

1-1 By: Zerwas (Senate Sponsor - Nelson) H.B. No. 3849  
 1-2 (In the Senate - Received from the House May 5, 2017;  
 1-3 May 5, 2017, read first time and referred to Committee on Finance;  
 1-4 May 19, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 15, Nays 0; May 19, 2017,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			
1-21	X			
1-22	X			
1-23	X			

1-24 COMMITTEE SUBSTITUTE FOR H.B. No. 3849 By: Nelson

1-25 A BILL TO BE ENTITLED  
 1-26 AN ACT

1-27 relating to the creation and re-creation of funds and accounts, the  
 1-28 dedication and rededication of revenue, and the exemption of  
 1-29 unappropriated money from use for general governmental purposes.

1-30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-31 SECTION 1. DEFINITION. In any provision of this Act that  
 1-32 does not amend current law, "state agency" means an office,  
 1-33 institution, or other agency that is in the executive branch or the  
 1-34 judicial branch of state government, has authority that is not  
 1-35 limited to a geographical portion of the state, and was created by  
 1-36 the constitution or a statute of this state. The term does not  
 1-37 include an institution of higher education as defined by Section  
 1-38 61.003, Education Code.

1-39 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.  
 1-40 Except as otherwise specifically provided by this Act, all funds  
 1-41 and accounts created or re-created by an Act of the 85th  
 1-42 Legislature, Regular Session, 2017, that becomes law and all  
 1-43 dedications or rededications of revenue collected by a state agency  
 1-44 for a particular purpose by an Act of the 85th Legislature, Regular  
 1-45 Session, 2017, that becomes law are abolished on the later of August  
 1-46 31, 2017, or the date the Act creating or re-creating the fund or  
 1-47 account or dedicating or rededicating revenue takes effect.

1-48 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND  
 1-49 ACCOUNTS. Section 2 of this Act does not apply to:

1-50 (1) statutory dedications, funds, and accounts that  
 1-51 were enacted before the 85th Legislature convened to comply with  
 1-52 requirements of state constitutional or federal law;

1-53 (2) dedications, funds, or accounts that remained  
 1-54 exempt from former Section 403.094(h), Government Code, at the time  
 1-55 dedications, accounts, and funds were abolished under that  
 1-56 provision;

1-57 (3) increases in fees or in other revenue dedicated as  
 1-58 described by this section; or

1-59 (4) increases in fees or in other revenue required to  
 1-60 be deposited in a fund or account described by this section.

2-1 SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not  
 2-2 apply to funds created under an Act of the 85th Legislature, Regular  
 2-3 Session, 2017, for which separate accounting is required by federal  
 2-4 law, except that the funds shall be deposited in accounts in the  
 2-5 general revenue fund unless otherwise required by federal law.

2-6 SECTION 5. TRUST FUNDS. Section 2 of this Act does not  
 2-7 apply to trust funds or dedicated revenue deposited to trust funds  
 2-8 created under an Act of the 85th Legislature, Regular Session,  
 2-9 2017, except that the trust funds shall be held in the state  
 2-10 treasury, with the comptroller in trust, or outside the state  
 2-11 treasury with the comptroller's approval.

2-12 SECTION 6. BOND FUNDS. Section 2 of this Act does not apply  
 2-13 to bond funds and pledged funds created or affected by an Act of the  
 2-14 85th Legislature, Regular Session, 2017, except that the funds  
 2-15 shall be held in the state treasury, with the comptroller in trust,  
 2-16 or outside the state treasury with the comptroller's approval.

2-17 SECTION 7. CONSTITUTIONAL FUNDS. Section 2 of this Act does  
 2-18 not apply to funds or accounts that would be created or re-created  
 2-19 by the Texas Constitution or revenue that would be dedicated or  
 2-20 rededicated by the Texas Constitution under a constitutional  
 2-21 amendment proposed by the 85th Legislature, Regular Session, 2017,  
 2-22 or to dedicated revenue deposited to funds or accounts that would be  
 2-23 so created or re-created, if the constitutional amendment is  
 2-24 approved by the voters.

2-25 SECTION 8. ADDITIONAL USES FOR DEDICATED FUNDS AND  
 2-26 ACCOUNTS. Section 2 of this Act does not apply to a newly  
 2-27 authorized use of a dedicated fund or dedicated account as provided  
 2-28 by an Act of the 85th Legislature, Regular Session, 2017, to the  
 2-29 extent:

2-30 (1) the fund or account was exempted from funds  
 2-31 consolidation before January 1, 2017; and

2-32 (2) the newly authorized use is within the scope of the  
 2-33 original dedication of the fund or account.

2-34 SECTION 9. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.  
 2-35 Effective September 1, 2017, Sections 403.095(b), (d), and (f),  
 2-36 Government Code, are amended to read as follows:

2-37 (b) Notwithstanding any law dedicating or setting aside  
 2-38 revenue for a particular purpose or entity, dedicated revenues that  
 2-39 on August 31, 2019 [~~2017~~], are estimated to exceed the amount  
 2-40 appropriated by the General Appropriations Act or other laws  
 2-41 enacted by the 85th [~~84th~~] Legislature are available for general  
 2-42 governmental purposes and are considered available for the purpose  
 2-43 of certification under Section 403.121.

2-44 (d) Following certification of the General Appropriations  
 2-45 Act and other appropriations measures enacted by the 85th [~~84th~~]  
 2-46 Legislature, the comptroller shall reduce each dedicated account as  
 2-47 directed by the legislature by an amount that may not exceed the  
 2-48 amount by which estimated revenues and unobligated balances exceed  
 2-49 appropriations. The reductions may be made in the amounts and at  
 2-50 the times necessary for cash flow considerations to allow all the  
 2-51 dedicated accounts to maintain adequate cash balances to transact  
 2-52 routine business. The legislature may authorize, in the General  
 2-53 Appropriations Act, the temporary delay of the excess balance  
 2-54 reduction required under this subsection. This subsection does not  
 2-55 apply to revenues or balances in:

2-56 (1) funds outside the treasury;

2-57 (2) trust funds, which for purposes of this section  
 2-58 include funds that may or are required to be used in whole or in part  
 2-59 for the acquisition, development, construction, or maintenance of  
 2-60 state and local government infrastructures, recreational  
 2-61 facilities, or natural resource conservation facilities;

2-62 (3) funds created by the constitution or a court; or

2-63 (4) funds for which separate accounting is required by  
 2-64 federal law.

2-65 (f) This section expires September 1, 2019 [~~2017~~].

2-66 SECTION 10. CANCER PREVENTION AND RESEARCH INTEREST AND  
 2-67 SINKING FUND. (a) The comptroller of public accounts shall  
 2-68 establish the cancer prevention and research interest and sinking  
 2-69 fund in accordance with Section 102.270, Health and Safety Code, as

3-1 if the cancer prevention and research interest and sinking fund had  
3-2 not been abolished by operation of Section 2, Chapter 839 (H.B. 6),  
3-3 Acts of the 83rd Legislature, Regular Session, 2013. The cancer  
3-4 prevention and research interest and sinking fund is re-created by  
3-5 this Act. The dedication of revenue to the fund made by Section  
3-6 102.270(b), Health and Safety Code, for the purposes specified by  
3-7 Section 102.270(c), Health and Safety Code, that was abolished by  
3-8 operation of Section 2, Chapter 839 (H.B. 6), Acts of the 83rd  
3-9 Legislature, Regular Session, 2013, is rededicated by this Act for  
3-10 the same purposes.

3-11 (b) Section 2 of this Act does not apply to the re-creation  
3-12 of the cancer prevention and research interest and sinking fund and  
3-13 rededication of revenue to that fund made by Subsection (a) of this  
3-14 section.

3-15 SECTION 11. NATIONAL MUSEUM OF THE PACIFIC WAR MUSEUM FUND;  
3-16 DEDICATION OF REVENUE. Section 2 of this Act does not apply to the  
3-17 National Museum of the Pacific War museum fund created as a fund  
3-18 outside the state treasury, or to the dedication of revenue made to  
3-19 that fund, by House Bill No. 1492, Senate Bill No. 694, or other  
3-20 similar legislation of the 85th Legislature, Regular Session, 2017,  
3-21 that becomes law.

3-22 SECTION 12. ALAMO COMPLEX ACCOUNT; DEDICATION OF REVENUE.  
3-23 Section 2 of this Act does not apply to the Alamo complex account  
3-24 created as an account outside the state treasury by House Bill  
3-25 No. 1831, Senate Bill No. 1156, or other similar legislation of the  
3-26 85th Legislature, Regular Session, 2017, that becomes law, or to  
3-27 the dedication of revenue made to that account by Section 31.454,  
3-28 Natural Resources Code, for the purposes specified by that section.

3-29 SECTION 13. DEDICATION OF REVENUE TO WATER RESOURCE  
3-30 MANAGEMENT ACCOUNT. Section 2 of this Act does not apply to the  
3-31 dedication of fees, interest and penalties, and other amounts  
3-32 described by Section 371.061, Health and Safety Code, to the water  
3-33 resource management account as provided by S.B. No. 1105, H.B.  
3-34 No. 3026, or similar legislation of the 85th Legislature, Regular  
3-35 Session, 2017, that becomes law.

3-36 SECTION 14. Section 2 of this Act does not apply to a fund or  
3-37 account that is created or re-created, or a dedication or  
3-38 rededication of revenue collected by a state agency for a  
3-39 particular purpose made, by any of the following Acts of the 85th  
3-40 Legislature, Regular Session, 2017, that become law:

- 3-41 (1) House Bill No. 7 or similar legislation;
- 3-42 (2) House Bill No. 51 or similar legislation;
- 3-43 (3) House Bill No. 108 or similar legislation;
- 3-44 (4) House Bill No. 245 or similar legislation;
- 3-45 (5) House Bill No. 263 or similar legislation;
- 3-46 (6) House Bill No. 271 or similar legislation;
- 3-47 (7) House Bill No. 555 or similar legislation;
- 3-48 (8) House Bill No. 561 or similar legislation;
- 3-49 (9) House Bill No. 572 or similar legislation;
- 3-50 (10) House Bill No. 935 or similar legislation;
- 3-51 (11) House Bill No. 1256 or similar legislation;
- 3-52 (12) House Bill No. 1407 or similar legislation;
- 3-53 (13) House Bill No. 1512 or similar legislation;
- 3-54 (14) House Bill No. 1691 or similar legislation;
- 3-55 (15) House Bill No. 1724 or similar legislation;
- 3-56 (16) House Bill No. 1729 or similar legislation;
- 3-57 (17) House Bill No. 1818 or similar legislation;
- 3-58 (18) House Bill No. 2004 or similar legislation;
- 3-59 (19) House Bill No. 2068 or similar legislation;
- 3-60 (20) House Bill No. 2578 or similar legislation;
- 3-61 (21) House Bill No. 2612 or similar legislation;
- 3-62 (22) House Bill No. 2700 or similar legislation;
- 3-63 (23) House Bill No. 2715 or similar legislation;
- 3-64 (24) House Bill No. 2943 or similar legislation;
- 3-65 (25) House Bill No. 3391 or similar legislation;
- 3-66 (26) House Bill No. 3438 or similar legislation;
- 3-67 (27) House Bill No. 3521 or similar legislation;
- 3-68 (28) House Bill No. 3567 or similar legislation;
- 3-69 (29) House Bill No. 3781 or similar legislation;

- 4-1 (30) House Bill No. 3849 or similar legislation;
- 4-2 (31) House Bill No. 3952 or similar legislation;
- 4-3 (32) House Bill No. 3987 or similar legislation;
- 4-4 (33) House Bill No. 4102 or similar legislation;
- 4-5 (34) House Bill No. 4117 or similar legislation;
- 4-6 (35) Senate Bill No. 3 or similar legislation;
- 4-7 (36) Senate Bill No. 4 or similar legislation;
- 4-8 (37) Senate Bill No. 6 or similar legislation;
- 4-9 (38) Senate Bill No. 26 or similar legislation;
- 4-10 (39) Senate Bill No. 28 or similar legislation;
- 4-11 (40) Senate Bill No. 42 or similar legislation;
- 4-12 (41) Senate Bill No. 208 or similar legislation;
- 4-13 (42) Senate Bill No. 267 or similar legislation;
- 4-14 (43) Senate Bill No. 298 or similar legislation;
- 4-15 (44) Senate Bill No. 312 or similar legislation;
- 4-16 (45) Senate Bill No. 576 or similar legislation;
- 4-17 (46) Senate Bill No. 602 or similar legislation;
- 4-18 (47) Senate Bill No. 634 or similar legislation;
- 4-19 (48) Senate Bill No. 722 or similar legislation;
- 4-20 (49) Senate Bill No. 1001 or similar legislation;
- 4-21 (50) Senate Bill No. 1105 or similar legislation;
- 4-22 (51) Senate Bill No. 1147 or similar legislation;
- 4-23 (52) Senate Bill No. 1185 or similar legislation;
- 4-24 (53) Senate Bill No. 1251 or similar legislation;
- 4-25 (54) Senate Bill No. 1305 or similar legislation;
- 4-26 (55) Senate Bill No. 1330 or similar legislation;
- 4-27 (56) Senate Bill No. 1349 or similar legislation;
- 4-28 (57) Senate Bill No. 1383 or similar legislation;
- 4-29 (58) Senate Bill No. 1422 or similar legislation;
- 4-30 (59) Senate Bill No. 1483 or similar legislation;
- 4-31 (60) Senate Bill No. 1484 or similar legislation;
- 4-32 (61) Senate Bill No. 1516 or similar legislation;
- 4-33 (62) Senate Bill No. 1524 or similar legislation;
- 4-34 (63) Senate Bill No. 1538 or similar legislation;
- 4-35 (64) Senate Bill No. 1588 or similar legislation;
- 4-36 (65) Senate Bill No. 1658 or similar legislation;
- 4-37 (66) Senate Bill No. 1849 or similar legislation;
- 4-38 (67) Senate Bill No. 1923 or similar legislation;
- 4-39 (68) Senate Bill No. 2075 or similar legislation; and
- 4-40 (69) Senate Bill No. 2076 or similar legislation.

4-41 SECTION 15. REPEALER. Section 403.095(e), Government Code,  
4-42 is repealed.

4-43 SECTION 16. EFFECT OF ACT. (a) This Act prevails over any  
4-44 other Act of the 85th Legislature, Regular Session, 2017,  
4-45 regardless of the relative dates of enactment, that purports to  
4-46 create or re-create a special fund or account or to dedicate or  
4-47 rededicate revenue to a particular purpose, including any fund,  
4-48 account, or revenue dedication abolished under former Section  
4-49 403.094, Government Code.

4-50 (b) An exemption from the application of Section 403.095,  
4-51 Government Code, contained in another Act of the 85th Legislature,  
4-52 Regular Session, 2017, that is exempted from the application of  
4-53 Section 2 of this Act has no effect.

4-54 (c) Revenue that, under the terms of another Act of the 85th  
4-55 Legislature, Regular Session, 2017, would be deposited to the  
4-56 credit of a special account or fund shall be deposited to the credit  
4-57 of the undedicated portion of the general revenue fund unless the  
4-58 fund, account, or dedication is exempted under this Act.

4-59 SECTION 17. EFFECTIVE DATE. Except as otherwise provided  
4-60 by this Act:

4-61 (1) this Act takes effect immediately if this Act  
4-62 receives a vote of two-thirds of all the members elected to each  
4-63 house, as provided by Section 39, Article III, Texas Constitution;  
4-64 and

4-65 (2) if this Act does not receive the vote necessary for  
4-66 immediate effect, this Act takes effect on the 91st day after the  
4-67 last day of the legislative session.

4-68 \* \* \* \* \*