

By: Ogden
(Pitts)

S.B. No. 1588

Substitute the following for S.B. No. 1588:

By: Eiland

C.S.S.B. No. 1588

A BILL TO BE ENTITLED

AN ACT

1
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 dedicated
24 account, or dedicated revenues that were exempted from funds
25 consolidation before January 1, 2011, may be used as an Act of the
26 82nd Legislature, Regular Session, 2011, provides, and a change in
27 the name or authorized use of a previously exempted dedicated fund

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

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

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

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

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

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

26 (5) the judicial access and improvement account
27 created as a dedicated account in the general revenue fund by Senate

1 Bill No. 1811, House Bill No. 2174, or similar legislation.

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

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

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

17 (3) the dedication of charges collected under
18 Subsection (g), Section 151.158, Tax Code, as provided by Senate
19 Bill No. 776, Senate Bill No. 1811, or similar legislation;

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

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

27 (6) the dedication of fees to be charged for process

1 server certification and renewal of certification as provided by
2 Senate Bill No. 1582, Senate Bill No. 1811, House Bill No. 1614,
3 House Bill No. 3648, or similar legislation;

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

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

13 (9) the dedication of contributions made under Section
14 502.1746, Transportation Code, as provided by Senate Bill No. 1635,
15 House Bill No. 3179, or similar legislation;

16 (10) the dedication of contributions, gifts, grants,
17 and promotional campaign proceeds received by the Parks and
18 Wildlife Department under Subchapter J-1, Chapter 11, Parks and
19 Wildlife Code, as provided by Senate Bill No. 1584, House Bill No.
20 1300, House Bill No. 3418, or similar legislation;

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

25 (12) the dedication of contributions received under
26 Section 502.1747, Transportation Code, as provided by Senate Bill
27 No. 1584, House Bill No. 1301, House Bill No. 3418, or similar

1 legislation;

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

5 (14) the dedication of fees imposed under Subsection
6 (b), Section 1104.052, Occupations Code, as provided by House Bill
7 1146, or similar legislation;

8 (15) all dedications or rededications of revenue to an
9 account of a Self-Directed, Semi-Independent Agency with the Texas
10 Safekeeping Trust Company by any Act of the 82nd Legislature,
11 Regular Session, 2011;

12 (16) all dedications or rededications of revenue to
13 the Texas Department of Insurance Operating Account by any Act of
14 the 82nd Legislature, Regular Session, 2011;

15 (17) all dedications or rededications of revenue to
16 the State Highway Fund by any Act of the 82nd Legislature, Regular
17 Session, 2011; and

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

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

27 (1) the charter district bond guarantee reserve fund,

1 created as a special fund in the state treasury outside the general
2 revenue fund by Senate Bill No. 597, House Bill No. 1437, or similar
3 legislation; and

4 (2) the Internet crimes against children account
5 created as a special fund by Senate Bill No. 1843, House Bill No.
6 3746, or similar legislation.

7 SECTION 13. SCHOLARSHIP TRUST FUND FOR FIFTH-YEAR
8 ACCOUNTING STUDENTS. (a) Section 2 of this Act does not apply to
9 the scholarship trust fund for fifth-year accounting students
10 re-created as a trust fund outside the state treasury by Senate Bill
11 No. 777, House Bill No. 1521, or similar legislation.

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

15 SECTION 14. CIVIL JUSTICE DATA REPOSITORY FUND. Effective
16 on the later of August 31, 2011, or the date the Act creating or
17 re-creating the fund takes effect, the Civil Justice Data
18 Repository fund and the revenue deposited to the credit of the fund
19 are exempt from Section 2 of this Act and that fund is created as an
20 account in the general revenue fund, if created or re-created by an
21 Act of the 82nd Legislature, Regular Session, 2011, that becomes
22 law.

23 SECTION 15. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
24 Effective September 1, 2011, Subsections (b), (d), and (e), Section
25 403.095, Government Code, are amended to read as follows:

26 (b) Notwithstanding any law dedicating or setting aside
27 revenue for a particular purpose or entity, dedicated revenues

1 that, on August 31, 2013 [~~2011~~], are estimated to exceed the amount
2 appropriated by the General Appropriations Act or other laws
3 enacted by the 82nd [~~81st~~] Legislature are available for general
4 governmental purposes and are considered available for the purpose
5 of certification under Section 403.121.

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

- 18 (1) funds outside the treasury;
- 19 (2) trust funds, which for purposes of this section
20 include funds that may or are required to be used in whole or in part
21 for the acquisition, development, construction, or maintenance of
22 state and local government infrastructures, recreational
23 facilities, or natural resource conservation facilities;
- 24 (3) funds created by the constitution or a court; or
- 25 (4) funds for which separate accounting is required by
26 federal law.

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

1 SECTION 16. EFFECT OF ACT. (a) This Act prevails over any
2 other Act of the 82nd Legislature, Regular Session, 2011,
3 regardless of the relative dates of enactment, that purports to
4 create or re-create a special fund or account or to dedicate or
5 rededicate revenue to a particular purpose, including any fund,
6 account, or revenue dedication abolished under former Section
7 403.094, Government Code.

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

12 (c) Revenues that, under the terms of another Act of the
13 82nd Legislature, Regular Session, 2011, would be deposited to the
14 credit of a special account or fund shall be deposited to the credit
15 of the undedicated portion of the general revenue fund unless the
16 fund, account, or dedication is exempted under this Act.

17 SECTION 17. EFFECTIVE DATE. Except as otherwise provided
18 by this Act:

19 (1) this Act takes effect immediately if it receives a
20 vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution; and

22 (2) if this Act does not receive the vote necessary for
23 immediate effect, this Act takes effect on the 91st day after the
24 last day of the legislative session.