

1 AN ACT

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

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

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

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

24 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND

1 ACCOUNTS. Section 2 of this Act does not apply to:

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

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

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

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

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

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

24 SECTION 6. BOND FUNDS. Section 2 of this Act does not apply
25 to bond funds and pledged funds created or affected by an Act of the
26 82nd Legislature, Regular Session, 2011, except that the funds
27 shall be held in the state treasury, with the comptroller of public

1 accounts in trust, or outside the state treasury with the
2 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. CREATION OF NEW ACCOUNTS FOR LICENSE PLATE FEES.
12 Section 2 of this Act does not apply to a new account created in the
13 general revenue fund for receipt of fees for special license plates
14 or for receipt of related revenue, gifts, or grants as provided by
15 an Act of the 82nd Legislature, Regular Session, 2011, or to the
16 dedication of revenue to or contained in the new account.

17 SECTION 9. ADDITIONAL USES FOR DEDICATED FUNDS, ACCOUNTS,
18 OR REVENUES. Section 2 of this Act does not apply to a newly
19 authorized dedication of or use of a dedicated fund, a dedicated
20 account, or dedicated revenues as provided by an Act of the 82nd
21 Legislature, Regular Session, 2011, to the extent that Act affects
22 a fund, an account, or revenues that were exempted from funds
23 consolidation before January 1, 2011. A dedicated fund, a
24 dedicated account, or dedicated revenues that were exempted from
25 funds consolidation before January 1, 2011, may be used as an Act of
26 the 82nd Legislature, Regular Session, 2011, provides, and a change
27 in the name or authorized use of a previously exempted dedicated

1 fund or account does not affect the fund's or account's dedicated
2 nature.

3 SECTION 10. ACCOUNTS IN GENERAL REVENUE FUND. Effective on
4 the later of the effective date of the Act creating or re-creating
5 the account or August 31, 2011, the following accounts and the
6 revenue deposited to the credit of the accounts are exempt from
7 Section 2 of this Act and are created in the general revenue fund,
8 if created or re-created by an Act of the 82nd Legislature, Regular
9 Session, 2011, that becomes law:

10 (1) the driver's license system improvement account
11 created as a dedicated account in the general revenue fund by Senate
12 Bill No. 9, Senate Bill No. 1583, or similar legislation;

13 (2) the judicial and court personnel training fund
14 created as a dedicated account in the general revenue fund by Senate
15 Bill No. 1582, Senate Bill No. 1811, House Bill No. 3648, or similar
16 legislation;

17 (3) the oil and gas regulation and cleanup fund
18 created by Senate Bill No. 655, Senate Bill No. 1584, House Bill No.
19 3106, or similar legislation, except that, regardless of any
20 provision of that legislation, the oil and gas regulation and
21 cleanup fund is created as a dedicated account in the general
22 revenue fund;

23 (4) the fund for veterans' assistance re-created as a
24 special fund in the state treasury outside the general revenue fund
25 by Senate Bill No. 1635, Senate Bill No. 1739, House Bill No. 1172,
26 House Bill No. 3179, or similar legislation;

27 (5) the judicial access and improvement account

1 created as a dedicated account in the general revenue fund by Senate
2 Bill No. 1811, House Bill No. 2174, or similar legislation;

3 (6) the low-level radioactive waste disposal compact
4 commission account created as an account in the general revenue
5 fund by House Bill No. 2694 or similar legislation;

6 (7) the Alamo complex account created as a separate
7 account in the general revenue fund by House Bill No. 3726, Senate
8 Bill No. 1841, or similar legislation; and

9 (8) the emergency radio infrastructure account
10 created by House Bill No. 442 or similar legislation.

11 SECTION 11. REVENUE DEDICATION. Effective on the later of
12 the effective date of the Act dedicating or rededicating the
13 revenue or August 31, 2011, the following dedications or
14 rededications of revenue collected by a state agency for a
15 particular purpose are exempt from Section 2 of this Act, if
16 dedicated or rededicated by an Act of the 82nd Legislature, Regular
17 Session, 2011, that becomes law:

18 (1) the dedication of all fees to be deposited to the
19 credit of the driver's license system improvement account as
20 provided by Senate Bill No. 9, Senate Bill No. 1583, or similar
21 legislation;

22 (2) the dedication of amounts to be deposited to the
23 credit of the charter district bond guarantee reserve fund as
24 provided by Senate Bill No. 597, House Bill No. 1437, or similar
25 legislation;

26 (3) the dedication of charges collected under
27 Subsection (g), Section 151.158, Tax Code, as provided by Senate

1 Bill No. 776, Senate Bill No. 1811, or similar legislation;

2 (4) the dedication of the additional annual fee to be
3 deposited to the credit of the scholarship trust fund for
4 fifth-year accounting students as provided by Senate Bill No. 777,
5 House Bill No. 1521, or similar legislation;

6 (5) the dedication of fees imposed under Subsection
7 (a), Section 2054.380, Government Code, as provided by Senate Bill
8 No. 1579, House Bill No. 3665, or similar legislation;

9 (6) the dedication of fees to be charged for process
10 server certification and renewal of certification as provided by
11 Senate Bill No. 1582, Senate Bill No. 1811, House Bill No. 1614,
12 House Bill No. 3648, or similar legislation;

13 (7) all dedications of revenue for deposit to the
14 credit of the oil and gas regulation and cleanup fund as provided by
15 Senate Bill No. 655, Senate Bill No. 1584, House Bill No. 3106, or
16 similar legislation;

17 (8) the dedication of the enrollment fees to be
18 deposited to the credit of the employees life, accident, and health
19 insurance and benefits fund under Section 1551.3076, Insurance
20 Code, as provided by Senate Bill No. 1664, Senate Bill No. 1811, or
21 similar legislation;

22 (9) the dedication of contributions made under Section
23 502.1746, Transportation Code, as provided by Senate Bill No. 1635,
24 House Bill No. 3179, or similar legislation;

25 (10) the dedication of contributions, gifts, grants,
26 and promotional campaign proceeds received by the Parks and
27 Wildlife Department under Subchapter J-1, Chapter 11, Parks and

1 Wildlife Code, as provided by Senate Bill No. 1584, House Bill No.
2 1300, House Bill No. 3418, or similar legislation;

3 (11) the dedication of licensing fees received under
4 Section 13.0155, Parks and Wildlife Code, as provided by Senate
5 Bill No. 1584, House Bill No. 1300, House Bill No. 3418, or similar
6 legislation;

7 (12) the dedication of contributions received under
8 Section 502.1747, Transportation Code, as provided by Senate Bill
9 No. 1584, House Bill No. 1301, House Bill No. 3418, or similar
10 legislation;

11 (13) the dedication of all fees to be deposited to the
12 credit of the sexual assault program fund as provided by Senate Bill
13 No. 23 or similar legislation;

14 (14) the dedication of fees imposed under Subsection
15 (b), Section 1104.052, Occupations Code, as provided by House Bill
16 No. 1146, or similar legislation;

17 (15) the dedication of the revenue generated under
18 House Bill No. 442, or similar legislation, for the purpose of
19 creating an interoperable statewide emergency radio
20 infrastructure;

21 (16) all dedications or rededications of revenue to an
22 account of a Self-Directed, Semi-Independent Agency with the Texas
23 Treasury Safekeeping Trust Company by any Act of the 82nd
24 Legislature, Regular Session, 2011;

25 (17) all dedications or rededications of revenue to
26 the Texas Department of Insurance Operating Account by any Act of
27 the 82nd Legislature, Regular Session, 2011;

1 (18) all dedications or rededications of revenue to
2 the State Highway Fund by any Act of the 82nd Legislature, Regular
3 Session, 2011; and

4 (19) all dedications or rededications of revenue to
5 the Game, Fish, and Water Safety Account by any Act of the 82nd
6 Legislature, Regular Session, 2011.

7 SECTION 12. SEPARATE FUNDS IN THE TREASURY. Effective
8 September 1, 2011, the following funds in the state treasury and the
9 revenue deposited to the credit of the funds, if created by an Act
10 of the 82nd Legislature, Regular Session, 2011, are exempt from
11 Section 2 of this Act and the funds are created as separate funds in
12 the state treasury:

13 (1) the charter district bond guarantee reserve fund,
14 created as a special fund in the state treasury outside the general
15 revenue fund by Senate Bill No. 597, House Bill No. 1437, or similar
16 legislation; and

17 (2) the Internet crimes against children account
18 created as a special fund by Senate Bill No. 1843, House Bill No.
19 3746, or similar legislation.

20 SECTION 13. CERTAIN OTHER FUNDS HELD OUTSIDE THE TREASURY.
21 Each of the following funds, if created as a fund held outside the
22 treasury by an Act of the 82nd Legislature, Regular Session, 2011,
23 that becomes law, and revenue deposited to the credit of the funds
24 are exempt from this Act:

25 The Department of Insurance examination local account
26 created in the Texas Treasury Safekeeping Trust Company by Senate
27 Bill No. 1291 or similar legislation.

1 SECTION 14. TRANSFER OF CERTAIN FUNDS. (a) The
2 comptroller of public accounts shall hold the revenue that under
3 Subdivision (11), Subsection (e), Section 133.102, Local
4 Government Code, would be deposited to the credit of the fugitive
5 apprehension account until the effective date of House Bill No.
6 442, Acts of the 82nd Legislature, Regular Session, 2011, or
7 similar legislation creating the emergency radio infrastructure
8 account, and deposit that revenue into the emergency radio
9 infrastructure account on that date.

10 (b) If House Bill No. 442, Acts of the 82nd Legislature,
11 Regular Session, 2011, or similar legislation creating the
12 emergency radio infrastructure account is not enacted, this section
13 has no effect.

14 SECTION 15. SCHOLARSHIP TRUST FUND FOR FIFTH-YEAR
15 ACCOUNTING STUDENTS. (a) Section 2 of this Act does not apply to
16 the scholarship trust fund for fifth-year accounting students
17 re-created as a trust fund outside the state treasury by Senate Bill
18 No. 777, House Bill No. 1521, or similar legislation.

19 (b) The scholarship trust fund for fifth-year accounting
20 students described by Subsection (a) of this section is subject to
21 Section 5 of this Act.

22 SECTION 16. CIVIL JUSTICE DATA REPOSITORY FUND. Effective
23 on the later of August 31, 2011, or the date the Act creating or
24 re-creating the fund takes effect, the Civil Justice Data
25 Repository fund and the revenue deposited to the credit of the fund
26 are exempt from Section 2 of this Act and that fund is created as an
27 account in the general revenue fund, if created or re-created by an

1 Act of the 82nd Legislature, Regular Session, 2011, that becomes
2 law.

3 SECTION 17. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
4 Effective September 1, 2011, Subsections (b), (d), and (e), Section
5 403.095, Government Code, are amended to read as follows:

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

13 (d) Following certification of the General Appropriations
14 Act and other appropriations measures enacted by the 82nd [~~81st~~]
15 Legislature, the comptroller shall reduce each dedicated account as
16 directed by the legislature by an amount that may not exceed the
17 amount by which estimated revenues and unobligated balances exceed
18 appropriations. The reductions may be made in the amounts and at
19 the times necessary for cash flow considerations to allow all the
20 dedicated accounts to maintain adequate cash balances to transact
21 routine business. The legislature may authorize, in the General
22 Appropriations Act, the temporary delay of the excess balance
23 reduction required under this subsection. This subsection does not
24 apply to revenues or balances in:

- 25 (1) funds outside the treasury;
- 26 (2) trust funds, which for purposes of this section
27 include funds that may or are required to be used in whole or in part

1 for the acquisition, development, construction, or maintenance of
2 state and local government infrastructures, recreational
3 facilities, or natural resource conservation facilities;

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

5 (4) funds for which separate accounting is required by
6 federal law.

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

8 SECTION 18. EFFECT OF ACT. (a) This Act prevails over any
9 other Act of the 82nd Legislature, Regular Session, 2011,
10 regardless of the relative dates of enactment, that purports to
11 create or re-create a special fund or account or to dedicate or
12 rededicate revenue to a particular purpose, including any fund,
13 account, or revenue dedication abolished under former Section
14 403.094, Government Code.

15 (b) An exemption from the application of Section 403.095,
16 Government Code, contained in another Act of the 82nd Legislature,
17 Regular Session, 2011, that is exempted from the application of
18 Section 2 of this Act has no effect.

19 (c) Revenues that, under the terms of another Act of the
20 82nd Legislature, Regular Session, 2011, would be deposited to the
21 credit of a special account or fund shall be deposited to the credit
22 of the undedicated portion of the general revenue fund unless the
23 fund, account, or dedication is exempted under this Act.

24 SECTION 19. EFFECTIVE DATE. Except as otherwise provided
25 by this Act:

26 (1) this Act takes effect immediately if it receives a
27 vote of two-thirds of all the members elected to each house, as

1 provided by Section 39, Article III, Texas Constitution; and
2 (2) if this Act does not receive the vote necessary for
3 immediate effect, this Act takes effect on the 91st day after the
4 last day of the legislative session.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1588 passed the Senate on May 11, 2011, by the following vote: Yeas 31, Nays 0; May 26, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2011, House granted request of the Senate; May 29, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 1588 passed the House, with amendments, on May 25, 2011, by the following vote: Yeas 135, Nays 12, two present not voting; May 27, 2011, House granted request of the Senate for appointment of Conference Committee; May 29, 2011, House adopted Conference Committee Report by the following vote: Yeas 132, Nays 13, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor