

Suspending limitations on conference committee  
jurisdiction, H.B. No. 6 (Otto/Williams)

By: Otto

H.R. No. 3094

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 83rd Legislature, Regular Session, 2013, That House Rule 13,  
3 Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on House Bill 6 (relating to the creation  
6 and re-creation of funds and accounts, the dedication and  
7 rededication of revenue, and the exemption of unappropriated money  
8 from use for general governmental purposes) to consider and take  
9 action on the following matters:

10 (1) House Rule 13, Section 9(a)(2), is suspended to permit  
11 the committee to omit text not in disagreement in proposed Section 2  
12 of the bill to read as follows:

13 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.  
14 Except as otherwise specifically provided by this Act, all funds  
15 and accounts created or re-created by an Act of the 83rd  
16 Legislature, Regular Session, 2013, that becomes law and all  
17 dedications or rededications of revenue collected by a state agency  
18 for a particular purpose by an Act of the 83rd Legislature, Regular  
19 Session, 2013, that becomes law are abolished on the later of August  
20 31, 2013, or the date the Act creating or re-creating the fund or  
21 account or dedicating or rededicating revenue takes effect.

22 Explanation: The omission is necessary to clarify that  
23 Section 2 of the bill applies to a dedication of revenue  
24 irrespective of whether the revenue collected is in the state

1 treasury.

2 (2) House Rule 13, Section 9(a)(3), is suspended to permit  
3 the committee to add text on a matter not included in either the  
4 house or senate version of the bill in proposed Sections 11(5)-(10)  
5 of the bill to read as follows:

6 (5) the dedication of fee revenue collected under  
7 Section 91.0115, Natural Resources Code, for deposit to the oil and  
8 gas regulation and cleanup fund as provided by House Bill No. 7 or  
9 similar legislation;

10 (6) the dedication of tax revenue imposed under  
11 Chapter 171, Tax Code, for deposit to the property tax relief fund  
12 as provided by Section 171.664 of that code, as added by House Bill  
13 No. 800 or similar legislation;

14 (7) the allocation of tax revenue for deposit to the  
15 credit of the available school fund and to the credit of the state  
16 highway fund as provided by Section 162.506, Tax Code, as added by  
17 House Bill No. 2148 or similar legislation;

18 (8) the dedication of amounts for deposit to the  
19 compensation to victims of crime fund as provided by Section  
20 140.012, Civil Practice and Remedies Code, as added by House Bill  
21 No. 3241 or similar legislation;

22 (9) the dedication of fees and court costs for deposit  
23 to the statewide electronic filing system fund as provided by  
24 Section 51.851, Government Code, as added by House Bill No. 2302 or  
25 similar legislation; and

26 (10) the allocation of money received by the attorney  
27 general as provided by Section 402.007, Government Code, as amended

1 by House Bill No. 1445 or similar legislation.

2 Explanation: This addition is necessary to provide for  
3 Section 2 of the bill not to abolish the identified dedications of  
4 revenue.

5 (3) House Rule 13, Section 9(a)(4), is suspended to permit  
6 the committee to add text on a matter not included in either the  
7 house or senate version of the bill in proposed Sections 12(a)(3),  
8 (a)(4), and (b) of the bill to read as follows:

9 (3) the habitat protection and research fund held  
10 inside the treasury as provided by Section 490F.404, Government  
11 Code, as added by House Bill No. 3509 or similar legislation; and

12 (4) the transportation infrastructure fund created in  
13 the state treasury by Section 256.102, Transportation Code, as  
14 added by Senate Bill No. 1747 or similar legislation.

15 (b) Section 2 of this Act does not apply to the State Water  
16 Implementation Fund for Texas or to the State Water Implementation  
17 Revenue Fund for Texas in the state treasury as established by House  
18 Bill No. 4 of the 83rd Legislature, Regular Session, 2013, to  
19 implement the creation of those funds by the constitutional  
20 amendment proposed by Senate Joint Resolution No. 1, 83rd  
21 Legislature, Regular Session, 2013, except that those funds are not  
22 created if the voters do not approve of that constitutional  
23 amendment at an election held November 5, 2013.

24 Explanation: This addition is necessary to provide for  
25 Section 2 of the bill not to abolish the identified funds.

26 (4) House Rule 13, Sections 9(a)(1) and (2), are suspended  
27 to permit the committee to change and omit text not in disagreement

1 in proposed Section 15 of the bill, in amended Section 403.095(b),  
2 Government Code, as follows:

3 (b) Notwithstanding any law dedicating or setting aside  
4 revenue for a particular purpose or entity, dedicated revenues  
5 that~~[7]~~ on August 31, 2015 ~~[2013]~~, are estimated to exceed the  
6 amount appropriated by the General Appropriations Act or other laws  
7 enacted by the 83rd ~~[82nd]~~ Legislature are available for general  
8 governmental purposes and are considered available for the purpose  
9 of certification under Section 403.121.

10 Explanation: The changes and omissions are necessary to  
11 provide for unappropriated dedicated revenues to be made available  
12 for general governmental purposes and to be considered available  
13 for certification under Section 403.121, Government Code.

14 (5) House Rule 13, Section 9(a)(4), is suspended to permit  
15 the committee to add text on a matter not included in either the  
16 house or senate version of the bill in proposed Sections 8, 9, 10,  
17 13, and 14 of the bill to read as follows:

18 SECTION 8. CREATION OF NEW ACCOUNTS FOR LICENSE PLATE FEES.  
19 Section 2 of this Act does not apply to a new account created for  
20 receipt of fees for special license plates or for receipt of related  
21 revenue, gifts, or grants as provided by an Act of the 83rd  
22 Legislature, Regular Session, 2013, or to the dedication of revenue  
23 to or contained in the new account.

24 SECTION 9. ADDITIONAL USES FOR DEDICATED FUNDS, ACCOUNTS,  
25 OR REVENUE. Section 2 of this Act does not apply to a newly  
26 authorized dedication of or use of a dedicated fund, a dedicated  
27 account, or dedicated revenue as provided by an Act of the 83rd

1 Legislature, Regular Session, 2013, to the extent that Act affects  
2 a fund, an account, or revenue that was exempted from funds  
3 consolidation before January 1, 2013. A dedicated fund, a  
4 dedicated account, or dedicated revenue that was exempted from  
5 funds consolidation before January 1, 2013, may be used as an Act of  
6 the 83rd Legislature, Regular Session, 2013, provides, and a change  
7 in the name or authorized use of a previously exempted dedicated  
8 fund or account does not affect the fund's or account's dedicated  
9 nature.

10 SECTION 10. ACCOUNTS IN GENERAL REVENUE FUND. Effective on  
11 the later of the effective date of the Act creating the account or  
12 August 31, 2013, the following account and the revenue deposited to  
13 the credit of the account are exempt from Section 2 of this Act and  
14 the account is created in the general revenue fund, if created by an  
15 Act of the 83rd Legislature, Regular Session, 2013, that becomes  
16 law:

17 The statewide electronic filing system fund created as  
18 an account in the general revenue fund by Section 51.852,  
19 Government Code, as added by House Bill No. 2302 or similar  
20 legislation.

21 SECTION 13. MONEY TRANSFERRED ON DISSOLUTION OF TEXAS  
22 HEALTH INSURANCE POOL; ACCOUNT. Section 2 of this Act does not  
23 apply to the account created in the Texas Treasury Safekeeping  
24 Trust Company for the purposes of Section 6 of Senate Bill No. 1367  
25 or similar legislation of the 83rd Legislature, Regular Session,  
26 2013, and does not apply to the revenue dedicated for deposit to  
27 that account.

1           SECTION 14. DEDICATION OF ASSESSMENTS AND FEES RELATING TO  
2 EXAMINATION OF INSURERS. Section 2 of this Act does not apply to  
3 the dedication of assessments or fee revenue under Section 401.156,  
4 Insurance Code, as provided by Senate Bill No. 1665 or similar  
5 legislation of the 83rd Legislature, Regular Session, 2013.

6           Explanation: These additions are necessary to provide for  
7 Section 2 of the bill not to abolish additional uses of funds,  
8 accounts, or revenue and not to abolish the identified accounts and  
9 dedications of revenue.

10           (6) House Rule 13, Sections 9(a)(1) and (4), are suspended  
11 to permit the committee to change text not in disagreement and to  
12 add text on a matter not included in either the house or senate  
13 version of the bill in Sections 16(a) and (b) of the bill as  
14 follows:

15           SECTION 16. EFFECT OF ACT. (a) This Act prevails over any  
16 other Act of the 83rd Legislature, Regular Session, 2013,  
17 regardless of the relative dates of enactment, that purports to  
18 create or re-create a special fund or account or to dedicate or  
19 rededicate revenue to a particular purpose, including any fund,  
20 account, or revenue dedication abolished under former Section  
21 403.094, Government Code.

22           (b) An exemption from the application of Section 403.095,  
23 Government Code, contained in another Act of the 83rd Legislature,  
24 Regular Session, 2013, that is exempted from the application of  
25 Section 2 of this Act has no effect.

26           Explanation: The changes and additions are necessary to  
27 clarify the effect of the bill.

H.R. No. 3094

1 Suspending limitations on conference committee jurisdiction, H.B.

2 No. 6.