fund created as a trust fund outside the State Treasury to be administered by the Comptroller by House Bill 2521 or similar legislation; (5) the Permanent Fund Supporting Graduate Medical Education created by Senate Bill 18 or similar legislation; (6) a special fund to be maintained by the Texas Appraiser Licensing and Certification Board created by Senate Bill 1007 or similar legislation; (7) the Grain Producer Indemnity Fund created by Senate Bill 1099; and (8) the Texas Department of Motor Vehicles (DMV) Fund recreated by Senate Bill 1512 or similar legislation.

Revenue dedications or rededications that would not be abolished include: (1) the dedication of revenue to the General Revenue-Dedicated Clean Air Account No. 151 provided by House Bill 14 or similar legislation; (2) the dedication of certain fee revenue provided by House Bill 984 or similar legislation; (3) the dedication of revenue consisting of penalties, payments or civil restitution to Judicial Fund No. 573 provided by House Bill 1079 or similar legislation; (4) the dedication of voluntary contributions to the fund for veterans' assistance provided by House Bill 1584 or similar legislation; (5) the dedication of fee revenue to the DMV Fund by House Bill 2085 or similar legislation; (6) the dedication of tax revenue imposed under Chapter 151, Tax Code for deposit to the Rural Volunteer Fire Department Insurance Fund added by House Bill 2113, Senate Bill 761 or similar legislation; (7) the dedication of certain fee revenue by House Bill 2145 or similar legislation; (8) the dedication of certain penalty revenue and fee revenue to the Texas Department of Insurance Operating Account as provided by House Bill 2466 or similar legislation and House Bill 2491 or similar legislation; (9) the dedication of fee revenue to the State Highway Fund as provided by House Bill 2861 or similar legislation; (10) the dedication of voluntary contributions to the Glenda Dawson Donate Life-Texas Registry Fund provided by House Bill 3283, Senate Bill 1561 or similar legislation; (11) the dedication of voluntary contributions to the fund for veterans' assistance provided by House Bill 3710 or similar legislation; (12) the dedication of certain funds received by the Texas Department of Transportation to the State Highway Fund by House Bill 3868 or similar legislation and by Senate Bill 638 or similar legislation; (13) the dedication of tax revenue to the General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155 by House Bill 4034 or similar legislation; (14) the dedication of fee revenue by Senate Bill 195 or similar legislation; (15) the dedication of revenue

by Senate Bill 204 or similar legislation; (16) the dedication of revenue by Senate Bill 208 or similar legislation; (17) the dedication of penalty revenue to the Compensation of Victims of Crime Fund No. 469 by Senate Bill 273 or similar legislation; (18) the dedication of fee revenue to the State Highway Fund and the DMV fund by Senate Bill 562 or similar legislation; (19) the dedication of fee revenue by Senate Bill 699 or similar legislation; (20) the dedication of certain revenue to the Insurance Fraud Unit as provided by Senate Bill 783 or similar legislation; (21) the dedication of fee revenue to the Texas Department of Housing and Community Affairs by Senate Bill 976 or similar legislation; (22) the dedication of funds received by the Texas Parks and Wildlife Department to the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9 and the General Revenue-Dedicated State Parks Account No. 64 by Senate Bill 1132 or similar legislation; (23) the dedication of fee revenue by House Bill 2439 or similar legislation; and (24) the dedication of fee revenue by House Bill 872 or similar legislation.

New specialty license plate accounts created by the Eighty-fourth Legislature would be exempt from abolition. Additionally, under bill provisions, all license plate revenue would be deposited to the credit of the appropriate subaccount in the License Plate Trust Fund No. 802.

Any accounts, funds or revenue dedications associated with the Governor's University Research Initiative Fund or any other fund created by House Bill 7, House Bill 26, Senate Bill 632 or similar legislation, Eighty-fourth Legislature, Regular Session, 2015, would be exempt from abolition. Any accounts, funds or revenue dedications associated with the State Bullion Depository created by House Bill 483 or similar legislation, Eighty-fourth Legislature, Regular Session, 2015, would be exempt from abolition. Any accounts, funds or revenue dedications created or recreated by House Bill 7 or similar legislation, Eighty-fourth Legislature, Regular Session, 2015, would be exempt from abolition. Finally, any consumer-directed healthcare plan accounts created by House Bill 966 or similar legislation, Eighty-fourth Legislature, Regular Session, 2015, would be exempt from abolition.

The provisions of this bill would prevail over any other act of the Eighty-fourth Legislature, Regular Session, 2015, regardless of the date of enactment, purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury, or amending Section 403.095 of the Government Code.

This bill would take effect immediately upon enactment, assuming it received the requisite two-thirds majority vote in both houses of the Legislature. Otherwise, it would take effect on the 91st day after the last day of the legislative session.

Methodology

This bill has various fiscal effects, some of which may be estimated at this time and others which cannot because they are dependent on the passage of other bills and appropriation decisions by the Eighty-fourth Legislature.

Bill provisions that would exempt select General Revenue-Dedicated accounts from Government Code, Section 403.095(b), would reduce the amount of funds available for general purpose spending in the 2016-17 Biennium by \$434.9 million. This estimated fiscal impact is based on the fiscal year 2015 ending balances for the affected accounts as reported in the Biennial Revenue Estimate for the 2016-17 Biennium and does not reflect appropriation decisions by the Eighty-fourth Legislature that may affect these account balances. The amount of unappropriated funds in the select General Revenue-Dedicated accounts above that would not be available for certification purposes in subsequent biennia would depend on actions of future Legislatures and cannot be determined at this time.

The revenue dedication for the Floodplain Management Account is the first \$3.05 million in insurance maintenance taxes received in the state fiscal year. Rededicating the first \$3.05 million in insurance maintenance taxes received in each fiscal year to the Floodplain Management Account would result in a corresponding loss in the same amount to the General Revenue Fund. Bill provisions would require the CPA to transfer an amount equal to the estimate of revenue to be deposited to the Floodplain Management Account in the 2016-17 Biennium to the General Revenue-Dedicated Disaster Contingency Fund No. 453 on September 1, 2015. This amount, \$6.1 million, is included in the tables above as a loss to the General Revenue Fund in fiscal year 2016 and a gain to the General Revenue-Dedicated Disaster Contingency Fund No. 453 in fiscal year 2016. For purposes of this analysis, it is assumed that the \$3.05 million deposit of insurance maintenance taxes to the Floodplain Management Account would begin in fiscal year 2018 and continue thereafter.

Based on the Biennial Revenue Estimate for the 2016-17 Biennium, the loss to the General Revenue Fund due to rededicating the 20 percent surcharge on non-party compact waste to the General Revenue-Dedicated Environmental Radiation and Perpetual Care Account is \$6.5 million each fiscal year or \$13.0 million for the biennium. According to the Texas Commission on Environmental Quality, provisions in the bill would affect certain license fees and would, in turn, increase annual revenue to the new dedicated Environmental Radiation and Perpetual Care account by \$96,000.

The fiscal impact of establishing the TexasSure Fund is based on fiscal year 2015 appropriations to the TDI for the TexasSure Motor Responsibility Verification Program. This analysis assumes that no funds from the TexasSure Fund would be used for employee salaries or benefits.

Finally, the fiscal impact relating to other funds, accounts, and revenue dedications that would be abolished and become part of the General Revenue Fund cannot be determined at this time. Similarly, any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill are dependent upon the passage of another act of the Eighty-fourth Legislature and appropriation decisions and cannot be estimated at this time.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: UP, KK, JJ, ZS, SD

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Jane Nelson, Chair, Senate Committee on Finance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB6 by Otto (relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB6, Committee Report 2nd House, Substituted: a negative impact of (\$263,722,000) through the biennium ending August 31, 2017; in the same period, there will be an increase to the Motor Vehicles Fund of \$250,722,000 and to a new General Revenue-Dedicated account of \$13,000,000 associated with the General Revenue reduction.

Any other net gains or losses from the re-creation of existing funds or accounts as exempted in this bill are dependent upon the passage of another act of the Eighty-fourth Legislature, Regular Session, 2015, and are dependent upon appropriations made in the 2016-17 General Appropriations Act.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$130,410,000)
2017	(\$133,312,000)
2018	(\$135,848,000)
2019	(\$138,435,000)
2020	(\$141,074,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from General Revenue Fund 1	Probable Revenue Gain/(Loss) from New General Revenue Dedicated - Environmental Radiation and Perpetual Care Account	Probable Revenue Gain/(Loss) from New DMV Fund (Other Fund)
2016	(\$130,410,000)	\$6,596,000	\$123,910,000
2017	(\$133,312,000)	\$6,596,000	\$126,812,000
2018	(\$135,848,000)	\$6,596,000	\$129,348,000
2019	(\$138,435,000)	\$6,596,000	\$131,935,000
2020	(\$141,074,000)	\$6,596,000	\$134,574,000

Fiscal Analysis

This bill would abolish all funds, accounts, and revenue dedications created or recreated by the Eighty-fourth Legislature, Regular Session, 2015, 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. The bill would define the entities to which this bill would apply; and it would provide for the 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 Eighty-fourth Legislature convened to comply with the State Constitution or federal law, 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 or in other revenue that were previously dedicated or required to be deposited in a fund or account exempted prior to the Eighty-fourth Legislature, Regular Session, 2015.

Federal funds, created by the Eighty-fourth Legislature, Regular Session, 2015, for which separate accounting is required by federal law, would be exempt. In particular, this bill would not apply to a special fund in the state treasury established by the Comptroller for the purpose of holding money received from the federal government as authorized by House Bill 8 or other similar legislation enacted by the Eighty-fourth Legislature, Regular Session, 2015.

The bill would exempt all trust funds and bond funds created by the Eighty-fourth Legislature, Regular Session, 2015, except that the funds would have to be held in the State Treasury, with the Comptroller in trust, or outside the State Treasury upon approval by the Comptroller.

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 Eighty-fourth Legislature, Regular Session, 2015, if approved by the voters.

The bill would re-create the Texas Department of Motor Vehicles (DMV) fund created by Section 1001.151, Transportation Code, as enacted by Section 71, Chapter 1287 (House Bill 2202), Acts of the Eighty-third Legislature, Regular Session, 2013. The new fund would be a special fund in the state treasury outside the General Revenue Fund. All revenue that had been dedicated to the DMV fund by House Bill 2202 would be rededicated for that purpose.

The bill would re-create the Environmental Radiation and Perpetual Care account created by Section 401.306, Health and Safety Code, as enacted by Section 12, Chapter 1159 (Senate Bill

347), Acts of the Eighty-third Legislature, Regular Session, 2013. All revenue that had been dedicated to that account by Senate Bill 347 would be rededicated for that purpose.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to update references to the Eighty-fourth Legislature and to August 31, 2017.

With certain exceptions, dedicated revenues exceeding amounts appropriated by the 84th Legislature would be available for certification through August 31, 2017. 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, 2017.

The provisions of this bill would prevail over any other act of the Eighty-fourth Legislature, Regular Session, 2015, regardless of the date of enactment, purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury, or amending Section 403.095 of the Government Code.

This bill would take effect immediately upon enactment, assuming it received the requisite two-thirds majority vote in both houses of the Legislature. Otherwise, it would take effect on the 91st day after the last day of the legislative session.

Methodology

This bill has various fiscal effects, some of which may be estimated at this time and others which cannot because they are dependent on the passage of other bills and appropriation decisions by the Eighty-fourth Legislature.

According to the Comptroller (CPA), the estimated loss to the General Revenue Fund due to re-establishing the Texas Department of Motor Vehicles (DMV) Fund is \$250.7 million for the 2016-17 Biennium. The General Revenue loss due to the transfer to the DMV Fund in future years was projected forward at a 2 percent growth rate. The estimated transfer in fiscal year 2016 from the General Revenue Fund to the DMV Fund does not include unspent General Revenue-Dedicated appropriations for the 2014-15 biennium pursuant to House Bill 2202, Eighty-third Legislature, 2013, since that amount is unknown at this time.

Based on the Biennial Revenue Estimate for the 2016-17 Biennium, the loss to the General Revenue Fund due to rededicating the 20 percent surcharge on non-party compact waste to the General Revenue-Dedicated Environmental Radiation and Perpetual Care Account is \$6.5 million each fiscal year or \$13.0 million for the biennium. According to the Texas Commission on Environmental Quality, provisions in the bill would affect certain license fees and would, in turn, increase annual revenue to the new dedicated Environmental Radiation and Perpetual Care account by \$96,000.

Since provisions in this bill related to separate accounting for federal funds and a special fund in the State Treasury to hold federal funds depends on the passage of other, House Bill 8, or similar, legislation by the Eighty-fourth Legislature, the fiscal effects of these provisions are not reflected in the All Funds table above.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: UP, KK, JJ, ZS, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 21, 2015

TO: Honorable Jane Nelson, Chair, Senate Committee on Finance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB6 by Otto (Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB6, As Engrossed: a negative impact of (\$263,722,000) through the biennium ending August 31, 2017; in the same period, there will be an increase to the Motor Vehicles Fund of \$250,722,000 and to a new General Revenue-Dedicated account of \$13,000,000 associated with the General Revenue reduction.

The bill would also result in a reduction of \$553,465,000 in amounts available for certification of the 2016-17 General Appropriations Act, associated with the exemption of certain General Revenue-Dedicated account balances from being available for that purpose.

Any other net gains or losses from the re-creation of existing funds or accounts as exempted in this bill are dependent upon the passage of another act of the Eighty-fourth Legislature, Regular Session, 2015, and are dependent upon appropriations made in the 2016-17 General Appropriations Act.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$130,410,000)
2017	(\$133,312,000)
2018	(\$135,848,000)
2019	(\$138,435,000)
2020	(\$141,074,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from General Revenue Fund 1	Probable Certification Gain/Loss from General Revenue Dedicated Funds	Probable Revenue Gain/(Loss) from New General Revenue Dedicated - Environmental Radiation and Perpetual Care Account	Probable Revenue Gain/(Loss) from New DMV Fund (Other Fund)
2016	(\$130,410,000)	(\$553,465,000)	\$6,596,000	\$123,910,000
2017	(\$133,312,000)	\$0	\$6,596,000	\$126,812,000
2018	(\$135,848,000)	\$0	\$6,596,000	\$129,348,000
2019	(\$138,435,000)	\$0	\$6,596,000	\$131,935,000
2020	(\$141,074,000)	\$0	\$6,596,000	\$134,574,000

Fiscal Analysis

This bill would abolish all funds, accounts, and revenue dedications created or recreated by the Eighty-fourth Legislature, Regular Session, 2015, 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. The bill would define the entities to which this bill would apply; and it would provide for the 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 Eighty-fourth Legislature convened to comply with the State Constitution or federal law, 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 or in other revenue that were previously dedicated or required to be deposited in a fund or account exempted prior to the Eighty-fourth Legislature, Regular Session, 2015.

Federal funds, created by the Eighty-fourth Legislature, Regular Session, 2015, for which separate accounting is required by federal law, would be exempt. In particular, this bill would not apply to a special fund in the state treasury established by the Comptroller for the purpose of holding money received from the federal government as authorized by House Bill 8 or other similar legislation enacted by the Eighty-fourth Legislature, Regular Session, 2015.

The bill would exempt all trust funds and bond funds created by the Eighty-fourth Legislature, Regular Session, 2015, except that the funds would have to be held in the State Treasury, with the Comptroller in trust, or outside the State Treasury upon approval by the Comptroller.

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 Eighty-fourth Legislature, Regular Session, 2015, if approved by the voters.

The bill would re-create the Texas Department of Motor Vehicles (DMV) fund created by Section 1001.151, Transportation Code, as enacted by Section 71, Chapter 1287 (House Bill 2202), Acts of the Eighty-third Legislature, Regular Session, 2013. The new fund would be a special fund in the state treasury outside the General Revenue Fund. All revenue that had been dedicated to the DMV fund by House Bill 2202 would be rededicated for that purpose.

The bill would re-create the Environmental Radiation and Perpetual Care account created by Section 401.306, Health and Safety Code, as enacted by Section 12, Chapter 1159 (Senate Bill 347), Acts of the Eighty-third Legislature, Regular Session, 2013. All revenue that had been dedicated to that account by Senate Bill 347 would be rededicated for that purpose.

The bill would amend Sections 403.095(b) and (d) of the Government Code to update references to the Eighty-fourth Legislature and to August 31, 2017. A new Section 403.095(e) would specify that the provisions of 403.095 would not apply to the following accounts or funds:

- (1) General Revenue- Dedicated (GR-D) Account 36-Texas Department of Insurance Operating;
- (2) GR-D Account 165-Unemployment Compensation Special Administration;
- (3) GR-D Account 544-Lifetime License Endowment;
- (4) GR-D Account 5044-Permanent Fund for Health and Tobacco Education and Enforcement;
- (5) GR-D Account 5045-Permanent Fund for Children and Public Health;
- (6) GR-D Account 5046-Permanent Fund for Emergency Medical Services and Trauma Care;
- (7) GR-D Account 5047-Permanent Hospital Fund for Rural Health Facility Capital Improvement;
- (8) GR-D Account 5048-Permanent Hospital Fund for Capital Improvements and the Texas Center for Infectious Disease;
- (9) GR-D Account 5084-Child Abuse and Neglect Prevention Operating;
- (10) GR-D Account 5085-Child Abuse and Neglect Prevention Trust; and
- (11) the separate current account of each institution of higher education in the General Revenue Fund.

With certain exceptions, dedicated revenues exceeding amounts appropriated by the 84th Legislature would be available for certification through August 31, 2017. 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, 2017.

The provisions of this bill would prevail over any other act of the Eighty-fourth Legislature, Regular Session, 2015, regardless of the date of enactment, purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury, or amending Section 403.095 of the Government Code.

This bill would take effect immediately upon enactment, assuming it received the requisite two-thirds majority vote in both houses of the Legislature. Otherwise, it would take effect on the 91st day after the last day of the legislative session.

Methodology

This bill has various fiscal effects, some of which may be estimated at this time and others which cannot because they are dependent on the passage of other bills and appropriation decisions by the Eighty-fourth Legislature.

Bill provisions that would exempt select General Revenue-Dedicated accounts from Government Code, Section 403.095(b), would reduce the amount of funds available for general purpose spending in the 2016-17 Biennium by \$553.5 million. This estimated fiscal impact is based on the fiscal year 2015 ending balances for the affected accounts as reported in the Biennial Revenue Estimate for the 2016-17 Biennium and does not reflect appropriation decisions by the Eighty-fourth Legislature that may affect these account balances. The amount of unappropriated funds in the select General Revenue-Dedicated accounts above that would not be available for certification purposes in subsequent biennia would depend on actions of future Legislatures and cannot be

determined at this time.

According to the Comptroller (CPA), the estimated loss to the General Revenue Fund due to re-establishing the Texas Department of Motor Vehicles (DMV) Fund is \$250.7 million for the 2016-17 Biennium. The General Revenue loss due to the transfer to the DMV Fund in future years was projected forward at a 2 percent growth rate. The estimated transfer in fiscal year 2016 from the General Revenue Fund to the DMV Fund does not include unspent General Revenue-Dedicated appropriations for the 2014-15 biennium pursuant to House Bill 2202, Eighty-third Legislature, 2013, since that amount is unknown at this time.

Based on the Biennial Revenue Estimate for the 2016-17 Biennium, the loss to the General Revenue Fund due to rededicating the 20 percent surcharge on non-party compact waste to the General Revenue-Dedicated Environmental Radiation and Perpetual Care Account is \$6.5 million each fiscal year or \$13.0 million for the biennium. According to the Texas Commission on Environmental Quality, provisions in the bill would affect certain license fees and would, in turn, increase annual revenue to the new dedicated Environmental Radiation and Perpetual Care account by \$96,000.

Since provisions in this bill related to separate accounting for federal funds and a special fund in the State Treasury to hold federal funds depends on the passage of other, House Bill 8, or similar, legislation by the Eighty-fourth Legislature, the fiscal effects of these provisions are not reflected in the All Funds table above.

Finally, the fiscal impact relating to other funds, accounts, and revenue dedications that would be abolished and become part of the General Revenue Fund cannot be determined at this time. Similarly, any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill are dependent upon the passage of another act of the Eighty-fourth Legislature and appropriation decisions and cannot be estimated at this time.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: UP, KK, JJ, ZS, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 7, 2015

TO: Honorable John Otto, Chair, House Committee on Appropriations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB6 by Otto (Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Introduced**

Any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill are dependent upon the passage of another act of the 84th Legislature, Regular Session (2015) and are dependent upon appropriations made in the 2016-17 General Appropriations Act.

The bill would abolish all funds, accounts, and revenue dedications created or recreated by the 84th Legislature, Regular Session (2015), 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 General Revenue Fund 0001.

The bill would define the state agencies to which this bill would apply; and it would provide for the 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 84th Legislature convened to comply with the State Constitution or federal law, 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 or in other revenue that were previously dedicated or required to be deposited in a fund or account exempted prior to the 84th Legislature, Regular Session (2015).

Federal funds, created by the 84th Legislature, Regular Session (2015), for which separate accounting is required by federal law, would be exempt. Those funds would be deposited into accounts within General Revenue Fund 0001, unless otherwise required by federal law.

The bill would exempt all trust funds and bond funds created by the 84th Legislature, Regular Session (2015), except that the 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 84th Legislature, Regular Session (2015), 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 84th Legislature. Dedicated revenues exceeding amounts appropriated by the 84th Legislature would be available for certification through August 31, 2017. 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, 2017.

The provisions of this bill would prevail over any other act of the 84th Legislature, Regular Session (2015)-regardless of the date of enactment-purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury, or amending Section 403.095 of the Government Code.

This bill would take effect immediately upon enactment, assuming it received the requisite two-thirds majority vote in both houses of the Legislature. Otherwise, it would take effect on the 91st day after the last day of the legislative session.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: UP, KK, SD