

By: Zerwas

H.B. No. 3317

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 allocation of accrued
4 interest on dedicated revenue, and the exemption of unappropriated
5 money from use for general governmental purposes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. DEFINITION. In any provision of this Act that
8 does not amend current law, "state agency" means an office,
9 institution, or other agency that is in the executive branch or the
10 judicial branch of state government, has authority that is not
11 limited to a geographical portion of the state, and was created by
12 the constitution or a statute of this state. The term does not
13 include an institution of higher education as defined by Section
14 [61.003](#), Education Code.

15 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.
16 Except as otherwise specifically provided by this Act, all funds
17 and accounts created or re-created by an Act of the 86th
18 Legislature, Regular Session, 2019, that becomes law and all
19 dedications or rededications of revenue collected by a state agency
20 for a particular purpose by an Act of the 86th Legislature, Regular
21 Session, 2019, that becomes law are abolished on the later of August
22 31, 2019, or the date the Act creating or re-creating the fund or
23 account or dedicating or rededicating revenue takes effect.

24 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND

1 ACCOUNTS. Section 2 of this Act does not apply to:

2 (1) statutory dedications, funds, and accounts that
3 were enacted before the 86th Legislature convened to comply with
4 requirements of state constitutional or federal law;

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

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

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

13 SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not
14 apply to funds created under an Act of the 86th Legislature, Regular
15 Session, 2019, for which separate accounting is required by federal
16 law, except that the funds shall be deposited in accounts in the
17 general revenue fund unless otherwise required by federal law.

18 SECTION 5. TRUST FUNDS. Section 2 of this Act does not
19 apply to trust funds or dedicated revenue deposited to trust funds
20 created under an Act of the 86th Legislature, Regular Session,
21 2019, except that the trust funds shall be held in the state
22 treasury, with the comptroller in trust, or outside the state
23 treasury with the comptroller's approval.

24 SECTION 6. BOND FUNDS. Section 2 of this Act does not apply
25 to bond funds and pledged funds created or affected by an Act of the
26 86th Legislature, Regular Session, 2019, except that the funds
27 shall be held in the state treasury, with the comptroller in trust,

1 or outside the state treasury with the comptroller's approval.

2 SECTION 7. CONSTITUTIONAL FUNDS. Section 2 of this Act does
3 not apply to funds or accounts that would be created or re-created
4 by the Texas Constitution or revenue that would be dedicated or
5 rededicated by the Texas Constitution under a constitutional
6 amendment proposed by the 86th Legislature, Regular Session, 2019,
7 or to dedicated revenue deposited to funds or accounts that would be
8 so created or re-created, if the constitutional amendment is
9 approved by the voters.

10 SECTION 8. ADDITIONAL USES FOR DEDICATED FUNDS OR ACCOUNTS.
11 Section 2 of this Act does not apply to a newly authorized use of a
12 dedicated fund or dedicated account as provided by an Act of the
13 86th Legislature, Regular Session, 2019, to the extent:

14 (1) the fund or account was exempted from abolition by
15 an Act of the legislature that became law before January 1, 2019;
16 and

17 (2) the newly authorized use is within the scope of the
18 original dedication of the fund or account.

19 SECTION 9. COMMERCIAL SEXUAL EXPLOITATION VICTIM FUND;
20 DEDICATION OF REVENUE. Section 2 of this Act does not apply to the
21 commercial sexual exploitation victim fund, created as a dedicated
22 account in the general revenue fund by Article 102.023, Code of
23 Criminal Procedure, as added by House Bill No. 3206 or similar
24 legislation of the 86th Legislature, Regular Session, 2019, that
25 becomes law, and does not apply to the dedication of revenue to that
26 account as provided by that legislation.

27 SECTION 10. TEXAS B-ON-TIME STUDENT LOAN ACCOUNT. (a)

1 Section 56.0092(d), Education Code, is amended to read as follows:

2 (d) On September 1, 2024 [~~2020~~], the Texas B-On-time student
3 loan account is abolished, and any remaining money in the account
4 may be appropriated only to eligible institutions in the manner
5 provided by Subsection (e).

6 (b) Section 2 of this Act does not apply to the dedication of
7 money in the Texas B-On-time student loan account as rededicated by
8 this Act.

9 SECTION 11. REALLOCATION OF INTEREST ACCRUED ON CERTAIN
10 DEDICATED REVENUE. Effective September 1, 2019, Section 403.0956,
11 Government Code, is reenacted to read as follows:

12 Sec. 403.0956. REALLOCATION OF INTEREST ACCRUED ON CERTAIN
13 DEDICATED REVENUE. Notwithstanding any other law, all interest or
14 other earnings that accrue on all revenue held in an account in the
15 general revenue fund any part of which Section 403.095 makes
16 available for certification under Section 403.121 are available for
17 any general governmental purpose, and the comptroller shall deposit
18 the interest and earnings to the credit of the general revenue fund.
19 This section does not apply to:

20 (1) interest or earnings on revenue deposited in
21 accordance with Section 51.008, Education Code;

22 (2) an account that accrues interest or other earnings
23 on deposits of state or federal money the diversion of which is
24 specifically excluded by federal law;

25 (3) the lifetime license endowment account;

26 (4) the game, fish, and water safety account;

27 (5) the coastal protection account;

1 (6) the Alamo complex account; or

2 (7) the artificial reef account.

3 SECTION 12. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
4 Effective September 1, 2019, Sections 403.095(b), (d), and (f),
5 Government Code, are amended to read as follows:

6 (b) Notwithstanding any law dedicating or setting aside
7 revenue for a particular purpose or entity, dedicated revenues that
8 on August 31, 2021 [~~2019~~], are estimated to exceed the amount
9 appropriated by the General Appropriations Act or other laws
10 enacted by the 86th [~~85th~~] Legislature are available for general
11 governmental purposes and are considered available for the purpose
12 of certification under Section 403.121.

13 (d) Following certification of the General Appropriations
14 Act and other appropriations measures enacted by the 86th [~~85th~~]
15 Legislature, the comptroller shall reduce each dedicated account as
16 directed by the legislature by an amount that may not exceed the
17 amount by which estimated revenues and unobligated balances exceed
18 appropriations. The reductions may be made in the amounts and at
19 the times necessary for cash flow considerations to allow all the
20 dedicated accounts to maintain adequate cash balances to transact
21 routine business. The legislature may authorize, in the General
22 Appropriations Act, the temporary delay of the excess balance
23 reduction required under this subsection. This subsection does not
24 apply to revenues or balances in:

25 (1) funds outside the treasury;

26 (2) trust funds, which for purposes of this section
27 include funds that may or are required to be used in whole or in part

1 for the acquisition, development, construction, or maintenance of
2 state and local government infrastructures, recreational
3 facilities, or natural resource conservation facilities;

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

5 (4) funds for which separate accounting is required by
6 federal law.

7 (f) This section expires September 1, 2021 [~~2019~~].

8 SECTION 13. AMENDMENT OF SECTION 504.6012, TRANSPORTATION
9 CODE. Effective September 1, 2019, Section 504.6012,
10 Transportation Code, is amended to read as follows:

11 Sec. 504.6012. ELIMINATION OF DEDICATED REVENUE ACCOUNTS;
12 REVENUES IN TRUST. (a) Notwithstanding any other law, not later
13 than September 30, 2019 [~~2015~~], the comptroller shall eliminate all
14 dedicated accounts established for specialty license plates and
15 shall set aside the balances of those dedicated accounts so that the
16 balances may be appropriated only for the purposes intended as
17 provided by the dedications.

18 (b) On and after September 1, 2019 [~~2015~~], the portion of a
19 fee payable that is designated for deposit to a dedicated account
20 shall be paid instead to the credit of an account in a trust fund
21 created by the comptroller outside the general revenue fund. The
22 comptroller shall administer the trust fund and accounts and may
23 allocate the corpus and earnings on each account only in accordance
24 with the dedications of the revenue deposited to the trust fund
25 accounts.

26 SECTION 14. STRATEGIC MAPPING ACCOUNT. (a) Section
27 16.023, Water Code, as added by Section 2.13, Chapter 1430 (S.B. 3),

1 Acts of the 80th Legislature, Regular Session, 2007, is reenacted
2 to read as follows:

3 Sec. 16.023. STRATEGIC MAPPING ACCOUNT. (a) The strategic
4 mapping account is an account in the general revenue fund. The
5 account consists of:

6 (1) money directly appropriated to the board;

7 (2) money transferred by the board from other funds
8 available to the board;

9 (3) money from gifts or grants from the United States
10 government, state, regional, or local governments, educational
11 institutions, private sources, or other sources;

12 (4) proceeds from the sale of maps, data,
13 publications, and other items; and

14 (5) interest earned on the investment of money in the
15 account and depository interest allocable to the account.

16 (b) The account may be appropriated only to the board to:

17 (1) develop, administer, and implement the strategic
18 mapping program;

19 (2) provide grants to political subdivisions for
20 projects related to the development, use, and dissemination of
21 digital, geospatial information; and

22 (3) administer, implement, and operate other programs
23 of the Texas Natural Resources Information System, including:

24 (A) the operation of a Texas-Mexico border region
25 information center for the purpose of implementing Section
26 16.021(e)(5);

27 (B) the acquisition, storage, and distribution

1 of historical maps, photographs, and paper map products;

2 (C) the maintenance and enhancement of
3 information technology; and

4 (D) the production, storage, and distribution of
5 other digital base maps, as determined by the executive
6 administrator.

7 (c) The board may invest, reinvest, and direct the
8 investment of any available money in the fund as provided by law for
9 the investment of money under Section 404.024, Government Code.

10 (b) The strategic mapping account is re-created by this Act
11 as an account in the general revenue fund, and all revenue dedicated
12 for deposit to the credit of the strategic mapping account is
13 rededicated by this Act for that purpose. Section 2 of this Act
14 does not apply to the account as re-created by this Act or a
15 dedication of revenue to the account as rededicated by this Act.

16 SECTION 15. EFFECT OF ACT. (a) This Act prevails over any
17 other Act of the 86th Legislature, Regular Session, 2019,
18 regardless of the relative dates of enactment, that purports to
19 create or re-create a special fund or account or to dedicate or
20 rededicate revenue to a particular purpose, including any fund,
21 account, or revenue dedication abolished under former Section
22 403.094, Government Code.

23 (b) An exemption from the application of Section 403.095,
24 Government Code, contained in another Act of the 86th Legislature,
25 Regular Session, 2019, that is exempted from the application of
26 Section 2 of this Act has no effect.

27 (c) Revenue that, under the terms of another Act of the 86th

1 Legislature, Regular Session, 2019, would be deposited to the
2 credit of a special account or fund shall be deposited to the credit
3 of the undedicated portion of the general revenue fund unless the
4 fund, account, or dedication is exempted under this Act.

5 SECTION 16. EFFECTIVE DATE. Except as otherwise provided
6 by this Act:

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

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