

House Bill 6
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HOUSE VERSION

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 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;

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SECTION 1. Same as House version.

SECTION 2. Same as House version.

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- (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

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SECTION 4. Same as House version.

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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 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.

No equivalent provision.

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SECTION 8. Same as House version.

SECTION ____ FLOODPLAIN PLANNING, MANAGEMENT, AND EDUCATION. On September 1, 2015, the Floodplain Management Account created by Section 16.3161, Texas Water Code, as enacted by Section 7, Chapter 1323 (S.B. 1436), Acts of the 80th Legislature, Regular Session 2007, is re-created by this Act as a special fund in the state treasury outside the general revenue fund, and all

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revenue dedicated for deposit to the credit of the Floodplain Management Account by a provision of Chapter 1323 (S.B. 1436), Acts of the 80th Legislature, Regular Session 2007, is rededicated by this Act for the purpose, except that revenue deposited to the Floodplain Management Account may be transferred to the Disaster Contingency Fund No. 453 to be used for extraordinary costs associated with the flood risk analysis, planning, and public education. On September 1, 2015, The Comptroller of Public Accounts shall transfer all revenue estimated to be collected for deposit to the credit of the Floodplain Management Account in the 2016-17 biennium to the Disaster Contingency Fund No. 453. Section 2 of this Act does not apply to the Floodplain Management Account as re-created by this Act or a dedication of revenue to the account or fund as dedicated or rededicated by this Act.

[FA2]

No equivalent provision. [Deleted by FA1(1)]

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.

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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 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

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SECTION 10. ENVIRONMENTAL RADIATION AND PERPETUAL CARE ACCOUNT; REPEALER.

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

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. [FA1(2)-(3)]

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

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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.

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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. If that law provides that the comptroller may not deposit to the credit of the general revenue fund money received from the federal government or accrued interest or other earnings on money received from the federal government, Section 4 of this Act does not apply to federal funds to which that law applies. [FA1(4)]

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.

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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) Notwithstanding Subsection (b), dedicated revenues in the following accounts or funds or that by law are directed to be deposited to the credit of the following accounts or funds are not available for general governmental purposes and are not considered available for certification under Section 403.121:
- (1) the Texas Department of Insurance operating account no. 0036;
 - (2) the unemployment compensation special administration fund no. 0165;
 - (3) the lifetime license endowment account no. 0544;
 - (4) the permanent fund for health and tobacco education and enforcement account no. 5044;
 - (5) the permanent fund for children and public health account no. 5045;
 - (6) the permanent fund for emergency medical services and trauma care account no. 5046;
 - (7) the permanent fund for rural health facility capital improvement account no. 5047;
 - (8) the permanent hospital fund for capital improvements and

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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) Notwithstanding Subsection (b), dedicated revenues in the following accounts or funds or that by law are directed to be deposited to the credit of the following accounts or funds are not available for general governmental purposes and are not considered available for certification under Section 403.121:
- (1) the lifetime license endowment account no. 0544;
 - (2) the permanent fund for health and tobacco education and enforcement account no. 5044;
 - (3) the permanent fund for children and public health account no. 5045;
 - (4) the permanent fund for emergency medical services and trauma care account no. 5046;
 - (5) the permanent fund for rural health facility capital improvement account no. 5047;
 - (6) the permanent hospital fund for capital improvements and

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the Texas Center for Infectious Disease account no. 5048;
(9) the child abuse and neglect prevention operating fund
account no. 5084;
(10) the child abuse and neglect prevention trust fund account
no. 5085; and
(11) the separate fund account of each institution of higher
education in the general revenue fund.
(f) 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

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the Texas Center for Infectious Disease account no. 5048;
(7) the child abuse and neglect prevention operating fund
account no. 5084;
(8) the child abuse and neglect prevention trust fund account
no. 5085; and
(9) the separate fund account of each institution of higher
education in the general revenue fund.
(f) This section expires September 1, 2017 [~~2015~~]. [FA1(5)]

SECTION 13. Same as House version.

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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.

No equivalent provision.

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

- (1) the veterans recovery account, created as an account in the general revenue fund by House Bill No. 175 or similar legislation;
- (2) the Texas B-On-time student loan account, continued as an account in the general revenue fund by House Bill No. 700 or similar legislation;
- (3) the Texas farm and ranch lands conservation fund, continued as an account in the general revenue fund by House Bill No. 1925 or similar legislation;
- (4) the Global Agricultural Innovation Institute account, created as an account in the general revenue fund by House Bill No. 3983 or similar legislation;
- (5) the hospital perpetual care account, created as an account in the general revenue fund by Senate Bill No. 424 or similar legislation;
- (6) the mathematics and science teacher investment fund, continued as an account in the general revenue fund by Senate

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Bill No. 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 No. 848 or similar legislation;
(8) the wine industry development fund, re-created as an account in the general revenue fund by Senate Bill No. 880, Senate Bill No. 881, or similar legislation;
(9) the professional development account, continued as an account in the general revenue fund by Senate Bill No. 893 or similar legislation;
(10) the compensation to child pornography victims fund, created as an account in the general revenue fund by Senate Bill No. 1010 or similar legislation;
(11) the truancy prevention and diversion fund, recreated as an account in the general revenue fund by Senate Bill No. 1925 or similar legislation; and
(12) the deferred maintenance fund, created as an account in the general revenue fund by Senate Bill No. 2004 or similar legislation. [FA1(6)]

No equivalent provision.

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

(1) a separate fund established in the treasury of a political

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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 No. 530 or similar legislation;

(2) the Texas research university fund, the Texas comprehensive research fund, and the core research support fund created or re-created as provided by House Bill No. 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 No. 2493 or similar legislation;

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

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

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

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

(8) the Texas Department of Motor Vehicles fund, re-created as a special fund in the treasury by Senate Bill No. 1512 or similar legislation. [FA1(6)]

No equivalent provision.

SECTION __. REVENUE DEDICATIONS. Effective on the later of the effective date of the Act dedicating or rededicating the specified revenue or August 31, 2015, the following

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dedications or rededications of revenue collected for a particular purpose are exempt from Section 2 of this Act, if dedicated or rededicated by an Act of the 84th Legislature, Regular Session, 2015:

- (1) the dedication of revenue to the clean air account provided by House Bill No. 14 or similar legislation;
- (2) the dedication of certain fee revenue provided by House Bill No. 984 or similar legislation;
- (3) the dedication of certain revenue consisting of penalties, payments, or civil restitution to the judicial fund provided by House Bill No. 1079 or similar legislation;
- (4) the dedication of voluntary contributions to the fund for veterans' assistance provided by House Bill No. 1584 or similar legislation;
- (5) the dedication of fee revenue to the Texas Department of Motor Vehicles fund by House Bill No. 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 as provided by Section 151.801(c-2), Tax Code, as added by House Bill No. 2113, Senate Bill No. 761, or similar legislation;
- (7) the dedication of certain fee revenue by House Bill No. 2145 or similar legislation;
- (8) the dedication of certain penalty revenue to the Texas Department of Insurance operating account as provided by House Bill No. 2466 or similar legislation;
- (9) the dedication of fee revenue to the Texas Department of Insurance operating account by House Bill No. 2491 or similar legislation;
- (10) the dedication of fee revenue to the state highway fund as provided by House Bill No. 2861 or similar legislation;

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- (11) the dedication of voluntary contributions to the Glenda Dawson Donate Life-Texas Registry fund provided by House Bill No. 3283, Senate Bill No. 1561, or similar legislation;
- (12) the dedication of voluntary contributions to the fund for veterans' assistance provided by House Bill No. 3710 or similar legislation;
- (13) the dedication of certain money received by the Texas Department of Transportation to the state highway fund by House Bill No. 3868 or similar legislation;
- (14) the dedication of tax revenue to the oil and gas regulation and cleanup fund by House Bill No. 4034 or similar legislation;
- (15) the dedication of fee revenue by Senate Bill No. 195 or similar legislation;
- (16) the dedication of revenue by Senate Bill No. 204 or similar legislation;
- (17) the dedication of revenue by Senate Bill No. 208 or similar legislation;
- (18) the dedication of penalty revenue to the compensation to victims of crime fund as provided by Senate Bill No. 273 or similar legislation;
- (19) the dedication of fee revenue to the state highway fund and the Texas Department of Motor Vehicles fund provided by Senate Bill No. 562 or similar legislation;
- (20) the dedication of certain money received by the Texas Department of Transportation to the state highway fund provided by Senate Bill No. 638 or similar legislation;
- (21) the dedication of fee revenue by Senate Bill No. 699 or similar legislation;
- (22) the dedication of certain revenue to the insurance fraud unit as provided by Senate Bill No. 783 or similar legislation;
- (23) the dedication of fee revenue to the Texas Department of

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Housing and Community Affairs by Senate Bill No. 976 or similar legislation;
(24) the dedication of money received by the Parks and Wildlife Department to the game, fish, and water safety account and the state parks account by Senate Bill No. 1132 or similar legislation;
(25) the dedication of fee revenue by House Bill No. 2439 or similar legislation; and
(26) the dedication of fee revenue by House Bill No. 872 or similar legislation. [FA1(6)]

No equivalent provision.

SECTION __. CREATION OF NEW ACCOUNTS FOR LICENSE PLATE FEES. Section 2 of this Act does not apply to a new account created for receipt of fees for special license plates or for receipt of related revenue, gifts, or grants as provided by an Act of the 84th Legislature, Regular Session, 2015, or to the dedication of revenue to or contained in the new account. All license plate revenue shall be deposited to the credit of appropriate subaccounts of the License Plate Trust Fund No. 802. [FA1(6)]

No equivalent provision.

SECTION __. GOVERNOR'S UNIVERSITY RESEARCH INITIATIVE FUND; DEDICATION OF REVENUE. Section 2 of this Act does not apply to the governor's university research initiative fund or any other fund created by House Bill No. 7, House Bill No. 26, Senate Bill No. 632, or similar legislation of the 84th Legislature, Regular Session, 2015, that becomes law, any dedication of revenue made to the fund, or any dedication of revenue contained in the legislation creating the fund. [FA1(6)]

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SECTION __. ACCOUNTS IN STATE BULLION DEPOSITORY. Section 2 of this Act does not apply to an account in the state bullion depository created by House Bill No. 483 or similar legislation of the 84th Legislature, Regular Session, 2015, that becomes law, or any dedication of revenue made to such an account. [FA1(6)]

No equivalent provision.

SECTION __. FUND, ACCOUNT, OR REVENUE DEDICATION: HOUSE BILL NO. 7. Section 2 of this Act does not apply to a fund, account, or dedication of revenue created or re-created by House Bill No. 7 or similar legislation of the 84th Legislature, Regular Session, 2015. [FA1(6)]

No equivalent provision.

SECTION __. CONSUMER DIRECTED HEALTH PLAN ACCOUNTS. Section 2 of this Act does not apply to a consumer directed health plan account created by House Bill No. 966 or similar legislation of the 84th Legislature, Regular Session, 2015, that becomes law. [FA1(6)]

No equivalent provision.

SECTION __. TEXASSURE FUND. (a) Effective September 1, 2015, Sections 502.357(b) and (c), Transportation Code, are amended to read as follows:
(b) Fees collected under this section shall be deposited to the credit of the state highway fund except that the comptroller shall provide for a portion of the fees to be deposited first to the credit of a special fund in the state treasury outside the general revenue fund to be known as the TexasSure Fund in a

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total amount that is necessary to cover the total amount appropriated to the Texas Department of Insurance from that fund and for the remaining fees to be deposited to the state highway fund. Subject to appropriations, the money deposited to the credit of the state highway fund under this section may ~~shall~~ be used by the Department of Public Safety to:

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

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

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

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

(b) Section 2 of this Act does not apply to the TexasSure Fund or revenue dedicated to that fund. [FA1(6)]