

Suspending limitations on conference committee
jurisdiction, H.B. No. 6.

By: Williams

S.R. No. 1091

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 83rd Legislature, Regular Session, 2013, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 6 (relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes), to consider and take action on the following matters:

(1) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in proposed Section 2 of the bill to read as follows:

SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS. Except as otherwise specifically provided by this Act, all funds and accounts created or re-created by an Act of the 83rd Legislature, Regular Session, 2013, that becomes law and all dedications or rededications of revenue 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.

Explanation: The omission is necessary to clarify that Section 2 of the bill applies to a dedication of revenue

irrespective of whether the revenue collected is in the state treasury.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed Sections 11(5)-(10) of the bill to read as follows:

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

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

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

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

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

(10) the allocation of money received by the

attorney general as provided by Section 402.007, Government Code, as amended by House Bill No. 1445 or similar legislation.

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

(3) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed Sections 12(a)(3), (a)(4), and (b) of the bill to read as follows:

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

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

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

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

(4) Senate Rules 12.03(1) and (2) are suspended to permit

the committee to change and omit text not in disagreement in proposed Section 15 of the bill, in amended Section 403.095(b), Government Code, as follows:

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

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

(5) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed Sections 8, 9, 10, 13, and 14 of the bill to read as follows:

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

SECTION 9. ADDITIONAL USES FOR DEDICATED FUNDS, ACCOUNTS, OR REVENUE. Section 2 of this Act does not apply to a

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

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

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

SECTION 13. MONEY TRANSFERRED ON DISSOLUTION OF TEXAS HEALTH INSURANCE POOL; ACCOUNT. Section 2 of this Act does not apply to the account created in the Texas Treasury Safekeeping Trust Company for the purposes of Section 6 of Senate Bill No. 1367 or similar legislation of the 83rd Legislature, Regular

Session, 2013, and does not apply to the revenue dedicated for deposit to that account.

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

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

(6) Senate Rules 12.03(1) and (4) are suspended to permit the committee to change text not in disagreement and to add text on a matter not included in either the house or senate version of the bill in Sections 16(a) and (b) of the bill as follows:

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

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

S.R. No. 1091

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 26, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate