

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 83rd
17 Legislature, Regular Session, 2013, 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 83rd Legislature, Regular
20 Session, 2013, that becomes law are abolished on the later of August
21 31, 2013, 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 83rd 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 pursuant to an Act of the 83rd Legislature,
14 Regular Session, 2013, for which separate accounting is required by
15 federal law, except that the funds shall be deposited in accounts in
16 the 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 83rd Legislature, Regular Session,
20 2013, 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 83rd Legislature, Regular Session, 2013, 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 83rd Legislature, Regular Session, 2013,
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. CREATION OF NEW ACCOUNTS FOR LICENSE PLATE FEES.
10 Section 2 of this Act does not apply to a new account created for
11 receipt of fees for special license plates or for receipt of related
12 revenue, gifts, or grants as provided by an Act of the 83rd
13 Legislature, Regular Session, 2013, or to the dedication of revenue
14 to or contained in the new account.

15 SECTION 9. ADDITIONAL USES FOR DEDICATED FUNDS, ACCOUNTS,
16 OR REVENUE. Section 2 of this Act does not apply to a newly
17 authorized dedication of or use of a dedicated fund, a dedicated
18 account, or dedicated revenue as provided by an Act of the 83rd
19 Legislature, Regular Session, 2013, to the extent that Act affects
20 a fund, an account, or revenue that was exempted from funds
21 consolidation before January 1, 2013. A dedicated fund, a
22 dedicated account, or dedicated revenue that was exempted from
23 funds consolidation before January 1, 2013, may be used as an Act of
24 the 83rd Legislature, Regular Session, 2013, provides, and a change
25 in the name or authorized use of a previously exempted dedicated
26 fund or account does not affect the fund's or account's dedicated
27 nature.

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

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

12 SECTION 11. REVENUE DEDICATION. Effective on the later of
13 the effective date of the Act dedicating or rededicating the
14 specified revenue or August 31, 2013, the following dedications or
15 rededications of revenue collected for a particular purpose are
16 exempt from Section 2 of this Act, if dedicated or rededicated by an
17 Act of the 83rd Legislature, Regular Session, 2013:

18 (1) the dedication of penalty revenue to the
19 compensation to victims of crime fund as provided by House Bill No.
20 508 or similar legislation;

21 (2) the dedication of fee and penalty revenue for
22 deposit to and revenue held in the oyster sales account in the
23 general revenue fund provided by House Bill No. 1903 or similar
24 legislation;

25 (3) the dedication of voluntary contributions for
26 deposit to the fund for veterans' assistance provided by House Bill
27 No. 633 or similar legislation;

1 (4) the rededication of revenue held in the system
2 benefit fund as provided by House Bill No. 7 or similar legislation;

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

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

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

15 (8) the dedication of amounts for deposit to the
16 compensation to victims of crime fund as provided by Section
17 140.012, Civil Practice and Remedies Code, as added by House Bill
18 No. 3241 or similar legislation;

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

23 (10) the allocation of money received by the attorney
24 general as provided by Section 402.007, Government Code, as amended
25 by House Bill No. 1445 or similar legislation.

26 SECTION 12. SEPARATE FUNDS IN THE TREASURY. (a) Effective
27 on the later of the effective date of the Act creating or

1 re-creating the specified fund or August 31, 2013, the following
2 funds, if created by an Act of the 83rd Legislature, Regular
3 Session, 2013, the revenue deposited to the funds, and the revenue
4 dedicated for deposit to the funds, are exempt from Section 2 of
5 this Act and the funds are created as separate funds in the state
6 treasury:

7 (1) the Texas economic development fund, created as a
8 fund in the state treasury by Senate Bill No. 1214 or similar
9 legislation;

10 (2) the permanent fund supporting military and
11 veterans exemptions, created as a special fund in the treasury by
12 Senate Bill No. 1158 or similar legislation;

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

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

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

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

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

13 SECTION 15. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
14 Effective September 1, 2013, Sections 403.095(b), (d), and (e),
15 Government Code, are amended to read as follows:

16 (b) Notwithstanding any law dedicating or setting aside
17 revenue for a particular purpose or entity, dedicated revenues that
18 [~~7~~] on August 31, 2015 [~~2013~~], are estimated to exceed the amount
19 appropriated by the General Appropriations Act or other laws
20 enacted by the 83rd [~~82nd~~] Legislature are available for general
21 governmental purposes and are considered available for the purpose
22 of certification under Section 403.121.

23 (d) Following certification of the General Appropriations
24 Act and other appropriations measures enacted by the 83rd [~~82nd~~]
25 Legislature, the comptroller shall reduce each dedicated account as
26 directed by the legislature by an amount that may not exceed the
27 amount by which estimated revenues and unobligated balances exceed

1 appropriations. The reductions may be made in the amounts and at
2 the times necessary for cash flow considerations to allow all the
3 dedicated accounts to maintain adequate cash balances to transact
4 routine business. The legislature may authorize, in the General
5 Appropriations Act, the temporary delay of the excess balance
6 reduction required under this subsection. This subsection does
7 not apply to revenues or balances in:

8 (1) funds outside the treasury;

9 (2) trust funds, which for purposes of this section
10 include funds that may or are required to be used in whole or in part
11 for the acquisition, development, construction, or maintenance of
12 state and local government infrastructures, recreational
13 facilities, or natural resource conservation facilities;

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

15 (4) funds for which separate accounting is required by
16 federal law.

17 (e) This section expires [~~on~~] September 1, 2015 [~~2013~~].

18 SECTION 16. EFFECT OF ACT. (a) This Act prevails over any
19 other Act of the 83rd Legislature, Regular Session, 2013,
20 regardless of the relative dates of enactment, that purports to
21 create or re-create a special fund or account or to dedicate or
22 rededicate revenue to a particular purpose, including any fund,
23 account, or revenue dedication abolished under former Section
24 403.094, Government Code.

25 (b) An exemption from the application of Section 403.095,
26 Government Code, contained in another Act of the 83rd Legislature,
27 Regular Session, 2013, that is exempted from the application of

1 Section 2 of this Act has no effect.

2 (c) Revenue that, under the terms of another Act of the 83rd
3 Legislature, Regular Session, 2013, would be deposited to the
4 credit of a special account or fund shall be deposited to the credit
5 of the undedicated portion of the general revenue fund unless the
6 fund, account, or dedication is exempted under this Act.

7 SECTION 17. EFFECTIVE DATE. Except as otherwise provided
8 by this Act:

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 6 was passed by the House on May 2, 2013, by the following vote: Yeas 144, Nays 1, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 6 on May 24, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 6 on May 26, 2013, by the following vote: Yeas 143, Nays 4, 1 present, not voting.

Chief Clerk of the House

H.B. No. 6

I certify that H.B. No. 6 was passed by the Senate, with amendments, on May 21, 2013, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 6 on May 26, 2013, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor