

By: Luna

H.B. No. 3318

Substitute the following for H.B. No. 3318:

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C.S.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, ALLOCATIONS, AND
16 DEDICATIONS. Except as otherwise specifically provided by this
17 Act, all funds and accounts created or re-created in the state
18 treasury by an Act of the 78th Legislature, Regular Session, 2003,
19 that becomes law, all allocations of revenue made by an Act of the
20 78th Legislature, Regular Session, 2003, that becomes law, and all
21 dedications or rededications of revenue in the state treasury or
22 otherwise collected by a state agency for a particular purpose by an
23 Act of the 78th Legislature, Regular Session, 2003, that becomes
24 law are abolished on the later of August 30, 2003, or the date the

1 Act creating or re-creating the fund or account, allocating
2 revenue, or dedicating or rededicating revenue takes effect.

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

5 (1) statutory dedications, allocations, funds, and
6 accounts that were enacted before the 78th Legislature convened to
7 comply with requirements of state constitutional or federal law;

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

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

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

16 SECTION 4. SYSTEM BENEFIT FUND. (a) Section 39.903(a),
17 Utilities Code, as amended by Section 3, Chapter 1394, and Section
18 19(a), Chapter 1466, Acts of the 77th Legislature, Regular Session,
19 2001, is reenacted and amended to read as follows:

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

26 (b) On the effective date of this Act, the system benefit
27 fund is re-created as an account in the general revenue fund, and

1 the account and the revenue deposited to the credit of the account
2 are exempt from Section 2 of this Act.

3 SECTION 5. SUBSEQUENT INJURY FUND. (a) Section
4 403.006(a), Labor Code, is amended to read as follows:

5 (a) The subsequent injury fund is an account in the general
6 revenue fund. Money in the account may be appropriated only for the
7 purposes of this section or as provided by other law. Section
8 403.095, Government Code, does not apply to the subsequent injury
9 fund [~~a special fund in the state treasury~~].

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

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

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

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

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

1 SECTION 8. FEDERAL FUNDS. Section 2 of this Act does not
2 apply to funds created pursuant to an Act of the 78th Legislature,
3 Regular Session, 2003, for which separate accounting is required by
4 federal law, except that the funds shall be deposited in accounts in
5 the general revenue fund unless otherwise required by federal law.

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

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

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

26 SECTION 12. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
27 Effective September 1, 2003, 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, 2005 [~~2003~~], are estimated to exceed the amount
5 appropriated by the General Appropriations Act or other laws
6 enacted by the 78th [~~77th~~] 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 78th [~~77th~~]
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 not
20 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, 2005 [~~2003~~].

4 SECTION 13. EFFECT OF ACT. (a) This Act prevails over any
5 other Act the 78th Legislature, Regular Session, 2003, regardless
6 of the relative dates of enactment, that purports to create or
7 re-create a special fund or account in the state treasury, to
8 allocate revenue, or to dedicate or rededicate revenue to a
9 particular purpose, including any fund, account, or revenue
10 dedication abolished under former Section 403.094, Government
11 Code.

12 (b) Revenues that, under the terms of another Act of the
13 78th Legislature, Regular Session, 2003, would be deposited to the
14 credit of a special account or fund shall be deposited to the credit
15 of the unobligated portion of the general revenue fund unless the
16 fund, account, allocation, or dedication is exempted under this
17 Act.

18 (c) For purposes of this Act, an appropriation or a
19 limitation or direction incident to an appropriation is not
20 considered an allocation of revenue.

21 SECTION 14. EFFECTIVE DATE. This Act takes effect
22 immediately if it receives a vote of two-thirds of all the members
23 elected to each house, as provided by Section 39, Article III, Texas
24 Constitution. If this Act does not receive the vote necessary for
25 immediate effect, this Act takes effect September 1, 2003.