

SENATE AMENDMENTS

2nd Printing

By: Isett

H.B. No. 3107

A BILL TO BE ENTITLED

AN ACT

relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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 homefront heroes account created by House Bill No. 3426 or similar legislation;

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

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

ADOPTED

AS Amended
MAY 23 2007

Latoy Spaw
Secretary of the Senate

Ogden

FLOOR AMENDMENT NO. 1

1 Amend H.B. No. 3107 (Senate committee printing) by striking
2 all below the enacting clause and substituting the following:

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

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

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

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

26 (2) dedications, funds, or accounts that remained
27 exempt from former Section 403.094(h), Government Code, at the time
28 dedications, accounts, and funds were abolished under that
29 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

1 exempt from Section 2 of this Act, if dedicated or rededicated by an
2 Act of the 80th Legislature, Regular Session, 2007, that becomes
3 law:

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

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

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

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

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

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

20 SECTION 8. TRUST FUNDS. (a) Section 2 of this Act does not
21 apply to trust funds or dedicated revenue deposited to trust funds
22 created under an Act of the 80th Legislature, Regular Session,
23 2007, except that the trust funds shall be held in the state
24 treasury, with the comptroller in trust, or outside the state
25 treasury with the comptroller's approval.

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

31 (1) the Texas tomorrow fund II prepaid tuition unit

1 undergraduate education program fund created by House Bill No. 3900
2 or similar legislation; and

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

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

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

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

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

27 (b) Notwithstanding any law dedicating or setting aside
28 revenue for a particular purpose or entity, dedicated revenues
29 that, on August 31, 2009 [~~2007~~], are estimated to exceed the amount
30 appropriated by the General Appropriations Act or other laws
31 enacted by the 80th [~~79th~~] Legislature are available for general

1 governmental purposes and are considered available for the purpose
2 of certification under Section 403.121.

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

15 (1) funds outside the treasury;

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

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

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

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

25 SECTION 13. EFFECT OF ACT. (a) This Act prevails over any
26 other Act of the 80th Legislature, Regular Session, 2007,
27 regardless of the relative dates of enactment, that purports to
28 create or re-create a special fund or account in the state treasury
29 or to dedicate or rededicate revenue to a particular purpose,
30 including any fund, account, or revenue dedication abolished under
31 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.

ADOPTED

MAY 23 2007

Leta Spaw
Secretary of the Senate

Roger W. N.

FLOOR AMENDMENT NO. 2

BY: *[Signature]*

F.A. No. 1 (Open) to

Amend H.B. No. 3107 (~~senate committee report~~) as follows:

1
2 ¹² (1) In Section 4 of the bill (page ¹¹ ~~2~~ between lines ~~50~~ and
3 ~~51~~, insert a new Subdivision (1) to read as follows and renumber
4 the existing Subdivision (1) and subsequent subdivisions
5 accordingly:

6 (1) the fire prevention and public safety account
7 created by House Bill No. 2935 or similar legislation;

8 ⁴ (2) In Section 6 of the bill (page ³ ~~3~~, between lines ³ ~~12~~ and
9 ~~13~~, insert a new Subdivision (1) to read as follows and renumber
10 the existing Subdivision (1) and subsequent subdivisions
11 accordingly:

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

ADOPTED

FLOOR AMENDMENT NO. 3

MAY 23 2007

BY: Wes L

F.A. No 1 (Order) to

Larry Shaw
Secretary of the Senate

Amend House Bill No. 3107 (~~senate committee printing~~) as

follows:

(1)(a) In SECTION 4 of the bill, following the colon, insert:

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

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

(1)(b) Renumber remaining subdivisions accordingly.

(2)(a) In SECTION 6 of the bill, following the colon, insert:

(1) all dedications or rededications to the sexual assault program fund, the premium payment assistance account, or the Texas health opportunity pool made by House Bill No. 1751 or similar legislation;

(2)(b) Renumber the subdivisions of Sections 4 and 6 of the bill accordingly.

pg. 2, line 11

page 3, line 3

ADOPTED

MAY 23 2007

Letay Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 4

BY: *Cauna*

FA #1 (Agden) to

Amend H.B. No. 3107 (~~senate committee report~~) as follows:

(1) In Section 4 of the bill (page ¹²~~2~~ between lines ¹¹~~58~~ and ~~59~~), insert a new Subdivision (1) to read as follows and renumber the existing subdivisions accordingly:

(1) the regional trauma account created by Senate Bill No. 125 or similar legislation;

(2) In Section 6 of the bill (page ⁴~~3~~, between lines ³~~12~~ and ~~13~~), insert new Subdivisions (1) and (2) to read as follows and renumber the existing subdivisions accordingly:

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

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

ADOPTED

MAY 23 2007

Leroy Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 5

BY:

J. J. King

FA #1 (Ogden) to

1 Amend H.B. No. 3107 by adding the following appropriately
2 numbered SECTION to the bill and renumbering subsequent SECTIONS
3 accordingly:

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

ADOPTED

FLOOR AMENDMENT NO. 6

MAY 23 2007

BY:

Leta Spaw
Secretary of the Senate

Thur Watson
(Watson)

F.A. #1 (Ogden) to

1 Amend House Bill No. 3107 (~~senate committee printing~~) by
2 adding a new SECTION, numbered appropriately, and by renumbering
3 any subsequent SECTIONS of the bill accordingly:

4 SECTION ____ ACCOUNTS IN JUDICIAL FUND AND RELATED
5 DEDICATIONS OF REVENUE. Section 2 of this Act does not apply
6 to:

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

9 (2) dedications of fee revenue deposited to the credit
10 of the account described by Subdivision (1) of this section in
11 accordance with the provisions of Senate Bill No. 1182 or
12 similar legislation.

ADOPTED

MAY 23 2007

Leta Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 7

BY: *Jackson*

F.A. No. 1 (Agden) to

1 Amend H.B. No. 3107, ~~senate committee printing~~, by inserting
2 the following SECTION in the bill, appropriately numbered, and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. EFFECT OF SECTION 2 OF THIS ACT ON CERTAIN FUNDS
5 OF TEXAS WINDSTORM INSURANCE ASSOCIATION. Section 2 of this Act
6 does not apply to any fund, account, or dedication of revenue that
7 is created or re-created by House Bill No. 2960, Acts of the 80th
8 Legislature, Regular Session, 2007, or to which House Bill No. 2960
9 refers, including:

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

12 (2) the dedicated trust fund created under Section
13 2210.607, Insurance Code, as added by H.B. No. 2960; and

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

ADOPTED

FLOOR AMENDMENT NO. 8

MAY 23 2007

BY:

Shapleigh

F.A. No. 1 (Gden) to

Atty Gen
Secretary of the Senate

1 Amend H.B. No. 3107 (~~Senate committee printing~~) by adding
2 the following SECTION, appropriately numbered, and renumbering
3 the subsequent SECTIONS of the bill appropriately:

4 SECTION _____. PERMANENT FUND FOR VETERANS'
5 ASSISTANCE. (a) Section 403.108, Government Code, is transferred
6 to Subchapter A, Chapter 434, Government Code, redesignated as
7 Section 434.017, and amended to read as follows:

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

12 (1) money transferred to the fund at the direction of
13 the legislature;

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

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

17 (b) Except as provided by Subsections (c) and (e), money
18 in the fund may not be appropriated for any purpose.

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

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

23 (2) make grants to local communities to address
24 veterans' needs.

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

28 (e) The comptroller may solicit and accept gifts and
29 grants to the fund. A gift or grant to the fund may be

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1 appropriated in the same manner as other money in [~~the available~~
2 ~~earnings of~~] the fund, subject to any limitation or requirement
3 placed on the gift or grant by the donor or granting entity.

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

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

7 (a) This section applies only to management of the
8 permanent funds established under Sections 403.105, 403.1055,
9 403.106, 403.1065, and 403.1066[, ~~and 403.108~~].

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

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable Steve Ogden, Chair, Senate Committee on Finance

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3107 by Isett, Carl (Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Engrossed**

The fiscal impact of provisions relating to the abolition of funds, accounts and revenue dedications would depend on other actions of the legislature.

The bill would abolish all funds, accounts, and revenue dedications created or recreated by the 80th Legislature, Regular Session, unless specifically exempted under separate sections of this bill.

Any funds, accounts, or revenue dedications abolished under this bill would be deposited to the credit of the unobligated portion of the General Revenue Fund 0001.

The bill would define the state agencies to which this act would apply; and it would provide for the blanket abolition of new funds, accounts, and revenue dedications, unless they were specifically exempted in the bill.

The bill would exempt dedications, funds, and accounts that were enacted before the 80th Legislature convened to comply with the State Constitution or federal requirements, or that remained exempt from the abolishment and removal of dedication provisions of the former Section 403.094(h) of the Government Code and increases in existing fees that were previously dedicated or required to be deposited in a fund or account exempted prior to the 80th Legislature, Regular Session.

The following funds, accounts, and dedications of revenue would be exempt from abolition by this bill, if created or re-created by Acts of the 80th Legislature, Regular Session:

- the Homefront Heroes Account
- the Indigent Health Care Support Account
- the Border Security Account and any other account created or re-created by SB 268 or similar legislation
- the Tax Holiday Fund
- all dedications or rededications to the State Highway Fund 0006
- all dedications or rededications to the Texas Rail Relocation and Improvement Fund 0306
- the Campaign Financing Fund

Federal funds, created by the 80th Legislature, Regular Session, for which separate accounting is required by federal law, would be exempt. These funds would be deposited into accounts within Fund 0001, unless otherwise required by federal law.

The bill would exempt all trust funds and bond funds created by the 80th Legislature, Regular Session, except that all trust funds would have to be held in the State Treasury, with the Comptroller in trust, or outside the State Treasury with the Comptroller's approval.

The bill would exempt funds or accounts created or re-created or revenue dedicated or rededicated under a constitutional amendment proposed by an act of the 80th Legislature, Regular Session if approved by the voters.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the Comptroller to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations on August 31, 2009. Funds outside of the State Treasury, trust funds, funds created by the State Constitution or a court, and funds for which separate accounting was required by federal law would be exempt from this section. These provisions would expire September 1, 2009.

The bill would require the Comptroller, after the certification of the General Appropriations Act, to publish in the Texas Register and on the Internet, a report listing each dedicated fund or account, the amount appropriated from each fund or account for the biennium, and the estimated balance in each fund or account that remained unappropriated.

The provisions of this bill would prevail over any other act of the 80th Legislature, Regular Session—regardless of the date of enactment—purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury.

This bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2007.

The funds, accounts, and revenue dedications that would be abolished and become part of Fund 0001 cannot be determined at this time. Any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill that are dependent upon the passage of another act of the 80th Legislature Regular Session, are dependent upon appropriations made in the 2008-09 General Appropriations Act and cannot be estimated at this time.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, CT

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 2, 2007

TO: Honorable Warren Chisum, Chair, House Committee on Appropriations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3107** by Isett, Carl (Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Introduced**

The fiscal impact of provisions relating to the abolition of funds, accounts and revenue dedications would depend on other actions of the legislature.

The bill would abolish all funds, accounts, and revenue dedications created by the Eightieth Legislature, Regular Session, unless specifically exempted under separate sections of this bill. Any funds, accounts, or revenue dedications abolished under this bill would be deposited to the credit of the unobligated portion of the General Revenue Fund.

The bill would exempt dedications, funds, and accounts that were enacted before the Eightieth Legislature convened to comply with the State Constitution or federal requirements, or that remained exempt from the abolishment and removal of dedication provisions of the former Section 403.094(h) of the Government Code and increases in existing fees that were previously dedicated or required to be deposited in a fund or account exempted prior to the Eightieth Legislature, Regular Session.

The bill would exempt trust funds, bond funds, funds required by federal law, and constitutional funds created by the Eightieth Legislature, Regular Session from abolition. However, the bill would require that all trust funds and bond funds created by the 80th Legislature, Regular Session, would have to be held in the State Treasury, with the Comptroller in trust, or outside the State Treasury with the Comptroller's approval.

The bill would exempt the following accounts in the General Revenue Fund, if the accounts were created or recreated by an act of the Eightieth Legislature, Regular Session:

- Indigent Health Care Support Account (created by House Bill 29 or similar legislation)
- Border Security Account and any other account created or re-created by Senate Bill 268 or similar legislation

The bill would exempt the Tax Holiday Fund (under House Bill 260 or similar legislation) as an account in the General Revenue Fund, if the fund was created or recreated by an act of the Eightieth Legislature, Regular Session.

The bill would exempt the following dedications of revenue, if the revenues were dedicated or rededicated by an act of the Eightieth Legislature, Regular Session:

- All dedications or rededications to the State Highway Fund
- All dedications or rededications to the Texas Rail Relocation and Improvement Fund (made by House Bill 683 or similar legislation)

The bill would exempt the Campaign Financing Fund (created by Senate Bill 921 or similar legislation) as a separate fund in the State Treasury, if the fund was created or recreated by an act of the Eightieth Legislature, Regular Session.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the

Comptroller to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations on August 31, 2009. The bill would exempt funds outside of the State Treasury, trust funds, funds created by the State Constitution or a court, and funds for which separate accounting was required by federal law from this section. These provisions would expire September 1, 2009.

The provisions of the bill would prevail over any other act of the Eightieth Legislature, Regular Session—regardless of the date of enactment—purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect on the 91st day after the last day of the Legislative Session.

The funds, accounts, and revenue dedications that would be abolished and become part of the General Revenue Fund cannot be determined at this time. Any net gain or loss from the re-creation of existing funds or accounts as exempted in the bill that are dependent upon the passage of another act of the Eightieth Legislature Regular Session, are dependent upon appropriations made in the 2008-09 General Appropriations Act and cannot be estimated at this time.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, CT, SD, EB

