

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 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 this Act, "state agency" means an
8 office, institution, or other agency that is in the executive
9 branch of state government, has authority that is not limited to a
10 geographical portion of the state, and was created by the
11 constitution or a statute of this state. The term does not include
12 an institution of higher education as defined by Section 61.003,
13 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 in the state treasury by an Act
17 of the 78th Legislature, Regular Session, 2003, that becomes law,
18 and all dedications or rededications of revenue in the state
19 treasury or otherwise collected by a state agency for a particular
20 purpose by an Act of the 78th Legislature, Regular Session, 2003,
21 that becomes law, are abolished on the later of September 1, 2003,
22 or the date the Act creating or re-creating the fund or account or
23 dedicating or rededicating revenue takes effect.

24 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND

1 ACCOUNTS. Section 2 of this Act does not apply to:

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

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

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

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

13 SECTION 4. ACCOUNTS IN GENERAL REVENUE FUND. Effective
14 September 1, 2003, the following accounts and the revenue deposited
15 to the credit of the accounts are exempt from Section 2 of this Act
16 and are created in the general revenue fund, if created or
17 re-created by an Act of the 78th Legislature, Regular Session,
18 2003, that becomes law:

19 SECTION 5. FUNDS TO BECOME ACCOUNTS. Effective September
20 1, 2003, the following funds in the state treasury or funds
21 otherwise with the comptroller are re-created as accounts in the
22 general revenue fund and the accounts and the revenue deposited to
23 the credit of the accounts are exempt from Section 2 of this Act, if
24 created or re-created by an Act of the 78th Legislature, Regular
25 Session, 2003, that becomes law:

26 SECTION 6. REVENUE DEDICATION. Effective September 1,
27 2003, the following dedication of revenue collected by a state

1 agency for a particular purpose is exempt from Section 2 of this
2 Act, if dedicated by an Act of the 78th Legislature, Regular
3 Session, 2003, that becomes law:

4 SECTION 7. FEDERAL FUNDS. Section 2 of this Act does not
5 apply to funds created pursuant to an Act of the 78th Legislature,
6 Regular Session, 2003, for which separate accounting is required by
7 federal law, except that the funds shall be deposited in accounts in
8 the general revenue fund unless otherwise required by federal law.

9 SECTION 8. TRUST FUNDS. (a) Section 2 of this Act does not
10 apply to trust funds or dedicated revenue deposited to trust funds
11 created under an Act of the 78th Legislature, Regular Session,
12 2003, except that the trust funds shall be held in the state
13 treasury, with the comptroller in trust, or outside the state
14 treasury with the comptroller's approval.

15 SECTION 9. TELECOMMUNICATIONS INFRASTRUCTURE FUND. (a)
16 Section 57.043(a), Utilities Code, is amended read as follows:

17 (a) The telecommunications infrastructure fund is an
18 account in the general revenue fund. The telecommunications
19 infrastructure fund account is composed of the public schools
20 account and the qualifying entities account. Section 403.095,
21 Government Code, does not apply to the telecommunications
22 infrastructure fund account or to the accounts that compose the
23 fund account.

24 (b) Effective September 1, 2003, the telecommunications
25 infrastructure fund is re-created as an account in the general
26 revenue fund, and the account and the revenue deposited to the
27 credit of the account are exempt from Section 2 of this Act.

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

7 SECTION 11. CONSTITUTIONAL FUNDS. Section 2 of this Act
8 does not apply to funds or accounts that would be created or
9 re-created in the Texas Constitution or revenue that would be
10 dedicated or rededicated by the Texas Constitution under
11 constitutional amendments proposed by the 78th Legislature,
12 Regular Session, 2003, or to dedicated revenue deposited to funds
13 or accounts that would be so created or re-created.

14 SECTION 12. SEPARATE FUNDS IN THE TREASURY. Effective
15 September 1, 2003, the following funds in the state treasury and the
16 revenue deposited to the credit of the funds are exempt from Section
17 2 of this Act and are created as separate funds in the state
18 treasury, if created by an Act of the 78th Legislature, Regular
19 Session, 2003, that becomes law.

20 SECTION 13. Subchapter F, Chapter 502, Transportation Code,
21 is amended by adding Section 502.2737 to read as follows:

22 Sec. 502.2737. TEXAS STATE RIFLE ASSOCIATION LICENSE
23 PLATES. If the department issues Texas State Rifle Association
24 license plates under Section 502.273, the department shall use \$8
25 of the annual fee collected under Section 502.273(e) for each set of
26 those license plates to defray the cost of issuing the plates. The
27 remainder of the fee shall be deposited to the credit of an account

1 in the general revenue fund and may be appropriated only to Texas
2 A&M University to supplement the scholarship program supported by
3 the Texas State Rifle Association and to provide scholarships for
4 students who participate in the Reserve Officers Training Corps
5 program.

6 SECTION 14. AMENDMENT. Effective September 1, 2003,
7 Sections 403.095(b), (d), and (e), Government Code, are amended to
8 read as follows:

9 (b) Notwithstanding any law dedicating or setting aside
10 revenue for a particular purpose or entity, dedicated revenues
11 that, on August 31, 2005 [~~2003~~], are estimated to exceed the amount
12 appropriated by the General Appropriations Act or other laws
13 enacted by the 79th [~~78th~~] Legislature are available for general
14 governmental purposes and are considered available for the purpose
15 of certification under Section 403.121.

16 (d) Following certification of the General Appropriations
17 Act and other appropriations measures enacted by the 79th [~~78th~~]
18 Legislature, the comptroller shall reduce each dedicated account as
19 directed by the legislature by an amount that may not exceed the
20 amount by which estimated revenues and unobligated balances exceed
21 appropriations. The reductions may be made in the amounts and at
22 the times necessary for cash flow considerations to allow all the
23 dedicated accounts to maintain adequate cash balances to transact
24 routine business. The legislature may authorize, in the General
25 Appropriations Act, the temporary delay of the excess balance
26 reduction required under this subsection. This subsection does not
27 apply to revenues or balances in:

1 (1) funds outside the treasury;

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

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

8 (4) funds for which separate accounting is required by
9 federal law.

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

11 SECTION 15. FUNDS OUTSIDE THE TREASURY. Section 2 of this
12 Act does not apply to the following funds outside the treasury or to
13 the dedicated revenue deposited to the credit of the funds, if
14 created by an Act of the 78th Legislature, Regular Session, 2003,
15 that becomes law:

16 SECTION 16. SYSTEM BENEFIT FUND. (a) Sections 39.903(a)
17 and (e), Utilities Code, are amended to read as follows:

18 (a) The system benefit fund is created as a trust fund with
19 the comptroller in the state treasury.

20 (e) Money in the system benefit fund may be appropriated to
21 provide funding solely for the following regulatory purposes:

22 (1) programs to assist low-income electric customers
23 provided by Subsections (f)-(1);

24 (2) customer education programs; and

25 (3) the school funding loss mechanism provided by
26 Section 39.901.

27 (b) The system benefit fund is re-created by this Act as a

1 trust fund with the comptroller in the state treasury. Section 2 of
2 this Act does not apply to the fund or to revenue dedicated to the
3 fund.

4 SECTION 17. HOLDING FUND. (a) Section 204.122, Labor Code,
5 is amended to read as follows:

6 Sec. 204.122. HOLDING FUND. (a) The holding fund is a
7 dedicated account in the general revenue fund.

8 (b) The comptroller shall administer the holding fund in
9 accordance with the directions of the commission, subject to
10 legislative appropriations of money in the fund. Interest accruing
11 on amounts in the holding fund shall be deposited quarterly to the
12 credit of the compensation fund.

13 (b) Effective September 1, 2003, the holding fund is
14 re-created as an account in the general revenue fund, and the
15 account and the revenue deposited to the credit of the account are
16 exempt from Section 2 of this Act.

17 SECTION 18. EFFECT OF ACT. (a) This Act prevails over any
18 other Act the 78th Legislature, Regular Session, 2003, regardless
19 of the relative dates of enactment, that purports to create or
20 re-create a special fund or account in the state treasury or to
21 dedicate or rededicate revenue to a particular purpose, including
22 any fund, account, or revenue dedication abolished under former
23 Section 403.094, Government Code.

24 (b) Revenues that, under the terms of another Act of the
25 78th Legislature, Regular Session, 2003, would be deposited to the
26 credit of a special account or fund shall be deposited to the credit
27 of the unobligated portion of the general revenue fund, unless the

1 fund, account, or dedication is exempted under this Act.

2 SECTION 19. EFFECTIVE DATE. This Act takes effect
3 immediately if it receives a vote of two-thirds of all the members
4 elected to each house, as provided by Section 39, Article III, Texas
5 Constitution. If this Act does not receive the vote necessary for
6 immediate effect, this Act takes effect on the 91st day after the
7 last day of the legislative session for immediate effect, this Act
8 takes effect September 1, 2003.