

By: Isett

H.B. No. 3107

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 80th Legislature, Regular Session, 2007, 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 80th Legislature, Regular Session, 2007,
22 that becomes law are abolished on the later of August 27, 2007, 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 80th 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. ACCOUNTS IN GENERAL REVENUE FUND. Effective on
15 the later of August 27, 2007, 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 80th Legislature, Regular
20 Session, 2007, that becomes law:

21 (1) the homefront heroes account created by House Bill
22 No. 3426 or similar legislation;

23 (2) the indigent health care support account created
24 by House Bill No. 29 or similar legislation; and

25 (3) the border security account and any other account
26 created or re-created by Senate Bill No. 268 or similar
27 legislation.

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

11 (1) the tax holiday fund under House Bill No. 260 or
12 similar legislation.

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

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

22 (2) all dedications or rededications to the Texas rail
23 relocation and improvement fund made by House Bill No. 683 or
24 similar legislation.

25 SECTION 7. FEDERAL FUNDS. Section 2 of this Act does not
26 apply to funds created pursuant to an Act of the 80th Legislature,
27 Regular Session, 2007, for which separate accounting is required by

1 federal law, except that the funds shall be deposited in accounts in
2 the general revenue fund unless otherwise required by federal law.

3 SECTION 8. TRUST FUNDS. Section 2 of this Act does not
4 apply to trust funds or dedicated revenue deposited to trust funds
5 created under an Act of the 80th Legislature, Regular Session,
6 2007, except that the trust funds shall be held in the state
7 treasury, with the comptroller in trust, or outside the state
8 treasury with the comptroller's approval.

9 SECTION 9. BOND FUNDS. Section 2 of this Act does not apply
10 to bond funds and pledged funds created or affected by an Act of the
11 80th Legislature, Regular Session, 2007, except that the funds
12 shall be held in the state treasury, with the comptroller in trust,
13 or outside the state treasury with the comptroller's approval.

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

22 SECTION 11. SEPARATE FUNDS IN THE TREASURY. Effective
23 September 1, 2007, the following fund in the state treasury and the
24 revenue deposited to the credit of the fund is exempt from Section 2
25 of this Act and is created as a separate fund in the state treasury,
26 if created by an Act of the 80th Legislature, Regular Session, 2007,
27 that becomes law:

1 (1) the campaign financing fund created by Senate Bill
2 No. 921 or similar legislation.

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

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

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

25 (1) funds outside the treasury;

26 (2) trust funds, which for purposes of this section
27 include funds that may or are required to be used in whole or in part

1 for the acquisition, development, construction, or maintenance of
2 state and local government infrastructures, recreational
3 facilities, or natural resource conservation facilities;

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

5 (4) funds for which separate accounting is required by
6 federal law.

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

8 SECTION 13. REPORT ON FUNDS OR ACCOUNTS. (a) After
9 certification of the General Appropriations Act for the 2008-2009
10 biennium, the comptroller must publish a report listing:

11 (1) each dedicated fund or account;

12 (2) the amount appropriated from the fund or account
13 for the biennium; and

14 (3) the estimated balance in each fund or account that
15 remains unappropriated.

16 (b) The comptroller shall publish the report required by
17 Subsection (a):

18 (1) in the Texas Register; and

19 (2) on the Internet.

20 SECTION 14. EFFECT OF ACT. (a) This Act prevails over any
21 other Act of the 80th Legislature, Regular Session, 2007,
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 80th Legislature, Regular Session, 2007, 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.