

By: Leibowitz, Howard of Travis, et al.

H.B. No. 2242

Substitute the following for H.B. No. 2242:

By: Howard of Travis

C.S.H.B. No. 2242

A BILL TO BE ENTITLED

AN ACT

relating to the abolition of the Texas cultural endowment fund.

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

SECTION 1. Sections 444.025(a), (b), and (i), Government Code, are amended to read as follows:

(a) The commission may accept on behalf of the state donations of money, property, and art objects as it determines best further the orderly development of the artistic resources of the state. Money [~~Except as provided by Subsection (b), money~~] paid to the commission under this chapter shall be deposited in the Texas Commission on the Arts operating [~~cultural endowment~~] fund.

(b) The commission may solicit donations from an appropriate source. [~~A person may designate a donation as intended for the Texas cultural endowment fund or the Texas Commission on the Arts operating fund. If the person designates that a donation is intended for a specific fund, the donation shall be deposited in the designated fund.~~]

(i) All money paid to the commission under this chapter [~~other than money required to be deposited in the Texas cultural endowment fund,~~] is subject to Subchapter F, Chapter 404.

SECTION 2. Section 444.032(c), Government Code, is amended to read as follows:

(c) All proceeds from the sale of compact discs under the project shall be deposited in the Texas Commission on the Arts

1 operating [~~cultural endowment~~] fund under Section 444.027
2 [~~444.026~~].

3 SECTION 3. Sections 444.026 and 444.028, Government Code,
4 are repealed.

5 SECTION 4. (a) Before December 1, 2009, the Texas
6 Commission on the Arts, in consultation with interested
7 stakeholders, shall review donor restrictions on donations to the
8 Texas cultural endowment fund to determine if the donations may be
9 transferred to the Texas Commission on the Arts operating fund.

10 (b) On December 1, 2009:

11 (1) the Texas cultural endowment fund is abolished;

12 (2) the money, including any interest or income earned
13 before December 1, 2009, in the Texas cultural endowment fund that
14 is not subject to donor restrictions prohibiting the transfer is
15 transferred to the Texas Commission on the Arts operating fund; and

16 (3) the money, including any interest or income earned
17 before December 1, 2009, in the Texas cultural endowment fund that
18 is subject to donor restrictions prohibiting a transfer to the
19 Texas Commission on the Arts operating fund is returned to the
20 donor.

21 (c) Money transferred under Subsection (b)(2) of this
22 section may not be used to reduce or eliminate appropriations made
23 for the fiscal biennium beginning September 1, 2009, to the Texas
24 Commission on the Arts.

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.