

Amend **HB 3107** (Senate committee printing) by striking all below the enacting clause and substituting the following:

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

SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS. Except as otherwise specifically provided by this Act, all funds and accounts created or re-created in the state treasury by an Act of the 80th Legislature, Regular Session, 2007, that becomes law and all dedications or rededications of revenue in the state treasury or otherwise collected by a state agency for a particular purpose by an Act of the 80th Legislature, Regular Session, 2007, that becomes law are abolished on the later of August 27, 2007, or the date the Act creating or re-creating the fund or account or dedicating or rededicating revenue takes effect.

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

(1) statutory dedications, funds, and accounts that were enacted before the 80th Legislature convened to comply with requirements of state constitutional or federal law;

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

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

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

SECTION 4. ACCOUNTS IN GENERAL REVENUE FUND. Effective on the later of August 27, 2007, or the date the Act creating or re-creating the account takes effect, the following accounts and the revenue deposited to the credit of the accounts are exempt from

Section 2 of this Act and are created in the general revenue fund, if created or re-created by an Act of the 80th Legislature, Regular Session, 2007, that becomes law:

(1) the transportation reinvestment fund created by Senate Bill No. 1266, House Bill No. 3722, or similar legislation;

(2) the cancer prevention and research fund created by House Bill No. 14 or similar legislation; and

(3) the nursing home quality assurance fee account created by House Bill No. 3778 or similar legislation.

SECTION 5. FUNDS TO BECOME ACCOUNTS. Effective on the later of August 27, 2007, or the date the Act creating or re-creating the fund takes effect, a fund in the state treasury or fund otherwise with the comptroller, if listed in this section, is re-created as an account in the general revenue fund, to the extent allowed by the Texas Constitution, and the account and the revenue deposited to the credit of the account are exempt from Section 2 of this Act, if created or re-created by an Act of, or constitutional amendment proposed by, the 80th Legislature, Regular Session, 2007, that becomes law or is approved by the voters, as applicable.

SECTION 6. REVENUE DEDICATION. Effective on the later of August 27, 2007, or the date the Act dedicating or rededicating the revenue takes effect, the following dedications or rededications of revenue collected by a state agency for a particular purpose are exempt from Section 2 of this Act, if dedicated or rededicated by an Act of the 80th Legislature, Regular Session, 2007, that becomes law:

(1) all dedications or rededications to the state highway fund;

(2) all dedications or rededications of revenue collected by the Parks and Wildlife Department;

(3) all dedications or rededications of revenue to the Texas Department of Insurance operating account;

(4) all dedications or rededications of revenue made by House Bill Nos. 3168 and 1673 or similar legislation; and

(5) all dedications or rededications to General Revenue Account No. 19--Vital Statistics that are made by Senate Bill No. 47, House Bill No. 1377, or similar legislation.

SECTION 7. FEDERAL FUNDS. Section 2 of this Act does not apply to funds created pursuant to an Act of the 80th Legislature, Regular Session, 2007, for which separate accounting is required by federal law, except that the funds shall be deposited in accounts in the general revenue fund unless otherwise required by federal law.

SECTION 8. TRUST FUNDS. (a) Section 2 of this Act does not apply to trust funds or dedicated revenue deposited to trust funds created under an Act of the 80th Legislature, Regular Session, 2007, except that the trust funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

(b) Notwithstanding Subsection (a) of this section, the following trust funds if created under an Act of the 80th Legislature, Regular Session, 2007, that becomes law shall be held outside the state treasury, regardless of the comptroller's approval:

(1) the Texas tomorrow fund II prepaid tuition unit undergraduate education program fund created by House Bill No. 3900 or similar legislation; and

(2) the Texas health opportunity pool trust fund created by Senate Bill No. 10 or similar legislation.

SECTION 9. BOND FUNDS. Section 2 of this Act does not apply to bond funds and pledged funds created or affected by an Act of the 80th Legislature, Regular Session, 2007, except that the funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

SECTION 10. CONSTITUTIONAL FUNDS. Section 2 of this Act does not apply to funds or accounts that would be created or re-created by the Texas Constitution or revenue that would be dedicated or rededicated by the Texas Constitution under a constitutional amendment proposed by the 80th Legislature, Regular Session, 2007, or to dedicated revenue deposited to funds or accounts that would be so created or re-created, if the constitutional amendment is approved by the voters.

SECTION 11. SEPARATE FUNDS IN THE TREASURY. Effective September 1, 2007, if the fund is listed in this section, a fund in the state treasury and the revenue deposited to the credit of the

fund is exempt from Section 2 of this Act and is created as a separate fund in the state treasury, if created by an Act of the 80th Legislature, Regular Session, 2007, that becomes law.

SECTION 12. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE. Effective September 1, 2007, Sections 403.095(b), (d), and (e), Government Code, are amended to read as follows:

(b) Notwithstanding any law dedicating or setting aside revenue for a particular purpose or entity, dedicated revenues that, on August 31, 2009 [~~2007~~], are estimated to exceed the amount appropriated by the General Appropriations Act or other laws enacted by the 80th [~~79th~~] Legislature are available for general governmental purposes and are considered available for the purpose of certification under Section 403.121.

(d) Following certification of the General Appropriations Act and other appropriations measures enacted by the 80th [~~79th~~] Legislature, the comptroller shall reduce each dedicated account as directed by the legislature by an amount that may not exceed the amount by which estimated revenues and unobligated balances exceed appropriations. The reductions may be made in the amounts and at the times necessary for cash flow considerations to allow all the dedicated accounts to maintain adequate cash balances to transact routine business. The legislature may authorize, in the General Appropriations Act, the temporary delay of the excess balance reduction required under this subsection. This subsection does not apply to revenues or balances in:

- (1) funds outside the treasury;
- (2) trust funds, which for purposes of this section include funds that may or are required to be used in whole or in part for the acquisition, development, construction, or maintenance of state and local government infrastructures, recreational facilities, or natural resource conservation facilities;
- (3) funds created by the constitution or a court; or
- (4) funds for which separate accounting is required by federal law.

(e) This section expires on September 1, 2009 [~~2007~~].

SECTION 13. EFFECT OF ACT. (a) This Act prevails over any other Act of the 80th Legislature, Regular Session, 2007,

regardless of the relative dates of enactment, that purports to create or re-create a special fund or account in the state treasury or to dedicate or rededicate revenue to a particular purpose, including any fund, account, or revenue dedication abolished under former Section 403.094, Government Code.

(b) Revenues that, under the terms of another Act of the 80th Legislature, Regular Session, 2007, would be deposited to the credit of a special account or fund shall be deposited to the credit of the undedicated portion of the general revenue fund unless the fund, account, or dedication is exempted under this Act.

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