

By: Otto, Frank, et al.

H.B. No. 6

A BILL TO BE ENTITLED

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 the  
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 84th  
17 Legislature, Regular Session, 2015, that becomes law and all  
18 dedications or rededications of revenue collected by a state agency  
19 for a particular purpose by an Act of the 84th Legislature, Regular  
20 Session, 2015, that becomes law are abolished on the later of August  
21 31, 2015, or the date the Act creating or re-creating the fund or  
22 account or dedicating or rededicating revenue takes effect.

23 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND  
24 ACCOUNTS. Section 2 of this Act does not apply to:

1           (1) statutory dedications, funds, and accounts that  
2 were enacted before the 84th Legislature convened to comply with  
3 requirements of state constitutional or federal law;

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

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

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

12          SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not  
13 apply to funds created under an Act of the 84th Legislature, Regular  
14 Session, 2015, for which separate accounting is required by federal  
15 law, except that the funds shall be deposited in accounts in the  
16 general revenue fund unless otherwise required by federal law.

17          SECTION 5. TRUST FUNDS. Section 2 of this Act does not  
18 apply to trust funds or dedicated revenue deposited to trust funds  
19 created under an Act of the 84th Legislature, Regular Session,  
20 2015, except that the trust funds shall be held in the state  
21 treasury, with the comptroller in trust, or outside the state  
22 treasury with the comptroller's approval.

23          SECTION 6. BOND FUNDS. Section 2 of this Act does not apply  
24 to bond funds and pledged funds created or affected by an Act of the  
25 84th Legislature, Regular Session, 2015, except that the funds  
26 shall be held in the state treasury, with the comptroller in trust,  
27 or outside the state treasury with the comptroller's approval.

1           SECTION 7. CONSTITUTIONAL FUNDS. Section 2 of this Act does  
2 not apply to funds or accounts that would be created or re-created  
3 by the Texas Constitution or revenue that would be dedicated or  
4 rededicated by the Texas Constitution under a constitutional  
5 amendment proposed by the 84th Legislature, Regular Session, 2015,  
6 or to dedicated revenue deposited to funds or accounts that would be  
7 so created or re-created, if the constitutional amendment is  
8 approved by the voters.

9           SECTION 8. ADDITIONAL USES FOR DEDICATED FUNDS, ACCOUNTS,  
10 OR REVENUE. Section 2 of this Act does not apply to a newly  
11 authorized dedication of or use of a dedicated fund, a dedicated  
12 account, or dedicated revenue as provided by an Act of the 84th  
13 Legislature, Regular Session, 2015, to the extent that Act affects  
14 a fund, an account, or revenue that was exempted from funds  
15 consolidation before January 1, 2015. A dedicated fund, a  
16 dedicated account, or dedicated revenue that was exempted from  
17 funds consolidation before January 1, 2015, may be used as an Act of  
18 the 84th Legislature, Regular Session, 2015, provides, and a change  
19 in the name or authorized use of a previously exempted dedicated  
20 fund or account does not affect the fund's or account's dedicated  
21 nature.

22           SECTION 9. TEXAS DEPARTMENT OF MOTOR VEHICLES FUND. On  
23 September 1, 2015, the Texas Department of Motor Vehicles fund  
24 created by Section [1001.151](#), Transportation Code, as enacted by  
25 Section 71, Chapter 1287 (H.B. 2202), Acts of the 83rd Legislature,  
26 Regular Session, 2013, is re-created by this Act as a special fund  
27 in the state treasury outside the general revenue fund, and all

1 revenue dedicated for deposit to the credit of the Texas Department  
2 of Motor Vehicles fund by a provision of Chapter 1287 (H.B. 2202),  
3 Acts of the 83rd Legislature, Regular Session, 2013, is rededicated  
4 by this Act for that purpose. Section 2 of this Act does not apply  
5 to the fund as re-created by this Act or a dedication of revenue to  
6 the fund as rededicated by this Act.

7 SECTION 10. ENVIRONMENTAL RADIATION AND PERPETUAL CARE  
8 ACCOUNT. On September 1, 2015, the environmental radiation and  
9 perpetual care account created by Section 401.306, Health and  
10 Safety Code, as enacted by Section 12, Chapter 1159 (S.B. 347), Acts  
11 of the 83rd Legislature, Regular Session, 2013, is re-created by  
12 this Act as an account in the general revenue fund, and all revenue  
13 dedicated for deposit to the credit of the environmental radiation  
14 and perpetual care account by a provision of Chapter 1159 (S.B.  
15 347), Acts of the 83rd Legislature, Regular Session, 2013, is  
16 rededicated by this Act for that purpose. Section 2 of this Act  
17 does not apply to the account as re-created by this Act or a  
18 dedication of revenue to the account as rededicated by this Act.

19 SECTION 11. SPECIAL FUND FOR MONEY RECEIVED FROM FEDERAL  
20 GOVERNMENT. Section 2 of this Act does not apply to a special fund  
21 in the state treasury established by the comptroller of public  
22 accounts for the purpose of holding money received from the federal  
23 government as authorized by House Bill No. 8, or by similar  
24 legislation of the 84th Legislature, Regular Session, 2015, that  
25 becomes law.

26 SECTION 12. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.  
27 Effective September 1, 2015, Section 403.095, Government Code, is

1 amended by amending Subsections (b), (d), and (e) and adding  
2 Subsection (f) to read as follows:

3 (b) Notwithstanding any law dedicating or setting aside  
4 revenue for a particular purpose or entity, dedicated revenues that  
5 on August 31, 2017 [~~2015~~], are estimated to exceed the amount  
6 appropriated by the General Appropriations Act or other laws  
7 enacted by the 84th [~~83rd~~] Legislature are available for general  
8 governmental purposes and are considered available for the purpose  
9 of certification under Section 403.121.

10 (d) Following certification of the General Appropriations  
11 Act and other appropriations measures enacted by the 84th [~~83rd~~]  
12 Legislature, the comptroller shall reduce each dedicated account as  
13 directed by the legislature by an amount that may not exceed the  
14 amount by which estimated revenues and unobligated balances exceed  
15 appropriations. The reductions may be made in the amounts and at  
16 the times necessary for cash flow considerations to allow all the  
17 dedicated accounts to maintain adequate cash balances to transact  
18 routine business. The legislature may authorize, in the General  
19 Appropriations Act, the temporary delay of the excess balance  
20 reduction required under this subsection. This subsection does not  
21 apply to revenues or balances in:

- 22 (1) funds outside the treasury;
- 23 (2) trust funds, which for purposes of this section  
24 include funds that may or are required to be used in whole or in part  
25 for the acquisition, development, construction, or maintenance of  
26 state and local government infrastructures, recreational  
27 facilities, or natural resource conservation facilities;

1 (3) funds created by the constitution or a court; or  
2 (4) funds for which separate accounting is required by  
3 federal law.

4 (e) Notwithstanding Subsection (b), dedicated revenues in  
5 the following accounts or funds or that by law are directed to be  
6 deposited to the credit of the following accounts or funds are not  
7 available for general governmental purposes and are not considered  
8 available for certification under Section 403.121:

9 (1) the Texas Department of Insurance operating  
10 account no. 0036;

11 (2) the unemployment compensation special  
12 administration fund no. 0165;

13 (3) the lifetime license endowment account no. 0544;

14 (4) the permanent fund for health and tobacco  
15 education and enforcement account no. 5044;

16 (5) the permanent fund for children and public health  
17 account no. 5045;

18 (6) the permanent fund for emergency medical services  
19 and trauma care account no. 5046;

20 (7) the permanent fund for rural health facility  
21 capital improvement account no. 5047;

22 (8) the permanent hospital fund for capital  
23 improvements and the Texas Center for Infectious Disease account  
24 no. 5048;

25 (9) the child abuse and neglect prevention operating  
26 fund account no. 5084;

27 (10) the child abuse and neglect prevention trust fund

1 account no. 5085; and

2 (11) the separate fund account of each institution of  
3 higher education in the general revenue fund.

4 (f) This section expires September 1, 2017 [~~2015~~].

5 SECTION 13. EFFECT OF ACT. (a) This Act prevails over any  
6 other Act of the 84th Legislature, Regular Session, 2015,  
7 regardless of the relative dates of enactment, that purports to  
8 create or re-create a special fund or account or to dedicate or  
9 rededicate revenue to a particular purpose, including any fund,  
10 account, or revenue dedication abolished under former Section  
11 403.094, Government Code.

12 (b) An exemption from the application of Section 403.095,  
13 Government Code, contained in another Act of the 84th Legislature,  
14 Regular Session, 2015, that is exempted from the application of  
15 Section 2 of this Act has no effect.

16 (c) Revenue that, under the terms of another Act of the 84th  
17 Legislature, Regular Session, 2015, would be deposited to the  
18 credit of a special account or fund shall be deposited to the credit  
19 of the undedicated portion of the general revenue fund unless the  
20 fund, account, or dedication is exempted under this Act.

21 SECTION 14. EFFECTIVE DATE. Except as otherwise provided  
22 by this Act:

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

27 (2) if this Act does not receive the vote necessary for

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1 immediate effect, this Act takes effect on the 91st day after the  
2 last day of the legislative session.