

By: Burnam

H.B. No. 465

A BILL TO BE ENTITLED

AN ACT

relating to abolishing the Texas Enterprise Fund, the Texas emerging technology fund, the Pan American Games trust fund, the Olympic Games trust fund, and a major events trust fund, a motor sports racing trust fund, and an events trust fund for sporting and non-sporting events.

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

SECTION 1. (a) Sections 481.078 and 481.080, Government Code, are repealed.

(b) The repeal by this Act of Sections 481.078 and 481.080, Government Code, does not affect the validity of any agreement between the governor and a grant recipient or entity to be awarded a grant entered into under Section 481.078 before the effective date of this Act.

(c) On the effective date of this Act, the Texas Enterprise Fund is abolished and the unexpended and unencumbered money from that fund is available in the general revenue fund and may be used in accordance with legislative appropriation.

(d) After the effective date of this Act, unspent but encumbered money in the Texas Enterprise Fund at the time the fund was abolished is in the general revenue fund. If the money was deposited in the Texas Enterprise Fund as a gift, grant, or donation under Section 481.078(b)(3), Government Code, and is encumbered by the specific terms of the gift, grant, or donation, the money may be

1 spent only in accordance with the terms of the gift, grant, or
2 donation. If the money is encumbered because it has been awarded or
3 otherwise obligated by agreement before the effective date of this
4 Act but under the terms of the award or agreement will not be
5 distributed until a future time, the money shall be distributed in
6 accordance with the terms of the award or agreement. If the
7 governor determines that the money will not be distributed in
8 accordance with the terms of the award or agreement, the governor
9 shall certify that fact to the comptroller. On that certification,
10 the comptroller shall make that money available in the general
11 revenue fund to be used in accordance with legislative
12 appropriation.

13 (e) Section 481.078, Government Code, is continued in
14 effect for the limited purpose of supplying the necessary authority
15 to administer Subsection (d) of this section.

16 SECTION 2. (a) Subchapters A, B, C, D, E, F, and G, Chapter
17 490, Government Code, are repealed.

18 (b) The repeal by this Act of Subchapters A, B, C, D, E, F,
19 and G, Chapter 490, Government Code, does not affect the validity of
20 any agreement between the governor and an award recipient or a
21 person or entity to be awarded money entered into under those
22 subchapters before the effective date of this Act.

23 (c) On the effective date of this Act, the Texas emerging
24 technology fund is abolished and the unexpended and unencumbered
25 money from that fund is available in the general revenue fund and
26 may be used in accordance with legislative appropriation.

27 (d) After the effective date of this Act, unspent but

1 encumbered money in the Texas emerging technology fund at the time
2 the fund was abolished is in the general revenue fund. If the money
3 was deposited in the Texas emerging technology fund as a gift,
4 grant, or donation under Chapter 490, Government Code, and is
5 encumbered by the specific terms of the gift, grant, or donation,
6 the money may be spent only in accordance with the terms of the
7 gift, grant, or donation. If the money is encumbered because it has
8 been awarded or otherwise obligated by agreement before the
9 effective date of this Act but under the terms of the award or
10 agreement will not be distributed until a future time, the money
11 shall be distributed in accordance with the terms of the award or
12 agreement. If the governor determines that the money will not be
13 distributed in accordance with the terms of the award or agreement,
14 the governor shall certify that fact to the comptroller. On that
15 certification, the comptroller shall make that money available in
16 the general revenue fund to be used in accordance with legislative
17 appropriation.

18 (e) After the effective date of this Act, any royalties,
19 revenues, and other financial benefits realized from a project
20 undertaken with money from the Texas emerging technology fund, as
21 provided by a contract entered into under Section 490.103,
22 Government Code, shall be deposited into the general revenue fund.

23 (f) Subchapters A, B, C, D, E, F, and G, Chapter 490,
24 Government Code, are continued in effect for the limited purpose of
25 supplying the necessary authority to administer Subsections (d) and
26 (e) of this section.

27 SECTION 3. (a) On the effective date of this Act:

1 (1) Chapter 1507 (S.B. 456), Acts of the 76th
2 Legislature, Regular Session, 1999 (Article 5190.14, Vernon's
3 Texas Civil Statutes), is repealed; and

4 (2) the following trust funds established under that
5 chapter are abolished:

6 (A) the Pan American Games trust fund;

7 (B) the Olympic Games trust fund;

8 (C) a major events trust fund;

9 (D) a motor sports racing trust fund; and

10 (E) an events trust fund.

11 (b) The applicable provisions of Chapter 1507, (S.B. 456),
12 Acts of the 76th Legislature, Regular Session, 1999 (Article
13 5190.14, Vernon's Texas Civil Statutes), as that chapter existed
14 immediately before the effective date of this Act, including any
15 applicable trust funds established under that chapter, remain in
16 effect as those provisions apply in relation to the particular
17 games or events described by this subsection until all money from
18 the trust funds for the particular games or events has been
19 disbursed and all obligations under those games support contracts
20 or event support contracts have been satisfied. This subsection
21 applies only if, before the effective date of this Act:

22 (1) pursuant to an application by a local organizing
23 committee, endorsing municipality, or endorsing county, a site
24 selection organization selects a site in this state for particular
25 games or a particular event to which Chapter 1507 applies; and

26 (2) one or more games support contracts or event
27 support contracts for the particular games or event have been

1 entered into.

2 (c) The repeal by this Act of Chapter 1507 (S.B. 456), Acts
3 of the 76th Legislature, Regular Session, 1999 (Article 5190.14,
4 Vernon's Texas Civil Statutes), does not apply to an offense
5 committed under that chapter before the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by that chapter as it existed on the date the offense was
8 committed, and the former law is continued in effect for that
9 purpose. For purposes of this subsection, an offense was committed
10 before the effective date of this Act if any element of the offense
11 occurred before that date.

12 SECTION 4. Section 204.123, Labor Code, is amended to read
13 as follows:

14 Sec. 204.123. TRANSFER TO [~~TEXAS ENTERPRISE FUND,~~] SKILLS
15 DEVELOPMENT FUND, TRAINING STABILIZATION FUND, AND COMPENSATION
16 FUND. (a) If, on September 1 of a year, the commission determines
17 that the amount in the compensation fund will exceed 100 percent of
18 its floor as computed under Section 204.061 on the next October 1
19 computation date, the commission shall transfer from the holding
20 fund created under Section 204.122:

21 (1) [~~from~~] the first \$160 million deposited in the
22 holding fund in any state fiscal biennium[+]

23 [~~(A) during the state fiscal biennium ending~~
24 ~~August 31, 2007.~~

25 [~~(i) 67 percent to the Texas Enterprise~~
26 ~~Fund created under Section 481.078, Government Code, except that~~
27 ~~the amount transferred under this paragraph may not exceed the~~

~~amount appropriated by the legislature to the Texas Enterprise Fund in that biennium; and~~

~~[(ii) 33 percent to the skills development fund created under Section 303.003, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the skills development program strategies and activities in that biennium; and~~

~~[(B) during any state fiscal biennium beginning on or after September 1, 2007.]~~

~~[(i) 75 percent to the Texas Enterprise Fund created under Section 481.078, Government Code, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the Texas Enterprise Fund in that biennium; and~~

~~[(ii) 25 percent]~~ to the skills development fund created under Section 303.003, except that the amount transferred under this subdivision ~~[paragraph]~~ may not exceed the amount appropriated by the legislature to the skills development program strategies and activities in that biennium; and

(2) any remaining amount in the holding fund after the distribution under Subdivision (1) to the training stabilization fund created under Section 302.101.

(b) If, on September 1 of a year, the commission determines that the amount in the compensation fund will be at or below 100 percent of its floor as computed under Section 204.061 on the next October 1 computation date, the commission shall transfer to the compensation fund as much of the amount in the holding fund as is

1 necessary to raise the amount in the compensation fund to 100
 2 percent of its floor, up to and including the entire amount in the
 3 holding fund. The commission shall transfer any remaining balance
 4 in the holding fund to ~~[the Texas Enterprise Fund,~~ the skills
 5 development fund~~]~~ and the training stabilization fund as ~~[in the~~
 6 ~~percentages]~~ prescribed by Subsection (a).

7 SECTION 5. Sections 302.101(b) and (c), Labor Code, are
 8 amended to read as follows:

9 (b) Money in the training stabilization fund may be used in
 10 a year in which the amounts in the employment and training
 11 investment holding fund are insufficient to meet the legislative
 12 appropriation for that fiscal year for ~~[either the Texas Enterprise~~
 13 ~~Fund or]~~ the skills development program strategies and activities.

14 (c) Money in the training stabilization fund shall be
 15 transferred to ~~[the Texas Enterprise Fund and]~~ the skills
 16 development fund under Subsection (b) not later than September 30.
 17 ~~[The transfer under Subsection (b) shall consist of transferring 67~~
 18 ~~percent of the money in the training stabilization fund to the Texas~~
 19 ~~Enterprise Fund and 33 percent of the money in the training~~
 20 ~~stabilization fund to the skills development fund.]~~ The amount
 21 transferred from the training stabilization fund may not exceed the
 22 amount ~~[amounts]~~ appropriated to the ~~[Texas Enterprise Fund and]~~
 23 skills development program strategies and activities in the fiscal
 24 year in which the transfer is made.

25 SECTION 6. This Act takes effect September 1, 2011.