

By: Ogden

S.B. No. 1922

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 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 account and the revenue deposited to the credit of the account is exempt from Section 2 of this Act and is 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 elderly and disabled persons account created by House Bill No. 216 or similar legislation.

SECTION 5. FUNDS TO BECOME ACCOUNTS. Effective on the later of August 31, 2009, 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

1 Constitution, and the account and the revenue deposited to the  
2 credit of the account are exempt from Section 2 of this Act, if  
3 created or re-created by an Act of, or constitutional amendment  
4 proposed by, the 81st Legislature, Regular Session, 2009, that  
5 becomes law or is approved by the voters, as applicable:

6           (1) the assistant public defender supplement fund  
7 created by House Bill No. 199 or similar legislation.

8           SECTION 6. REVENUE DEDICATION. Effective on the later of  
9 August 31, 2009, or the date the Act dedicating or rededicating the  
10 revenue takes effect, the following dedication or rededication of  
11 revenue collected by a state agency for a particular purpose is  
12 exempt from Section 2 of this Act, if dedicated or rededicated by an  
13 Act of the 81st Legislature, Regular Session, 2009, that becomes  
14 law:

15           (1) the dedication of the fee created by House Bill No.  
16 1212, or similar legislation, for the purpose of updating,  
17 developing, and maintaining the state index of marriage license  
18 applications and declarations of informal marriage and the state  
19 index of reports of divorces or annulments of marriage.

20           SECTION 7. FEDERAL FUNDS. Section 2 of this Act does not  
21 apply to funds created pursuant to an Act of the 81st Legislature,  
22 Regular Session, 2009, for which separate accounting is required by  
23 federal law, except that the funds shall be deposited in accounts in  
24 the general revenue fund unless otherwise required by federal law.

25           SECTION 8. TRUST FUNDS. Section 2 of this Act does not  
26 apply to trust funds or dedicated revenue deposited to trust funds  
27 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.

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 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 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 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.

SECTION 11. SEPARATE FUNDS IN THE TREASURY. Effective September 1, 2009, 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 81st Legislature, Regular Session, 2009, that becomes law:

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

SECTION 12. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE. Effective September 1, 2009, Sections 403.095(b), (d), and (e),

1 Government Code, are amended to read as follows:

2 (b) Notwithstanding any law dedicating or setting aside  
3 revenue for a particular purpose or entity, dedicated revenues  
4 that, on August 31, 2011 [~~2009~~], are estimated to exceed the amount  
5 appropriated by the General Appropriations Act or other laws  
6 enacted by the 81st [~~80th~~] Legislature are available for general  
7 governmental purposes and are considered available for the purpose  
8 of certification under Section 403.121.

9 (d) Following certification of the General Appropriations  
10 Act and other appropriations measures enacted by the 81st [~~80th~~]  
11 Legislature, the comptroller shall reduce each dedicated account as  
12 directed by the legislature by an amount that may not exceed the  
13 amount by which estimated revenues and unobligated balances exceed  
14 appropriations. The reductions may be made in the amounts and at  
15 the times necessary for cash flow considerations to allow all the  
16 dedicated accounts to maintain adequate cash balances to transact  
17 routine business. The legislature may authorize, in the General  
18 Appropriations Act, the temporary delay of the excess balance  
19 reduction required under this subsection. This subsection does  
20 not apply to revenues or balances in:

21 (1) funds outside the treasury;

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

27 (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 13. 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) Revenues 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 14. 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

1 create or re-create a special fund or account in the state treasury  
2 or to dedicate or rededicate revenue to a particular purpose,  
3 including any fund, account, or revenue dedication abolished under  
4 former Section 403.094, Government Code.

5 (b) Revenues that, under the terms of another Act of the  
6 81st Legislature, Regular Session, 2009, would be deposited to the  
7 credit of a special account or fund shall be deposited to the credit  
8 of the undedicated portion of the general revenue fund unless the  
9 fund, account, or dedication is exempted under this Act.

10 SECTION 15. EFFECTIVE DATE. This Act takes effect  
11 immediately if it receives a vote of two-thirds of all the members  
12 elected to each house, as provided by Section 39, Article III, Texas  
13 Constitution. If this Act does not receive the vote necessary for  
14 immediate effect, this Act takes effect on the 91st day after the  
15 last day of the legislative session.