

BILL ANALYSIS

Senate Research Center
78S30150 JJT-D

S.B. 4
By: Bivins
Finance
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As Filed

DIGEST AND PURPOSE

As proposed, S.B. 4 makes provisions for fees and other amounts of money related to legislation passed in the 78th Legislature, Regular and First Called Sessions, 2003. Money affected by this bill includes fees collected by the Texas Animal Health Commission; certain lobby registration fees; fees collected for the Health Professions Council's administration of the Office of Patient Protection; fees and employees for the Texas Department of Licensing and Regulation for certain new laws regulating electricians; the repayment of the amounts borrowed by the comptroller of public accounts to manage funds; and amounts appropriated for state fiscal relief but vetoed by the governor.

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. (a) Specifies, for the purpose of administering Section 161.0411, Agriculture Code, that all fees collected during the state fiscal biennium beginning September 1, 2003, by the Texas Animal Health Commission (TAHC), are appropriated to TAHC for the state fiscal biennium beginning September 1, 2003.

(b) Requires, for the purpose of administering Section 161.0411, Agriculture Code, that any increase in state employee benefit costs incurred during the state fiscal biennium beginning September 1, 2003, be paid out of the appropriations made by Subsection (a) of this section and be allocated to the appropriate employee benefit appropriation.

SECTION 2. (a) Provides that the additional revenue generated by the increase in the amount of certain lobby registration fees under Section 305.0064, Government Code, collected during the state fiscal biennium beginning September 1, 2003, by the Texas Ethics Commission (TEC) is appropriated, in an amount not to exceed \$267,400, to TEC for the development and implementation of the electronic filing system for lobbyists, as required by Section 305.0064.

(b) Requires, for the purpose of administering Section 305.0064, Government Code, that any increase in state employee benefit costs incurred during the state fiscal biennium beginning September 1, 2003 be paid out of the appropriations made by Subsection (a) of this section and be allocated to the appropriate employee benefit appropriation.

SECTION 3. (a) Appropriates fees as authorized by Subchapter G, Chapter 101, Occupations Code, to the Health Professions Council for the purpose of the administering of the Office of Patient Protection.

(b) Requires, for the purpose of administering Subchapter G, Chapter 101, Occupations Code, that any increase in state employee benefit costs incurred during the state fiscal biennium beginning September 1, 2003, be paid out of the appropriations made by Subsection (a) of this

section and be allocated to the appropriate employee benefit appropriation.

SECTION 4. (a) Provides that all fees collected during the state fiscal biennium beginning September 1, 2003, by the Texas Department of Licensing and Regulation (TDLR) or the Commission of Licensing and Regulation under Chapter 1305, Occupations Code, are appropriated to TDLR for the purpose of administering Chapter 1305. Provides that the full-time equivalent position limitation for TDLR is increased by 32 for the state fiscal biennium beginning September 1, 2003.

(b) Requires, for the purpose of administering Chapter 1305, Occupations Code, that any increase in state employee benefit costs incurred during the state fiscal biennium beginning September 1, 2003, be paid out of the appropriations made by Subsection (a) of this section and be allocated to the appropriate employee benefit appropriation.

SECTION 5. (a) Provides that for the fiscal biennium beginning September 1, 2003, the comptroller of public accounts (comptroller) is appropriated from the general revenue fund the amount needed to return any available cash that was transferred to that fund from a fund outside the state treasury and to maintain the equity of the fund from which the transfer was made as required by Section 403.092, Government Code.

(b) Establishes that not more than \$5,000,000 of the appropriation made by Subsection (a) of this section may be used to allocate earned interest to a fund outside the state treasury under Section 403.092 (a), Government Code.

(c) Authorizes the comptroller to return money appropriated by Subsection (a) of this section only if:

(1) the comptroller returns available cash that has been transferred from a fund outside the state treasury to a fund within the state treasury under Section 403.092(a), Government Code, together with the earned interest on the transferred amount, to the fund from which the available cash was transferred not later than the 14th day after the date on which the available cash was transferred; and

(2) the return is made with the prior approval of the Legislative Budget Board.

SECTION 6. (a) Amends Section 11.28, Article IX, H.B. 1, 78th Legislature, Regular Session, 2003, (the General Appropriations Act), by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Deletes text specifying that certain funds are to be appropriated to the comptroller only after the implementation of Section 11.15, Contingency Appropriation Reduction and Contingency Appropriation. Provides that the funds are to be used as directed by the governor and the Legislative Budget Board.

(c) Appropriates an amount equal to the sum of the General Revenue Fund and general revenue dedicated account appropriations contained in this Act that are vetoed by the governor under Section 14, Article IV, Texas Constitution, out of the General Revenue Fund or appropriate general revenue dedicated account to the Comptroller of Public Accounts for the state fiscal biennium beginning September 1, 2003, for the purpose of transferring funds to state agencies for state fiscal relief, as directed by the governor and Legislative Budget Board.

(d) Provides that this section does not prohibit the governor and the Legislative Budget Board, acting under Chapter 317, Government Code, from making an emergency transfer of money appropriated by this section, based on need, to an agency or for a

purpose that is not described by Subsection (b) of this section.

(b) Amends the heading to Section 11.28, Article IX, H.B. 1, 78th Legislature, Regular Session, 2003, to read as follows:

Sec. 11.28 Appropriation of State Fiscal Relief Federal Funds and Reappropriation for State Fiscal Relief of Vetoed General Revenue Appropriations.

(c) Provides that this Act controls in the event of a conflict between this Act and another Act enacted by the 78th Legislature, 3rd Called Session, 2003, that becomes law and amends Section 11.28, Article IX, H.B. 1, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act).

SECTION 7. Effective date: upon passage or the 91st day after the end of the legislative session.