

By: Otto, Anchia, Harless, Howard, et al.

H.B. No. 6

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 83rd Legislature, Regular Session, 2013, 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 83rd Legislature, Regular Session, 2013, that becomes law are abolished on the later of August 31, 2013, 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 83rd 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. FEDERAL FUNDS. Section 2 of this Act does not apply to funds created pursuant to an Act of the 83rd Legislature, Regular Session, 2013, for which separate accounting is required by federal law, except that the funds shall be deposited in accounts in the general revenue fund unless otherwise required by federal law.

SECTION 5. TRUST FUNDS. Section 2 of this Act does not apply to trust funds or dedicated revenue deposited to trust funds created under an Act of the 83rd Legislature, Regular Session, 2013, 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 6. BOND FUNDS. Section 2 of this Act does not apply to bond funds and pledged funds created or affected by an Act of the 83rd Legislature, Regular Session, 2013, 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 83rd Legislature, Regular Session, 2013,
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, 2013, 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, in
16 a total amount not to exceed \$4 billion, that [~~7~~] on August 31, 2015
17 [~~2013~~], are estimated to exceed the amount appropriated by the
18 General Appropriations Act or other laws enacted by the 83rd [~~82nd~~]
19 Legislature are available for general governmental purposes and are
20 considered available for the purpose of certification under Section
21 403.121. It is the intent of the legislature that dedicated
22 revenues that exceed the total amount that this subsection makes
23 available for general governmental purposes and for certification
24 must be used for the purposes for which the revenues are dedicated.

25 (d) Following certification of the General Appropriations
26 Act and other appropriations measures enacted by the 83rd [~~82nd~~]
27 Legislature, the comptroller shall reduce each dedicated account as

1 directed by the legislature by an amount that may not exceed the
2 amount by which estimated revenues and unobligated balances exceed
3 appropriations. The reductions may be made in the amounts and at
4 the times necessary for cash flow considerations to allow all the
5 dedicated accounts to maintain adequate cash balances to transact
6 routine business. The legislature may authorize, in the General
7 Appropriations Act, the temporary delay of the excess balance
8 reduction required under this subsection. This subsection does
9 not apply to revenues or balances in:

10 (1) funds outside the treasury;

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

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

17 (4) funds for which separate accounting is required by
18 federal law.

19 (e) This section expires ~~[on]~~ September 1, 2015 ~~[2013]~~.

20 SECTION 9. EFFECT OF ACT. (a) This Act prevails over any
21 other Act of the 83rd Legislature, Regular Session, 2013,
22 regardless of the relative dates of enactment, that:

23 (1) purports to create or re-create a special fund or
24 account in the state treasury;

25 (2) purports to dedicate or rededicate revenue to a
26 particular purpose, including any fund, account, or revenue
27 dedication abolished under former Section 403.094, Government

1 Code; or

2 (3) amends Section 403.095, Government Code.

3 (b) Revenue that, under the terms of another Act of the 83rd
4 Legislature, Regular Session, 2013, would be deposited to the
5 credit of a special account or fund shall be deposited to the credit
6 of the undedicated portion of the general revenue fund unless the
7 fund, account, or dedication is exempted under this Act.

8 SECTION 10. EFFECTIVE DATE. Except as otherwise provided
9 by this Act:

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

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