

By: Pitts

H.B. No. 3644

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation and re-creation of funds and accounts in
3 the state treasury, the dedication and rededication of revenue, and
4 the exemption of unappropriated money from use for general
5 governmental purposes.

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

7 SECTION 1. DEFINITION. In any provision of this Act that
8 does not amend current law, "state agency" means an office,
9 institution, or other agency that is in the executive branch of
10 state government, has authority that is not limited to a
11 geographical portion of the state, and was created by the
12 constitution or a statute of this state. The term does not include
13 an institution of higher education as defined by Section 61.003,
14 Education Code.

15 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.
16 Except as otherwise specifically provided by this Act, all funds
17 and accounts created or re-created in the state treasury by an Act
18 of the 82nd Legislature, Regular Session, 2011, that becomes law
19 and all dedications or rededications of revenue in the state
20 treasury or otherwise collected by a state agency for a particular
21 purpose by an Act of the 82nd Legislature, Regular Session, 2011,
22 that becomes law are abolished on the later of August 31, 2011, or
23 the date the Act creating or re-creating the fund or account or
24 dedicating or rededicating revenue takes effect.

1 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND
2 ACCOUNTS. Section 2 of this Act does not apply to:

3 (1) statutory dedications, funds, and accounts that
4 were enacted before the 82nd Legislature convened to comply with
5 requirements of state constitutional or federal law;

6 (2) dedications, funds, or accounts that remained
7 exempt from former Section 403.094(h), Government Code, at the time
8 dedications, accounts, and funds were abolished under that
9 provision;

10 (3) increases in fees or in other revenue dedicated as
11 described by this section; or

12 (4) increases in fees or in other revenue required to
13 be deposited in a fund or account described by this section.

14 SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not
15 apply to funds created pursuant to an Act of the 82nd Legislature,
16 Regular Session, 2011, for which separate accounting is required by
17 federal law, except that the funds shall be deposited in accounts in
18 the general revenue fund unless otherwise required by federal law.

19 SECTION 5. TRUST FUNDS. Section 2 of this Act does not
20 apply to trust funds or dedicated revenue deposited to trust funds
21 created under an Act of the 82nd Legislature, Regular Session,
22 2011, except that the trust funds shall be held in the state
23 treasury, with the comptroller in trust, or outside the state
24 treasury with the comptroller's approval.

25 SECTION 6. BOND FUNDS. Section 2 of this Act does not apply
26 to bond funds and pledged funds created or affected by an Act of the
27 82nd Legislature, Regular Session, 2011, except that the funds

1 shall be held in the state treasury, with the comptroller in trust,
2 or outside the state treasury with the comptroller's approval.

3 SECTION 7. CONSTITUTIONAL FUNDS. Section 2 of this Act does
4 not apply to funds or accounts that would be created or re-created
5 by the Texas Constitution or revenue that would be dedicated or
6 rededicated by the Texas Constitution under a constitutional
7 amendment proposed by the 82nd Legislature, Regular Session, 2011,
8 or to dedicated revenue deposited to funds or accounts that would be
9 so created or re-created, if the constitutional amendment is
10 approved by the voters.

11 SECTION 8. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
12 Effective September 1, 2011, Sections 403.095(b), (d), and (e),
13 Government Code, are amended to read as follows:

14 (b) Notwithstanding any law dedicating or setting aside
15 revenue for a particular purpose or entity, dedicated revenues
16 that, on August 31, 2013 [~~2011~~], are estimated to exceed the amount
17 appropriated by the General Appropriations Act or other laws
18 enacted by the 82nd [~~81st~~] Legislature are available for general
19 governmental purposes and are considered available for the purpose
20 of certification under Section 403.121.

21 (d) Following certification of the General Appropriations
22 Act and other appropriations measures enacted by the 82nd [~~81st~~]
23 Legislature, the comptroller shall reduce each dedicated account as
24 directed by the legislature by an amount that may not exceed the
25 amount by which estimated revenues and unobligated balances exceed
26 appropriations. The reductions may be made in the amounts and at
27 the times necessary for cash flow considerations to allow all the

1 dedicated accounts to maintain adequate cash balances to transact
2 routine business. The legislature may authorize, in the General
3 Appropriations Act, the temporary delay of the excess balance
4 reduction required under this subsection. This subsection does not
5 apply to revenues or balances in:

6 (1) funds outside the treasury;

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

12 (3) funds created by the constitution or a court; or

13 (4) funds for which separate accounting is required by
14 federal law.

15 (e) This section expires on September 1, 2013 [~~2011~~].

16 SECTION 9. EFFECT OF ACT. (a) This Act prevails over any
17 other Act of the 82nd Legislature, Regular Session, 2011,
18 regardless of the relative dates of enactment, that purports to
19 create or re-create a special fund or account in the state treasury
20 or to dedicate or rededicate revenue to a particular purpose,
21 including any fund, account, or revenue dedication abolished under
22 former Section 403.094, Government Code.

23 (b) Revenues that, under the terms of another Act of the
24 82nd Legislature, Regular Session, 2011, would be deposited to the
25 credit of a special account or fund shall be deposited to the credit
26 of the undedicated portion of the general revenue fund unless the
27 fund, account, or dedication is exempted under this Act.

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