

By: McCall

H.B. No. 28

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to state fiscal management; making related  
3 appropriations.

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

5 SECTION 1. For the state fiscal biennium beginning  
6 September 1, 2003, the comptroller is appropriated from the general  
7 revenue fund the amount needed to return any available cash that was  
8 transferred to that fund from a fund outside the state treasury and  
9 to maintain the equity of the fund from which the transfer was made,  
10 as required by Section 403.092, Government Code, as amended by  
11 Section 19, Chapter 1310, Acts of the 78th Legislature, Regular  
12 Session, 2003.

13 SECTION 2. Not more than \$5,000,000 of the appropriation  
14 made by Section 1 of this Act may be used to allocate earned  
15 interest to a fund outside the state treasury under Section  
16 403.092(a), Government Code.

17 SECTION 3. During the state fiscal biennium beginning  
18 September 1, 2003, the comptroller shall return available cash that  
19 has been transferred from a fund outside the state treasury to a  
20 fund within the state treasury under Section 403.092(a), Government  
21 Code, together with the earned interest on the transferred amount,  
22 to the fund from which the available cash was transferred within 14  
23 days after the date on which the available cash was transferred.

24 SECTION 4. The changes made to Section 42.259, Education

1 Code, by Section 4, Chapter 1310, Acts of the 78th Legislature,  
2 Regular Session, 2003, and Section 35, Chapter 201, Acts of the 78th  
3 Legislature, Regular Session, 2003, effectively transferring  
4 certain payments to school districts from August of a state fiscal  
5 year to September of the following fiscal year, apply only to a  
6 payment from the foundation school fund that is made on or after  
7 January 1, 2004. A payment to a school district from the foundation  
8 school fund that is made before that date is governed by Section  
9 42.259, Education Code, as it existed on June 1, 2003, and the  
10 former law is continued in effect for that purpose.

11 SECTION 5. Section 403.302, Government Code, is amended by  
12 adding Subsection (c-1) to read as follows:

13 (c-1) Notwithstanding Subsection (c), if after conducting  
14 the annual study for the year 2002 the comptroller determines that  
15 the local value for a school district is invalid and the local value  
16 exceeds the state value for the school district determined by the  
17 comptroller under Subsections (a) and (b), the taxable value for  
18 the school district for that year is the district's state value as  
19 established by the comptroller. This subsection expires September  
20 30, 2004.

21 SECTION 6. Section 403.302(m), Government Code, as added by  
22 Chapter 1183, Acts of the 78th Legislature, Regular Session, 2003,  
23 is repealed.

24 SECTION 7. (a) Section 11.28, Article IX, Chapter 1330,  
25 Acts of the 78th Legislature, Regular Session, 2003 (the General  
26 Appropriations Act), is amended by amending Subsection (a) and  
27 adding Subsections (c) and (d) to read as follows:

1 (a) Notwithstanding other provisions of this Act, based  
2 upon the passage of federal legislation that provides federal funds  
3 for the purpose of state fiscal relief, such funds are  
4 appropriated~~[, after the implementation of Section 11.15,~~  
5 ~~Contingency Appropriation Reduction and Contingency~~  
6 ~~Appropriation,~~] to the Comptroller of Public Accounts in the fiscal  
7 year in which the funds are received for the purpose of transferring  
8 funds to state agencies for state fiscal relief, as directed by the  
9 Governor and Legislative Budget Board acting under Chapter 317,  
10 Government Code, and in accordance with ~~[provided by]~~ subsection  
11 (b) of this section.

12 (c) Notwithstanding Section 11.15(b) of this article, an  
13 amount equal to the sum of the General Revenue Fund and general  
14 revenue dedicated account appropriations contained in this Act that  
15 are vetoed by the Governor under Section 14, Article IV, Texas  
16 Constitution, is appropriated out of the General Revenue Fund or  
17 appropriate general revenue dedicated account to the Comptroller of  
18 Public Accounts for the state fiscal biennium beginning September  
19 1, 2003, for the purpose of transferring funds to state agencies for  
20 state fiscal relief, as directed by the Governor and Legislative  
21 Budget Board acting under Chapter 317, Government Code, and in  
22 accordance with subsection (b) of this section.

23 (d) This section does not prohibit the Governor and the  
24 Legislative Budget Board, acting under Chapter 317, Government  
25 Code, from making an emergency transfer of money appropriated by  
26 this section, based on need, to an agency or for a purpose that is  
27 not described by subsection (b) of this section.

1           (b) In the event of a conflict between this Act and another  
2 Act enacted by the 78th Legislature, 3rd Called Session, 2003, that  
3 becomes law and that amends Section 11.28, Article IX, Chapter  
4 1330, Acts of the 78th Legislature, Regular Session, 2003 (the  
5 General Appropriations Act), this Act controls.

6           SECTION 8. The heading to Section 11.28, Article IX,  
7 Chapter 1330, Acts of the 78th Legislature, Regular Session, 2003  
8 (the General Appropriations Act), is amended to read as follows:

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

12           SECTION 9. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect on the 91st day after the last day of the  
17 legislative session.