

## BILL ANALYSIS

Senate Research Center

S.B. 1865  
By: Bivins  
Finance  
5/10/2003  
As Filed

### DIGEST AND PURPOSE

As proposed, S.B. 1865 requires payment from the foundation school fund to certain school districts to be a certain percentage of the yearly entitlement of the district and requires the payment to be made by a certain date. This bill also requires the comptroller of public accounts to delay or defer certain payments and transactions under certain conditions.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 42, Education Code, by adding Section 42.2595, as follows:

Sec. 42.2595. CERTAIN FOUNDATION SCHOOL FUND TRANSFERS DELAY. (a) Requires payment from the foundation school fund to each category 2 school district for August 2005 to be 15 percent of the yearly entitlement of the district, which shall be paid in one sum after September 5, 2005, but not later than September 10, 2005, notwithstanding the requirements of Section 42.259(c)(8).

(b) Requires payment from the foundation school fund to each category 3 school district for August 2005 to be 20 percent of the yearly entitlement of the district, which shall be paid in one sum after September 5, 2005, but not later than September 10, 2005, notwithstanding the requirements of Section 42.259(d)(3).

(c) Provides that this section expires September 15, 2005.

SECTION 2. Amends Subchapter F, Chapter 403, Government Code, by adding Section 403.0931, as follows:

Sec. 403.0931. DELAY IN ALLOCATION. (a) Prohibits the comptroller of public accounts (comptroller), notwithstanding the requirements of Section 403.093(c), from making monthly payments from the general revenue fund to the state contribution account of the trust fund for the Teacher Retirement System of Texas during the months of June, July, and August, 2005. Requires the comptroller, not later than September 5, 2005, to allocate and deposit the monthly payments deferred by this section.

(b) Prohibits payments deferred under Subsection (a) from including any payments necessary for the program identified as TRS-Care for which state contributions are identified under Section 1575.202, Insurance Code.

(c) Requires the comptroller, for each month in which any portion of payments deferred under this section remains unpaid, to transfer to the state contribution account of the trust fund for the Teacher Retirement System of Texas from other amounts in the general revenue fund an amount certified by the Teacher Retirement System of Texas that is based on the greater of an annual rate of a

certain percent or the rate of yield that would have been earned on the unpaid deferred amount if monthly contributions to the Teacher Retirement System of Texas had been made as provided by Section 403.093(c) for that month and for each previous month of the fiscal year in which the payments have been deferred as provided by this section and the funds from the contributions had been invested.

(d) Provides that this section expires October 1, 2005.

SECTION 3. Amends Subchapter E, Chapter 815, Government Code, by adding Section 815.4035, as follows:

Sec. 815.4035. DELAY IN ALLOCATION. (a) Prohibits the comptroller, notwithstanding the requirements of Section 815.403(e), from making monthly payments from any fund or account to the state accumulation account of the trust fund for the retirement system during August 2005 except as provided by Subsection (b). Requires the comptroller, on September 5, 2005, to allocate and deposit the monthly payment deferred by this section.

(b) Requires the comptroller, for each month in which any portion of a payment deferred under this section remains unpaid, to transfer to the state accumulation account of the trust fund for the retirement system from the general revenue fund an amount certified by the retirement system that is equal to the greater of an annual rate of a certain percent of the unpaid deferred amount or the rate of yield that would have been earned on the unpaid deferred amount if monthly contributions to the retirement system had been made as provided by Section 815.403(e) for that month and for each previous month of the fiscal year in which the payments have been deferred as provided by this section and the funds from the contributions had been invested.

(c) Provides that this section expires October 1, 2005.

SECTION 4. Amends Subchapter F, Chapter 153, Tax Code, by adding Section 153.5015, as follows:

Sec. 153.5015. DELAY IN ALLOCATION OF TAXES. (a) Requires the comptroller, notwithstanding any other law, to allocate and deposit money from certain sources as soon as practicable after September 5, 2005, but not later than September 10, 2005.

(b) Provides that this section expires October 1, 2005.