

1 AN ACT

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 fire prevention and public safety account
22 created by House Bill No. 2935 or similar legislation;

23 (2) the premium payment assistance account created by
24 House Bill No. 1751 or similar legislation;

25 (3) the Texas health opportunity pool created by
26 Senate Bill No. 10 or similar legislation;

27 (4) the regional trauma account created by Senate Bill

1 No. 125 or similar legislation;

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

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

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

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

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

25 (1) all dedications or rededications made by House
26 Bill No. 2935 or similar legislation;

27 (2) all dedications or rededications to the sexual

1 assault program fund, the premium payment assistance account, or
2 the Texas health opportunity pool made by House Bill No. 1751 or
3 similar legislation;

4 (3) all dedications or rededications of revenue from
5 civil or administrative penalties made by Senate Bill No. 125 or
6 similar legislation;

7 (4) the dedication or rededication of fee revenue made
8 by House Bill No. 481 or similar legislation;

9 (5) all dedications or rededications to the state
10 highway fund;

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

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

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

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

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

25 SECTION 8. TRUST FUNDS. (a) Section 2 of this Act does not
26 apply to trust funds or dedicated revenue deposited to trust funds
27 created under an Act of the 80th Legislature, Regular Session,

1 2007, except that the trust funds shall be held in the state
2 treasury, with the comptroller in trust, or outside the state
3 treasury with the comptroller's approval.

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

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

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

14 SECTION 9. BOND FUNDS. Section 2 of this Act does not apply
15 to bond funds and pledged funds created or affected by an Act of the
16 80th Legislature, Regular Session, 2007, except that the funds
17 shall be held in the state treasury, with the comptroller in trust,
18 or outside the state treasury with the comptroller's approval.

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

27 SECTION 11. SEPARATE FUNDS IN THE TREASURY. Effective

1 September 1, 2007, if the fund is listed in this section, a fund in
2 the state treasury and the revenue deposited to the credit of the
3 fund is exempt from Section 2 of this Act and is created as a
4 separate fund in the state treasury, if created by an Act of the
5 80th Legislature, Regular Session, 2007, that becomes law.

6 SECTION 12. CONTINGENT DEDICATION. Contingent on Senate
7 Bill No. 1562 or similar legislation concerning animal control
8 officer training being enacted by the 80th Legislature, Regular
9 Session, 2007, and becoming law, a fee collected by the Department
10 of State Health Services to cover the cost of arranging and
11 conducting an animal control course may be appropriated only to the
12 Department of State Health Services for the purpose of paying the
13 costs of arranging and conducting the course. Section 2 of this Act
14 does not apply to the dedication of revenue made by this section.

15 SECTION 13. ACCOUNTS IN JUDICIAL FUND AND RELATED
16 DEDICATIONS OF REVENUE. Section 2 of this Act does not apply to:

17 (1) the supreme court support account created in the
18 judicial fund by Senate Bill No. 1182 or similar legislation; or

19 (2) dedications of fee revenue deposited to the credit
20 of the account described by Subdivision (1) of this section in
21 accordance with the provisions of Senate Bill No. 1182 or similar
22 legislation.

23 SECTION 14. EFFECT OF SECTION 2 OF THIS ACT ON CERTAIN FUNDS
24 OF TEXAS WINDSTORM INSURANCE ASSOCIATION. Section 2 of this Act
25 does not apply to any fund, account, or dedication of revenue that
26 is created or re-created by House Bill No. 2960, Acts of the 80th
27 Legislature, Regular Session, 2007, or to which House Bill No. 2960

1 refers, including:

2 (1) the catastrophe reserve trust fund created under
3 Subchapter J, Chapter 2210, Insurance Code;

4 (2) the dedicated trust fund created under Section
5 2210.607, Insurance Code, as added by H.B. No. 2960; and

6 (3) premium surcharges collected by the Texas
7 Windstorm Insurance Association under Section 2210.058, Insurance
8 Code, as amended by H.B. No. 2960.

9 SECTION 15. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
10 Effective September 1, 2007, Sections 403.095(b), (d), and (e),
11 Government Code, are amended to read as follows:

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

19 (d) Following certification of the General Appropriations
20 Act and other appropriations measures enacted by the 80th [~~79th~~]
21 Legislature, the comptroller shall reduce each dedicated account as
22 directed by the legislature by an amount that may not exceed the
23 amount by which estimated revenues and unobligated balances exceed
24 appropriations. The reductions may be made in the amounts and at
25 the times necessary for cash flow considerations to allow all the
26 dedicated accounts to maintain adequate cash balances to transact
27 routine business. The legislature may authorize, in the General

1 Appropriations Act, the temporary delay of the excess balance
2 reduction required under this subsection. This subsection does not
3 apply to revenues or balances in:

4 (1) funds outside the treasury;

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

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

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

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

14 SECTION 16. PERMANENT FUND FOR VETERANS' ASSISTANCE. (a)
15 Section 403.108, Government Code, is transferred to Subchapter A,
16 Chapter 434, Government Code, redesignated as Section 434.017, and
17 amended to read as follows:

18 Sec. 434.017 [~~403.108~~]. [~~PERMANENT~~] FUND FOR VETERANS'
19 ASSISTANCE. (a) The [~~permanent~~] fund for veterans' assistance is a
20 special fund in the state treasury outside the general revenue
21 fund. The fund is composed of:

22 (1) money transferred to the fund at the direction of
23 the legislature;

24 (2) gifts and grants contributed to the fund; and

25 (3) the [~~available~~] earnings of the fund [~~determined~~
26 ~~in accordance with Section 403.1068~~].

27 (b) Except as provided by Subsections (c) and (e), money in

1 the fund may not be appropriated for any purpose.

2 (c) Money in [~~The available earnings of~~] the fund may be
3 appropriated to the Texas Veterans Commission to:

4 (1) enhance or improve veterans' assistance programs,
5 including veterans' representation and counseling; and

6 (2) make grants to local communities to address
7 veterans' needs.

8 (d) The Texas Veterans Commission may adopt rules governing
9 the award of grants by the commission under this section.

10 (e) The comptroller may solicit and accept gifts and grants
11 to the fund. A gift or grant to the fund may be appropriated in the
12 same manner as other money in [~~the available earnings of~~] the fund,
13 subject to any limitation or requirement placed on the gift or grant
14 by the donor or granting entity.

15 (f) Sections 403.095 and 404.071 do not apply to the fund.

16 (b) Section 403.1068(a), Government Code, is amended to
17 read as follows:

18 (a) This section applies only to management of the permanent
19 funds established under Sections 403.105, 403.1055, 403.106,
20 403.1065, and 403.1066[~~, and 403.108~~].

21 (c) Effective August 27, 2007, the fund for veterans'
22 assistance is re-created as a special fund in the state treasury
23 outside the general revenue fund, and the fund and the revenue
24 deposited to the credit of the fund are exempt from Section 2 of
25 this Act.

26 SECTION 17. EFFECT OF ACT. (a) This Act prevails over any
27 other Act of the 80th Legislature, Regular Session, 2007,

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

6 (b) Revenues that, under the terms of another Act of the
7 80th Legislature, Regular Session, 2007, would be deposited to the
8 credit of a special account or fund shall be deposited to the credit
9 of the undedicated portion of the general revenue fund unless the
10 fund, account, or dedication is exempted under this Act.

11 SECTION 18. EFFECTIVE DATE. This Act takes effect
12 immediately if it receives a vote of two-thirds of all the members
13 elected to each house, as provided by Section 39, Article III, Texas
14 Constitution. If this Act does not receive the vote necessary for
15 immediate effect, this Act takes effect on the 91st day after the
16 last day of the legislative session.

President of the Senate

Speaker of the House

I certify that H.B. No. 3107 was passed by the House on May 10, 2007, by the following vote: Yeas 116, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3107 on May 25, 2007, by the following vote: Yeas 138, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3107 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor