

House Bill 3107
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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;

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- (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.

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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 regional trauma account created by Senate Bill No. 125 or similar legislation;
- (1) the premium payment assistance account created by House Bill No. 1751 or similar legislation;
- (2) the Texas health opportunity pool created by Senate

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Bill No. 10, or similar legislation;
(1) the fire prevention and public safety account created by House Bill No. 2935 or similar legislation;
(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, **the following** fund in the state treasury or fund otherwise with the comptroller 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:

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

SECTION 6. REVENUE DEDICATION. Effective on the later of August 27, 2007, or the date the Act

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

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

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

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Account No. 19--Vital Statistics that are made by Senate Bill No. 47, House Bill No. 1377, or similar legislation.

No equivalent provision.

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

No equivalent provision.

SECTION __. ACCOUNTS IN JUDICIAL FUND AND RELATED DEDICATIONS OF REVENUE.
Section 2 of this Act does not apply to:
(1) the supreme court support account created in the judicial fund by Senate Bill No. 1182 or similar legislation; or
(2) dedications of fee revenue deposited to the credit of the account described by Subdivision (1) of this section in accordance with the provisions of Senate Bill No. 1182 or similar legislation.

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No equivalent provision.

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. 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

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

- (1) the catastrophe reserve trust fund created under Subchapter J, Chapter 2210, Insurance Code;
- (2) the dedicated trust fund created under Section 2210.607, Insurance Code, as added by H.B. No. 2960; and
- (3) premium surcharges collected by the Texas Windstorm Insurance Association under Section 2210.058, Insurance Code, as amended by H.B. No. 2960.

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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

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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.

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

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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.

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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, **the following** 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:
(1) the campaign financing fund created by Senate Bill No. 921 or similar legislation.

No equivalent provision.

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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 __. PERMANENT FUND FOR VETERANS' ASSISTANCE. (a) Section 403.108, Government Code, is transferred to Subchapter A, Chapter 434, Government Code, redesignated as Section 434.017, and amended to read as follows:
Sec. 434.017 [403.108]. ~~PERMANENT~~ FUND FOR VETERANS' ASSISTANCE. (a) The ~~permanent~~ fund for veterans' assistance is a special fund in the state treasury outside the general revenue fund. The fund is composed of:
(1) money transferred to the fund at the direction of the legislature;
(2) gifts and grants contributed to the fund; and

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

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

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

- (1)enhance or improve veterans' assistance programs, including veterans' representation and counseling; and
- (2)make grants to local communities to address veterans' needs.

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

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

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

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

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

(c)Effective August 27, 2007, the fund for veterans' assistance is re-created as a special fund in the state treasury outside the general revenue fund, and the fund

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and the revenue deposited to the credit of the fund are exempt from Section 2 of this Act.

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:

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- (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. REPORT ON FUNDS OR ACCOUNTS.

(a) After certification of the General Appropriations Act for the 2008-2009 biennium, the comptroller must publish a report listing:

- (1) each dedicated fund or account;
- (2) the amount appropriated from the fund or account for the biennium; and
- (3) the estimated balance in each fund or account that remains unappropriated.

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

- (1) in the Texas Register; and
- (2) on the Internet.

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

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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 15. 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.

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SECTION 14. Same as House version.

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