

By: Ogden

S.B. No. 1605

Substitute the following for S.B. No. 1605:

By: Chisum

C.S.S.B. No. 1605

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 79th Legislature, Regular Session, 2005, 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 79th Legislature, Regular Session, 2005,  
22 that becomes law are abolished on the later of August 29, 2005, 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 79th 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 Subsection (h), Section 403.094, Government  
8 Code, at the time dedications, accounts, and funds were abolished  
9 under that 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 29, 2005, or the date the Act creating or  
16 re-creating the account takes effect, the following accounts and  
17 the revenue deposited to the credit of the accounts are exempt from  
18 Section 2 of this Act and are created in the general revenue fund,  
19 if created or re-created by an Act of the 79th Legislature, Regular  
20 Session, 2005, that becomes law:

21 (1) all accounts created or re-created by House Bill  
22 No. 2 or similar legislation;

23 (2) all accounts created or re-created by House Bill  
24 No. 3 or similar legislation;

25 (3) all accounts created or re-created by House Bill  
26 No. 3540 or similar legislation;

27 (4) all accounts created or re-created by Senate Bill

1 No. 1863 or similar legislation; and

2 (5) the Texas emerging technology fund created by  
3 House Bill No. 1765, Senate Bill No. 831, or similar legislation.

4 SECTION 5. FUNDS TO BECOME ACCOUNTS. Effective on the later  
5 of August 29, 2005, or the date the Act creating or re-creating the  
6 fund takes effect, the following funds in the state treasury or  
7 funds otherwise with or in the custody of the comptroller of public  
8 accounts are re-created as accounts in the general revenue fund and  
9 the accounts and the revenue deposited to the credit of the accounts  
10 are exempt from Section 2 of this Act, if created or re-created by  
11 an Act of the 79th Legislature, Regular Session, 2005, that becomes  
12 law:

13 (1) all funds created or re-created by House Bill No. 2  
14 or similar legislation;

15 (2) all funds created or re-created by House Bill No. 3  
16 or similar legislation; and

17 (3) the employment and training investment holding  
18 fund created by Senate Bill No. 1096 or similar legislation.

19 SECTION 6. REVENUE DEDICATIONS EXEMPT. Effective on the  
20 later of August 29, 2005, or the date the Act dedicating or  
21 rededicating the revenue takes effect, the following dedications or  
22 rededications of revenue collected by a state agency for a  
23 particular purpose are exempt from Section 2 of this Act, if  
24 dedicated or rededicated by an Act of the 79th Legislature, Regular  
25 Session, 2005, that becomes law:

26 (1) all dedications or rededications of revenue to the  
27 Judicial Fund 0573 as provided by Senate Bill No. 368;

1           (2) all dedications or rededications of revenue made  
2 by House Bill No. 2 or similar legislation;

3           (3) all dedications or rededications of revenue made  
4 by House Bill No. 3 or similar legislation;

5           (4) all dedications or rededications of revenue made  
6 by House Bill No. 3540 or similar legislation;

7           (5) all dedications or rededications of revenue made  
8 by Senate Bill No. 1863 or similar legislation;

9           (6) all dedications or rededications of revenue to the  
10 State Highway Fund 0006;

11           (7) all dedications or rededications of revenue to the  
12 Game, Fish, and Water Safety Account 0009;

13           (8) all dedications or rededications of revenue to the  
14 Texas Department of Insurance Operating Account 0036;

15           (9) all dedications or rededications of revenue to the  
16 Clean Air Account 0151 as provided by House Bill No. 1611 or similar  
17 legislation;

18           (10) all dedications or rededications of revenue to  
19 the Coastal Protection Account 0027 as provided by House Bill No.  
20 2096 or similar legislation;

21           (11) all dedications or rededications of revenue to  
22 the Water Resource Management Account 0153 as provided by House  
23 Bill No. 2428 or similar legislation; and

24           (12) all dedications or rededications of revenue to  
25 the Unemployment Compensation Special Administration Account 0165  
26 as provided by House Bill No. 3250 or similar legislation.

27           SECTION 7. FEDERAL FUNDS. Section 2 of this Act does not

1 apply to funds created pursuant to an Act of the 79th Legislature,  
2 Regular Session, 2005, for which separate accounting is required by  
3 federal law, except that the funds shall be deposited in accounts in  
4 the general revenue fund unless otherwise required by federal law.

5 SECTION 8. TRUST FUNDS. Section 2 of this Act does not  
6 apply to trust funds or dedicated revenue deposited to trust funds  
7 created under an Act of the 79th Legislature, Regular Session,  
8 2005, except that the trust funds shall be held in the state  
9 treasury, with the comptroller of public accounts in trust, or  
10 outside the state treasury with the comptroller's approval.

11 SECTION 9. BOND FUNDS. Section 2 of this Act does not apply  
12 to bond funds and pledged funds created or affected by an Act of the  
13 79th Legislature, Regular Session, 2005, except that the funds  
14 shall be held in the state treasury, with the comptroller of public  
15 accounts in trust, or outside the state treasury with the  
16 comptroller's approval.

17 SECTION 10. CONSTITUTIONAL FUNDS. Section 2 of this Act  
18 does not apply to funds or accounts that would be created or  
19 re-created by the Texas Constitution or revenue that would be  
20 dedicated or rededicated by the Texas Constitution under a  
21 constitutional amendment proposed by the 79th Legislature, Regular  
22 Session, 2005, or to dedicated revenue deposited to funds or  
23 accounts that would be so created or re-created, if the  
24 constitutional amendment is approved by the voters.

25 SECTION 11. SEPARATE FUNDS IN THE TREASURY. Effective  
26 September 1, 2005, the following funds in the state treasury and the  
27 revenue deposited to the credit of the funds are exempt from Section

1 2 of this Act and are created as separate funds in the state  
2 treasury, if created by an Act of the 79th Legislature, Regular  
3 Session, 2005, that becomes law:

4 (1) all funds created or re-created by House Bill No.  
5 3540 or similar legislation; and

6 (2) all funds created or re-created by Senate Bill No.  
7 1863 or similar legislation.

8 SECTION 12. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.  
9 Effective September 1, 2005, Subsections (b), (d), and (e), Section  
10 403.095, Government Code, are amended to read as follows:

11 (b) Notwithstanding any law dedicating or setting aside  
12 revenue for a particular purpose or entity, dedicated revenues  
13 that, on August 31, 2007 [~~2005~~], are estimated to exceed the amount  
14 appropriated by the General Appropriations Act or other laws  
15 enacted by the 79th [~~78th~~] Legislature are available for general  
16 governmental purposes and are considered available for the purpose  
17 of certification under Section 403.121.

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

1 reduction required under this subsection. This subsection does not  
2 apply to revenues or balances in:

3 (1) funds outside the treasury;

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

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

10 (4) funds for which separate accounting is required by  
11 federal law.

12 (e) This section expires on September 1, 2007 [~~2005~~].

13 SECTION 13. LICENSE PLATE FEES. Any dedication of revenue  
14 that consists of fees collected from the sale of motor vehicle  
15 license plates that are authorized by an Act of the 79th  
16 Legislature, Regular Session, 2005, that becomes law is exempt from  
17 Section 2 of this Act, and any fund or account created or re-created  
18 in connection with that revenue by operation of the Act authorizing  
19 the license plates is exempt from Section 2 of this Act.

20 SECTION 14. EFFECT OF ACT. (a) This Act prevails over any  
21 other Act of the 79th Legislature, Regular Session, 2005,  
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 79th Legislature, Regular Session, 2005, would be deposited to the  
2 credit of a special account or fund shall be deposited to the credit  
3 of the undedicated portion of the general revenue fund unless the  
4 fund, account, or dedication is exempted under this Act.

5 SECTION 15. 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 on the 91st day after the  
10 last day of the legislative session.