

By: Luna

H.B. No. 3318

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 allocation of revenue, the dedication and
4 rededication of revenue, and the exemption of unappropriated money
5 from use for general 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 78th Legislature, Regular Session, 2003, 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 78th Legislature, Regular Session, 2003,
22 that becomes law are abolished on the later of September 1, 2003, 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 78th 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. SYSTEM BENEFIT FUND. (a) Section 39.903(a),
15 Utilities Code, as amended by Section 3, Chapter 1394, and Section
16 19(a), Chapter 1466, Acts of the 77th Legislature, Regular Session,
17 2001, is reenacted and amended to read as follows:

18 (a) The system benefit fund is an account in the general
19 revenue fund. Money in the account ~~[that]~~ may be appropriated only
20 for the purposes provided by this section or other law. Interest
21 earned on the system benefit fund shall be credited to the fund.
22 Section 403.095, Government Code, does not apply to the system
23 benefit fund.

24 (b) On the effective date of this Act, the system benefit
25 fund is re-created as an account in the general revenue fund, and
26 the account and the revenue deposited to the credit of the account
27 are exempt from Section 2 of this Act.

1 SECTION 5. SUBSEQUENT INJURY FUND. (a) Section
2 403.006(a), Labor Code, is amended to read as follows:

3 (a) The subsequent injury fund is an account in the general
4 revenue fund. Money in the account may be appropriated only for the
5 purposes of this section or as provided by other law. Section
6 403.095, Government Code, does not apply to the subsequent injury
7 fund [a special fund in the state treasury].

8 (b) On the effective date of this Act, the subsequent injury
9 fund is re-created as an account in the general revenue fund, and
10 the account and the revenue deposited to the credit of the account
11 are exempt from Section 2 of this Act.

12 SECTION 6. TERTIARY CARE ACCOUNT. The tertiary care
13 account is re-created by this Act. Money in the account and money
14 required by law to be put in the account is rededicated for the
15 purposes provided by Chapter 46, Health and Safety Code. The
16 account and money put in the account are exempt from Section 2 of
17 this Act.

18 SECTION 7. LICENSE PLATES. The following funds, accounts,
19 and dedications of revenue are exempt from Section 2 of this Act if
20 created by an Act of the 78th Legislature, Regular Session, 2003,
21 that becomes law:

22 (1) the specialty license plate account created by
23 Senate Bill No. 1704 and revenue dedicated by that bill; and

24 (2) the specialty license plate fund created by House
25 Bill No. 3106 and revenue dedicated by that bill.

26 SECTION 8. FEDERAL FUNDS. Section 2 of this Act does not
27 apply to funds created pursuant to an Act of the 78th Legislature,

1 Regular Session, 2003, for which separate accounting is required by
2 federal law, except that the funds shall be deposited in accounts in
3 the general revenue fund unless otherwise required by federal law.

4 SECTION 9. TRUST FUNDS. Section 2 of this Act does not
5 apply to trust funds or dedicated revenue deposited to trust funds
6 created under an Act of the 78th Legislature, Regular Session,
7 2003, except that the trust funds shall be held in the state
8 treasury, with the comptroller in trust, or outside the state
9 treasury with the comptroller's approval.

10 SECTION 10. BOND FUNDS. Section 2 of this Act does not
11 apply to bond funds and pledged funds created or affected by an Act
12 of the 78th Legislature, Regular Session, 2003, except that the
13 funds shall be held in the state treasury, with the comptroller in
14 trust, or outside the state treasury with the comptroller's
15 approval.

16 SECTION 11. CONSTITUTIONAL FUNDS. Section 2 of this Act
17 does not apply to funds or accounts that would be created or
18 re-created in the Texas Constitution or revenue that would be
19 dedicated or rededicated by the Texas Constitution under
20 constitutional amendments proposed by the 78th Legislature,
21 Regular Session, 2003, or to dedicated revenue deposited to funds
22 or accounts that would be so created or re-created.

23 SECTION 12. RAINY DAY FUND ACCOUNTS. Section 2 of this Act
24 does not apply to any accounts created in the economic
25 stabilization fund by H.B. No. 2, H.B. No. 3323, H.B. No. 3548, or
26 S.B. No. 1771, Acts of the 78th Legislature, Regular Session, 2003,
27 and does not apply to any related dedication of revenue, if one of

1 those bills or similar legislation becomes law.

2 SECTION 13. STATE PRESERVATION BOARD. Sections 2 and 9 of
3 this Act do not apply to the capitol trust fund, the capitol
4 account, the capital renewal account, and the museum account, as
5 created or re-created by H.B. No. 3441 or S.B. No. 1866, Acts of the
6 78th Legislature, Regular Session, 2003, if one of those bills or
7 similar legislation becomes law, and do not apply to revenue
8 dedicated to that fund or any of those accounts.

9 SECTION 14. TEXAS EMISSIONS REDUCTION. Section 2 of this
10 Act does not apply to the Texas emissions reduction plan fund and
11 does not apply to revenue dedicated to that fund by H.B. No. 1365,
12 Acts of the 78th Legislature, Regular Session, 2003, if that bill or
13 similar legislation becomes law.

14 SECTION 15. RURAL WATER ASSISTANCE. Section 2 of this Act
15 does not apply to the rural water assistance fund created or
16 re-created in the state treasury by H.B. No. 1875 or S.B. No. 967,
17 Acts of the 78th Legislature, Regular Session, 2003, if one of those
18 bills or similar legislation becomes law, and does not apply to
19 revenue dedicated to that fund.

20 SECTION 16. ECONOMIC DEVELOPMENT. Sections 2 and 9 of this
21 Act do not apply to any fund or account created or re-created by
22 S.B. No. 275, Acts of the 78th Legislature, Regular Session, 2003,
23 if that bill becomes law, and do not apply to any revenue dedicated
24 by that Act.

25 SECTION 17. SPORTS EVENTS TRUST FUND. Sections 2 and 9 of
26 this Act do not apply to the Other Events trust fund or to revenue
27 dedicated to any of those funds, created by an Act of the 78th

1 Legislature, Regular Session, 2003, that amends Chapter 1507, Acts
2 of the 76th Legislature, Regular Session, 1999 (Article 5190.14,
3 Vernon's Texas Civil Statutes).

4 SECTION 18. PROSECUTOR SUPPLEMENT FUND. Section 2 of this
5 Act does not apply to the felony prosecutor supplement fund created
6 by H.B. No. 1940, Acts of the 78th Legislature, Regular Session,
7 2003, if that bill or similar legislation becomes law, and does not
8 apply to revenue dedicated to that fund.

9 SECTION 19. DRY CLEANING FACILITY RELEASE FUND. Section 2
10 of this Act does not apply to the dry cleaning facility release fund
11 account created by H.B. No. 1366 or S.B. No. 799 or other similar
12 legislation of the 78th Legislature, Regular Session, 2003, that
13 becomes law, and does not apply to the revenue dedicated to or
14 deposited in that account.

15 SECTION 20. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
16 Effective September 1, 2003, Sections 403.095(b), (d), and (e),
17 Government Code, are amended to read as follows:

18 (b) Notwithstanding any law dedicating or setting aside
19 revenue for a particular purpose or entity, dedicated revenues
20 that, on August 31, 2005 [~~2003~~], are estimated to exceed the amount
21 appropriated by the General Appropriations Act or other laws
22 enacted by the 78th [~~77th~~] Legislature are available for general
23 governmental purposes and are considered available for the purpose
24 of certification under Section 403.121.

25 (d) Following certification of the General Appropriations
26 Act and other appropriations measures enacted by the 78th [~~77th~~]
27 Legislature, the comptroller shall reduce each dedicated account as

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

10 (1) funds outside the treasury;

11 (2) trust funds, which for purposes of this section
12 include funds that may or are required to be used in whole or in part
13 for the acquisition, development, construction, or maintenance of
14 state and local government infrastructures, recreational
15 facilities, or natural resource conservation facilities;

16 (3) funds created by the constitution or a court; or

17 (4) funds for which separate accounting is required by
18 federal law.

19 (e) This section expires on September 1, 2005 [~~2003~~].

20 SECTION 21. EFFECT OF ACT. (a) This Act prevails over any
21 other Act of the 78th Legislature, Regular Session, 2003,
22 regardless of the relative dates of enactment, that purports to
23 create or re-create a special fund or account in the state treasury
24 or to dedicate or rededicate revenue to a particular purpose,
25 including any fund, account, or revenue dedication abolished under
26 former Section 403.094, Government Code.

27 (b) Revenues that, under the terms of another Act of the

1 78th Legislature, Regular Session, 2003, would be deposited to the
2 credit of a special account or fund shall be deposited to the credit
3 of the unobligated portion of the general revenue fund unless the
4 fund, account, or dedication is exempted under this Act.

5 SECTION 22. EFFECTIVE DATE. This Act takes effect
6 immediately if it receives a vote of two-thirds of all the members
7 elected to each house, as provided by Section 39, Article III, Texas
8 Constitution. If this Act does not receive the vote necessary for
9 immediate effect, this Act takes effect September 1, 2003.