

AN ACT

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.

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

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

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 85th Legislature, Regular Session, 2017, that becomes law and all dedications or rededications of revenue collected by a state agency for a particular purpose by an Act of the 85th Legislature, Regular Session, 2017, that becomes law are abolished on the later of August 31, 2017, or the date the Act creating or re-creating the fund or account or dedicating or rededicating revenue takes effect.

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

1 (1) statutory dedications, funds, and accounts that
2 were enacted before the 85th 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 85th Legislature, Regular
14 Session, 2017, 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 85th Legislature, Regular Session,
20 2017, 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 85th Legislature, Regular Session, 2017, 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 85th Legislature, Regular Session, 2017,
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 AND
10 ACCOUNTS. Section 2 of this Act does not apply to a newly
11 authorized use of a dedicated fund or dedicated account as provided
12 by an Act of the 85th Legislature, Regular Session, 2017, to the
13 extent:

14 (1) the fund or account was exempted from funds
15 consolidation before January 1, 2017; and

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

18 SECTION 9. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.
19 Effective September 1, 2017, Sections 403.095(b), (d), and (f),
20 Government Code, are amended to read as follows:

21 (b) Notwithstanding any law dedicating or setting aside
22 revenue for a particular purpose or entity, dedicated revenues that
23 on August 31, 2019 [~~2017~~], are estimated to exceed the amount
24 appropriated by the General Appropriations Act or other laws
25 enacted by the 85th [~~84th~~] Legislature are available for general
26 governmental purposes and are considered available for the purpose
27 of certification under Section 403.121.

1 (d) Following certification of the General Appropriations
2 Act and other appropriations measures enacted by the 85th [~~84th~~]
3 Legislature, the comptroller shall reduce each dedicated account as
4 directed by the legislature by an amount that may not exceed the
5 amount by which estimated revenues and unobligated balances exceed
6 appropriations. The reductions may be made in the amounts and at
7 the times necessary for cash flow considerations to allow all the
8 dedicated accounts to maintain adequate cash balances to transact
9 routine business. The legislature may authorize, in the General
10 Appropriations Act, the temporary delay of the excess balance
11 reduction required under this subsection. This subsection does not
12 apply to revenues or balances in:

- 13 (1) funds outside the treasury;
- 14 (2) trust funds, which for purposes of this section
15 include funds that may or are required to be used in whole or in part
16 for the acquisition, development, construction, or maintenance of
17 state and local government infrastructures, recreational
18 facilities, or natural resource conservation facilities;
- 19 (3) funds created by the constitution or a court; or
- 20 (4) funds for which separate accounting is required by
21 federal law.

22 (f) This section expires September 1, 2019 [~~2017~~].

23 SECTION 10. CANCER PREVENTION AND RESEARCH INTEREST AND
24 SINKING FUND. (a) The comptroller of public accounts shall
25 establish the cancer prevention and research interest and sinking
26 fund in accordance with Section 102.270, Health and Safety Code, as
27 if the cancer prevention and research interest and sinking fund had

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

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

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

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

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

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

- 13 (1) House Bill No. 7 or similar legislation;
- 14 (2) House Bill No. 51 or similar legislation;
- 15 (3) House Bill No. 108 or similar legislation;
- 16 (4) House Bill No. 245 or similar legislation;
- 17 (5) House Bill No. 263 or similar legislation;
- 18 (6) House Bill No. 271 or similar legislation;
- 19 (7) House Bill No. 555 or similar legislation;
- 20 (8) House Bill No. 561 or similar legislation;
- 21 (9) House Bill No. 572 or similar legislation;
- 22 (10) House Bill No. 935 or similar legislation;
- 23 (11) House Bill No. 1256 or similar legislation;
- 24 (12) House Bill No. 1407 or similar legislation;
- 25 (13) House Bill No. 1512 or similar legislation;
- 26 (14) House Bill No. 1691 or similar legislation;
- 27 (15) House Bill No. 1724 or similar legislation;

- 1 (16) House Bill No. 1729 or similar legislation;
- 2 (17) House Bill No. 1818 or similar legislation;
- 3 (18) House Bill No. 2004 or similar legislation;
- 4 (19) House Bill No. 2068 or similar legislation;
- 5 (20) House Bill No. 2578 or similar legislation;
- 6 (21) House Bill No. 2612 or similar legislation;
- 7 (22) House Bill No. 2700 or similar legislation;
- 8 (23) House Bill No. 2715 or similar legislation;
- 9 (24) House Bill No. 2943 or similar legislation;
- 10 (25) House Bill No. 3391 or similar legislation;
- 11 (26) House Bill No. 3438 or similar legislation;
- 12 (27) House Bill No. 3521 or similar legislation;
- 13 (28) House Bill No. 3567 or similar legislation;
- 14 (29) House Bill No. 3781 or similar legislation;
- 15 (30) House Bill No. 3849 or similar legislation;
- 16 (31) House Bill No. 3952 or similar legislation;
- 17 (32) House Bill No. 3987 or similar legislation;
- 18 (33) House Bill No. 4102 or similar legislation;
- 19 (34) House Bill No. 4117 or similar legislation;
- 20 (35) Senate Bill No. 3 or similar legislation;
- 21 (36) Senate Bill No. 4 or similar legislation;
- 22 (37) Senate Bill No. 6 or similar legislation;
- 23 (38) Senate Bill No. 26 or similar legislation;
- 24 (39) Senate Bill No. 28 or similar legislation;
- 25 (40) Senate Bill No. 42 or similar legislation;
- 26 (41) Senate Bill No. 208 or similar legislation;
- 27 (42) Senate Bill No. 267 or similar legislation;

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

1 SECTION 15. REPEALER. Section 403.095(e), Government Code,
2 is repealed.

3 SECTION 16. EFFECT OF ACT. (a) This Act prevails over any
4 other Act of the 85th Legislature, Regular Session, 2017,
5 regardless of the relative dates of enactment, that purports to
6 create or re-create a special fund or account or to dedicate or
7 rededicate revenue to a particular purpose, including any fund,
8 account, or revenue dedication abolished under former Section
9 403.094, Government Code.

10 (b) An exemption from the application of Section 403.095,
11 Government Code, contained in another Act of the 85th Legislature,
12 Regular Session, 2017, that is exempted from the application of
13 Section 2 of this Act has no effect.

14 (c) Revenue that, under the terms of another Act of the 85th
15 Legislature, Regular Session, 2017, would be deposited to the
16 credit of a special account or fund shall be deposited to the credit
17 of the undedicated portion of the general revenue fund unless the
18 fund, account, or dedication is exempted under this Act.

19 SECTION 17. EFFECTIVE DATE. Except as otherwise provided
20 by this Act:

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 3849 was passed by the House on May 4, 2017, by the following vote: Yeas 141, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3849 on May 26, 2017, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3849 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor