

By: Pitts

H.B. No. 4583

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation and re-creation of funds and accounts in
3 the state treasury, the dedication and rededication of revenue, and
4 the exemption of unappropriated money from use for general
5 governmental purposes.

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

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

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

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

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

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

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

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

14 SECTION 4. ACCOUNTS IN GENERAL REVENUE FUND. Effective on
15 the later of August 31, 2009, or the date the Act creating or
16 re-creating the account takes effect, the following account and the
17 revenue deposited to the credit of the account is exempt from
18 Section 2 of this Act and is created in the general revenue fund, if
19 created or re-created by an Act of the 81st Legislature, Regular
20 Session, 2009, that becomes law:

21 (1) the elderly and disabled persons account created
22 by House Bill No. 216 or similar legislation.

23 SECTION 5. FUNDS TO BECOME ACCOUNTS. Effective on the later
24 of August 31, 2009, or the date the Act creating or re-creating the
25 fund takes effect, the following fund in the state treasury or fund
26 otherwise with the comptroller is re-created as an account in the
27 general revenue fund, to the extent allowed by the Texas

1 Constitution, and the account and the revenue deposited to the
2 credit of the account are exempt from Section 2 of this Act, if
3 created or re-created by an Act of, or constitutional amendment
4 proposed by, the 81st Legislature, Regular Session, 2009, that
5 becomes law or is approved by the voters, as applicable:

6 (1) the assistant public defender supplement fund
7 created by House Bill No. 199 or similar legislation.

8 SECTION 6. REVENUE DEDICATION. Effective on the later of
9 August 31, 2009, or the date the Act dedicating or rededicating the
10 revenue takes effect, the following dedication or rededication of
11 revenue collected by a state agency for a particular purpose is
12 exempt from Section 2 of this Act, if dedicated or rededicated by an
13 Act of the 81st Legislature, Regular Session, 2009, that becomes
14 law:

15 (1) the dedication of the fee created by House Bill No.
16 1212, or similar legislation, for the purpose of updating,
17 developing, and maintaining the state index of marriage license
18 applications and declarations of informal marriage and the state
19 index of reports of divorces or annulments of marriage.

20 SECTION 7. FEDERAL FUNDS. Section 2 of this Act does not
21 apply to funds created pursuant to an Act of the 81st Legislature,
22 Regular Session, 2009, for which separate accounting is required by
23 federal law, except that the funds shall be deposited in accounts in
24 the general revenue fund unless otherwise required by federal law.

25 SECTION 8. TRUST FUNDS. Section 2 of this Act does not
26 apply to trust funds or dedicated revenue deposited to trust funds
27 created under an Act of the 81st Legislature, Regular Session,

1 2009, except that the trust funds shall be held in the state
2 treasury, with the comptroller in trust, or outside the state
3 treasury with the comptroller's approval.

4 SECTION 9. BOND FUNDS. Section 2 of this Act does not apply
5 to bond funds and pledged funds created or affected by an Act of the
6 81st Legislature, Regular Session, 2009, except that the funds
7 shall be held in the state treasury, with the comptroller in trust,
8 or outside the state treasury with the comptroller's approval.

9 SECTION 10. CONSTITUTIONAL FUNDS. Section 2 of this Act
10 does not apply to funds or accounts that would be created or
11 re-created by the Texas Constitution or revenue that would be
12 dedicated or rededicated by the Texas Constitution under a
13 constitutional amendment proposed by the 81st Legislature, Regular
14 Session, 2009, or to dedicated revenue deposited to funds or
15 accounts that would be so created or re-created, if the
16 constitutional amendment is approved by the voters.

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

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

26 SECTION 12. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
27 Effective September 1, 2009, Sections 403.095(b), (d), and (e),

1 Government Code, are amended to read as follows:

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

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

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

1 (4) funds for which separate accounting is required by
2 federal law.

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

4 SECTION 13. CERTAIN REVENUES DEDICATED TO COMPENSATION TO
5 VICTIMS OF CRIME FUND. (a) Section 495.025(c), Government Code, as
6 added by Section 1, Chapter 100 (S.B. 1580), Acts of the 80th
7 Legislature, Regular Session, 2007, is reenacted to read as
8 follows:

9 (c) The department shall transfer 50 percent of all
10 commissions paid to the department by a vendor under this section to
11 the compensation to victims of crime fund established by Subchapter
12 B, Chapter 56, Code of Criminal Procedure, and the other 50 percent
13 to the credit of the undedicated portion of the general revenue
14 fund, except that the department shall transfer the first \$10
15 million of the commissions collected in any given year under a
16 contract awarded under this section to the compensation to victims
17 of crime fund established by Subchapter B, Chapter 56, Code of
18 Criminal Procedure. This section does not reduce any appropriation
19 to the department.

20 (b) Revenues dedicated to the compensation to victims of
21 crime fund by Section 495.025(c), Government Code, as added by
22 Section 1, Chapter 100 (S.B. 1580), Acts of the 80th Legislature,
23 Regular Session, 2007, is rededicated to that fund by this section
24 and that rededication is exempt from Section 2 of this Act.

25 SECTION 14. EFFECT OF ACT. (a) This Act prevails over any
26 other Act of the 81st Legislature, Regular Session, 2009,
27 regardless of the relative dates of enactment, that purports to

1 create or re-create a special fund or account in the state treasury
2 or to dedicate or rededicate revenue to a particular purpose,
3 including any fund, account, or revenue dedication abolished under
4 former Section 403.094, Government Code.

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

10 SECTION 15. EFFECTIVE DATE. This Act takes effect
11 immediately if it receives a vote of two-thirds of all the members
12 elected to each house, as provided by Section 39, Article III, Texas
13 Constitution. If this Act does not receive the vote necessary for
14 immediate effect, this Act takes effect on the 91st day after the
15 last day of the legislative session.