

Amend **HB 4583** (Senate committee report) by striking all below the enacting clause and substituting:

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 81st Legislature, Regular Session, 2009, 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 81st Legislature, Regular Session, 2009, that becomes law are abolished on the later of August 31, 2009, 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 81st 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 31, 2009, 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 81st Legislature, Regular Session, 2009, that becomes law:

(1) the Texas physician health program account created as a special account in the general revenue fund by Senate Bill No. 1331 or similar legislation; and

(2) the Jobs and Education for Texans (JET) fund to be created as a dedicated account in the general revenue fund under Senate Bill No. 1313, House Bill No. 1935, or similar legislation.

SECTION 5. REVENUE DEDICATION. Effective on the later of August 31, 2009, 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 exempt from Section 2 of this Act, if dedicated or rededicated by an Act of the 81st Legislature, Regular Session, 2009, that becomes law:

(1) all dedications or rededications of revenue to the Texas Department of Insurance operating account by any Act, including the dedication of fees by Senate Bill No. 1007 or similar legislation and the dedication of fees by House Bill No. 4341 or similar legislation;

(2) the dedication of fee revenue by Senate Bill No. 1414 or similar legislation;

(3) the dedication of lottery proceeds by Senate Bill No. 421, Senate Bill No. 1655, House Bill No. 1299, House Bill No. 4390, Senate Bill No. 1940, or similar legislation;

(4) the dedication or rededication of fees by Senate Bill No. 1013, House Bill No. 2081, or similar legislation;

(5) the dedication of court costs by Senate Bill No. 333 or similar legislation;

(6) the dedication of tax revenue by House Bill No. 982, Senate Bill No. 2187, or similar legislation;

(7) the dedication of revenue by House Bill No. 1684 or similar legislation;

(8) the dedication of revenue by House Bill No. 1965 or similar legislation;

(9) the dedication of revenue by House Bill No. 2259 or

similar legislation;

(10) the dedication of fee revenue by Senate Bill No. 1587, House Bill No. 3359, or similar legislation;

(11) the dedication or rededication of revenue by Senate Bill No. 1844 or similar legislation; and

(12) the dedication or rededication of revenue by Senate Bill No. 862.

SECTION 6. FEDERAL FUNDS. Section 2 of this Act does not apply to funds created pursuant to an Act of the 81st Legislature, Regular Session, 2009, 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 7. 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 81st Legislature, Regular Session, 2009, 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) Section 2 of this Act does not apply to:

(1) the anthropogenic carbon dioxide storage trust fund created as a special fund in the state treasury by House Bill No. 2669, Senate Bill No. 1387, or similar legislation, or to dedicated revenue deposited to that fund; or

(2) the consumer assistance account created as a restitution account in the attorney general's departmental suspense account in the state treasury by Senate Bill No. 2350 or similar legislation, or to revenue deposited to that account.

(c) Notwithstanding Subsection (a) of this section, Section 2 of this Act applies to:

(1) the system benefit fund and to revenue deposited to the credit of that fund if that fund is purported to be re-created by House Bill No. 1182 or similar legislation as a trust fund; and

(2) the scholarship trust fund and to revenue deposited to the credit of that fund if that fund is purported to be created by House Bill No. 2440, Senate Bill No. 1412, or similar legislation as a trust fund.

SECTION 8. BOND FUNDS. Section 2 of this Act does not apply to bond funds and pledged funds created or affected by an Act of the 81st Legislature, Regular Session, 2009, 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 9. CONSTITUTIONAL FUNDS. (a) 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 proposed by the 81st Legislature, Regular Session, 2009, 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.

(b) Section 2 of this Act does not apply to the national research university fund or any revenue transferred or deposited to or dedicated to that fund under House Bill No. 51, House Bill No. 4453, Senate Bill No. 1560, or similar legislation that becomes law.

SECTION 10. SEPARATE FUNDS IN THE TREASURY. Effective September 1, 2009, the following funds in the state treasury and the revenue deposited to the credit of the funds are exempt from Section 2 of this Act and the funds are created as separate funds in the state treasury, if created by an Act of the 81st Legislature, Regular Session, 2009, that becomes law:

(1) the floodplain management fund created as a special fund in the state treasury outside the general revenue fund by House Bill No. 2536 or similar legislation;

(2) the account created by Senate Bill No. 263 or similar legislation for the deposit of proceeds from the sale of the bonds to be used for the sole purpose of financing projects authorized by Section 222.104, Transportation Code, except that, notwithstanding that legislation the fund is created as a separate fund outside of the general revenue fund; and

(3) the freestanding emergency medical care facility licensing fund created by House Bill No. 1357 or similar legislation.

SECTION 11. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.

Effective September 1, 2009, 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, 2011 [~~2009~~], are estimated to exceed the amount appropriated by the General Appropriations Act or other laws enacted by the 81st [~~80th~~] 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 81st [~~80th~~] 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:

- (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, 2011 [~~2009~~].

SECTION 12. CERTAIN REVENUES DEDICATED TO COMPENSATION TO VICTIMS OF CRIME FUND. (a) Section 495.025(c), Government Code, as added by Section 1, Chapter 100 (S.B. 1580), Acts of the 80th Legislature, Regular Session, 2007, is reenacted to read as follows:

(c) The department shall transfer 50 percent of all

commissions paid to the department by a vendor under this section to the compensation to victims of crime fund established by Subchapter B, Chapter 56, Code of Criminal Procedure, and the other 50 percent to the credit of the undedicated portion of the general revenue fund, except that the department shall transfer the first \$10 million of the commissions collected in any given year under a contract awarded under this section to the compensation to victims of crime fund established by Subchapter B, Chapter 56, Code of Criminal Procedure. This section does not reduce any appropriation to the department.

(b) Revenue dedicated to the compensation to victims of crime fund by Section 495.025(c), Government Code, as added by Section 1, Chapter 100 (S.B. 1580), Acts of the 80th Legislature, Regular Session, 2007, is rededicated to that fund by this section and that rededication is exempt from Section 2 of this Act.

SECTION 13. PHYSICIAN EDUCATION LOAN REPAYMENT PROGRAM.

(a) Section 2 of this Act does not apply to the physician education loan repayment program account created as an account in the general revenue fund by House Bill No. 2154 or similar legislation or to dedicated revenue deposited to that account.

(b) Notwithstanding provisions of House Bill No. 2154 or other law to the contrary, of dedicated revenue directed by Sections 61.539 and 61.5391, Education Code, Section 155.2415, Tax Code, or other law to be deposited to the physician education loan repayment program account described by Subsection (a) of this section:

(1) during the state fiscal year ending August 31, 2010:

(A) 15 percent of the amount of that revenue described by those provisions shall be deposited to the credit of the physician education loan repayment program account; and

(B) the remainder of that revenue shall be deposited to the credit of the undedicated portion of the general revenue fund;

(2) from September 1, 2010, to August 29, 2011:

(A) 25 percent of the amount of that revenue described by those provisions shall be deposited to the credit of

the physician education loan repayment program account; and

(B) the remainder of that revenue shall be deposited to the credit of the undedicated portion of the general revenue fund; and

(3) on and after August 30, 2011:

(A) 50 percent of the amount of that revenue described by those provisions shall be deposited to the credit of the physician education loan repayment program account; and

(B) the remainder of that revenue shall be deposited to the credit of the undedicated portion of the general revenue fund.

SECTION 14. CERTAIN OTHER FUNDS HELD OUTSIDE THE TREASURY. Each of the following funds, if created as a fund held outside the treasury by an Act of the 81st Legislature, Regular Session, 2009, that becomes law, and revenue deposited to the credit of the funds are exempt from this Act:

(1) the Texas transportation revolving fund or any similar revolving fund created by or under Senate Bill No. 1350, Senate Bill No. 505, Senate Bill No. 263, or similar legislation; and

(2) the neighborhood and community recovery fund created by Senate Bill No. 11, House Bill No. 4310, or similar legislation.

SECTION 15. HEALTHY TEXAS SMALL EMPLOYER PREMIUM STABILIZATION FUND. Sections 2 and 7 of this Act do not apply to the healthy Texas small employer premium stabilization fund created by Senate Bill No. 6 or similar legislation, or to dedicated revenue deposited to that account.

SECTION 16. AMERICAN RECOVERY AND REINVESTMENT ACT FUND. (a) Section 2 of this Act does not apply to the American Recovery and Reinvestment Act fund created by Subsection (b) of this section, or to revenue deposited to the fund.

(b) Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0122 to read as follows:

Sec. 403.0122. DEPOSIT OF AMERICAN RECOVERY AND REINVESTMENT ACT MONEY. (a) In this section:

(1) "Fund" means the American Recovery and

Reinvestment Act fund.

(2) "Recovery act" means the federal American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5).

(b) The American Recovery and Reinvestment Act fund is created as a special fund in the state treasury outside the general revenue fund.

(c) Notwithstanding any other law of this state and except as otherwise provided by federal law, state agencies that receive money under the recovery act shall deposit the money to the credit of the fund as the comptroller determines is necessary to hold and account for money received under the recovery act.

(d) Other money may be deposited to the credit of the fund as appropriated by the legislature, as required by federal law, or as necessary to account for money related to the recovery act. Money deposited to the credit of the fund may only be used for the purposes identified in the recovery act to stimulate the economy, including aid for unemployment, welfare, education, health, and infrastructure.

(e) Agencies shall transfer amounts between the fund and other accounts and funds in the treasury as necessary to properly account for money received under the recovery act as directed by the comptroller. This section does not affect the authority of the comptroller to establish and use accounts necessary to manage and account for revenues and expenditures.

(f) Interest earned on money deposited to the credit of the fund is exempt from Section 404.071. Interest earned on money in the fund shall be retained in the fund.

(g) The comptroller may issue guidelines for state agencies regarding the implementation of this section.

SECTION 17. LICENSE PLATES. Sections 2 and 7 of this Act do not apply to the dedication or rededication of specialty license plate revenue or to an account or fund created or re-created by an Act of the 81st Legislature, Regular Session, 2009, that becomes law involving a specialty license plate.

SECTION 18. LARGE COUNTY AND MUNICIPALITY RECREATION AND PARKS ACCOUNT. (a) On the effective date of this Act, the large county and municipality recreation and parks account, established

by Section 39, Chapter 1159 (H.B. 12), Acts of the 80th Legislature, Regular Session, 2007, is re-created by this section as an account in the general revenue fund.

(b) The large county and municipality recreation and parks account and the revenue deposited to the credit of the account are exempt from Section 2 of this Act.

SECTION 19. EFFECT OF ACT. (a) This Act prevails over any other Act of the 81st Legislature, Regular Session, 2009, 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) Revenue that, under the terms of another Act of the 81st Legislature, Regular Session, 2009, 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 20. 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.