

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 indigent health care support account created
22 by House Bill No. 29 or similar legislation; and

23 (2) the border security account and any other account
24 created or re-created by Senate Bill No. 268 or similar
25 legislation.

26 SECTION 5. FUNDS TO BECOME ACCOUNTS. Effective on the later
27 of August 27, 2007, or the date the Act creating or re-creating the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (1) funds outside the treasury;

24 (2) trust funds, which for purposes of this section
25 include funds that may or are required to be used in whole or in part
26 for the acquisition, development, construction, or maintenance of
27 state and local government infrastructures, recreational

1 facilities, or natural resource conservation facilities;

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

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

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

6 SECTION 13. EFFECT OF ACT. (a) This Act prevails over any
7 other Act of the 80th Legislature, Regular Session, 2007,
8 regardless of the relative dates of enactment, that purports to
9 create or re-create a special fund or account in the state treasury
10 or to dedicate or rededicate revenue to a particular purpose,
11 including any fund, account, or revenue dedication abolished under
12 former Section 403.094, Government Code.

13 (b) Revenues that, under the terms of another Act of the
14 80th Legislature, Regular Session, 2007, would be deposited to the
15 credit of a special account or fund shall be deposited to the credit
16 of the undedicated portion of the general revenue fund unless the
17 fund, account, or dedication is exempted under this Act.

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