

By: Bivins

S.B. No. 4

A BILL TO BE ENTITLED

AN ACT

relating to appropriations.

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

SECTION 1. (a) All fees collected during the state fiscal biennium beginning September 1, 2003, by the Texas Animal Health Commission under Section 161.0411, Agriculture Code, as added by House Bill No. 2328, Acts of the 78th Legislature, Regular Session, 2003, are appropriated to the Texas Animal Health Commission for the state fiscal biennium beginning September 1, 2003, for the purpose of administering Section 161.0411.

(b) Any increase in state employee benefit costs incurred during the state fiscal biennium beginning September 1, 2003, in connection with administering Section 161.0411, Agriculture Code, as added by House Bill No. 2328, Acts of the 78th Legislature, Regular Session, 2003, shall be paid out of the appropriations made by Subsection (a) of this section and shall be allocated to the appropriate employee benefit appropriation items in accordance with applicable rules of the comptroller.

SECTION 2. (a) The additional revenue generated by the increase in the amount of lobby registration fees under Section 305.0064, Government Code, as added by House Bill No. 1606, Acts of the 78th Legislature, Regular Session, 2003, collected during the state fiscal biennium beginning September 1, 2003, by the Texas Ethics Commission is appropriated, in an amount not to exceed

1   \$267,400, to the Texas Ethics Commission for the state fiscal  
2   biennium beginning September 1, 2003, for the development and  
3   implementation of the electronic filing system for lobbyists, as  
4   required by Section 305.0064.

5           (b) Any increase in state employee benefit costs incurred  
6   during the state fiscal biennium beginning September 1, 2003, in  
7   connection with administering Section 305.0064, Government Code,  
8   as added by House Bill No. 1606, Acts of the 78th Legislature,  
9   Regular Session, 2003, shall be paid out of the appropriations made  
10   by Subsection (a) of this section and shall be allocated to the  
11   appropriate employee benefit appropriation items in accordance  
12   with applicable rules of the comptroller.

13           SECTION 3. (a) All fees collected during the state fiscal  
14   biennium beginning September 1, 2003, authorized by Subchapter G,  
15   Chapter 101, Occupations Code, as added by House Bill No. 2985, Acts  
16   of the 78th Legislature, Regular Session, 2003, are appropriated to  
17   the Health Professions Council for the state fiscal biennium  
18   beginning September 1, 2003, for the administration of the office  
19   of patient protection under Subchapter G, Chapter 101, Occupations  
20   Code.

21           (b) Any increase in state employee benefit costs incurred  
22   during the state fiscal biennium beginning September 1, 2003, in  
23   connection with administering Subchapter G, Chapter 101,  
24   Occupations Code, as added by House Bill No. 2985, Acts of the 78th  
25   Legislature, Regular Session, 2003, shall be paid out of the  
26   appropriations made by Subsection (a) of this section and shall be  
27   allocated to the appropriate employee benefit appropriation items

1 in accordance with applicable rules of the comptroller.

2 SECTION 4. (a) All fees collected during the state fiscal  
3 biennium beginning September 1, 2003, by the Texas Department of  
4 Licensing and Regulation or the Texas Commission of Licensing and  
5 Regulation under Chapter 1305, Occupations Code, as added by House  
6 Bill No. 1487, Acts of the 78th Legislature, Regular Session, 2003,  
7 or under Section 3, House Bill No. 1487, Acts of the 78th  
8 Legislature, Regular Session, 2003, are appropriated to the Texas  
9 Department of Licensing and Regulation for the purpose of  
10 administering Chapter 1305. The full-time equivalent position  
11 limitation established for the department in House Bill No. 1, Acts  
12 of the 78th Legislature, Regular Session, 2003 (the General  
13 Appropriations Act), is also increased by 32 for the state fiscal  
14 biennium beginning September 1, 2003, for that purpose.

15 (b) Any increase in state employee benefit costs incurred  
16 during the state fiscal biennium beginning September 1, 2003, in  
17 connection with administering Chapter 1305, Occupations Code, as  
18 added by House Bill No. 1487, Acts of the 78th Legislature, Regular  
19 Session, 2003, shall be paid out of the appropriations made by  
20 Subsection (a) of this section and shall be allocated to the  
21 appropriate employee benefit appropriation items in accordance  
22 with applicable rules of the comptroller.

23 SECTION 5. (a) For the state fiscal biennium beginning  
24 September 1, 2003, the comptroller is appropriated from the general  
25 revenue fund the amount needed to return any available cash that was  
26 transferred to that fund from a fund outside the state treasury and  
27 to maintain the equity of the fund from which the transfer was made,

1 as required by Section 403.092, Government Code, as amended by  
2 Section 19, H.B. No. 2425, Acts of the 78th Legislature, Regular  
3 Session, 2003.

4 (b) Not more than \$5,000,000 of the appropriation made by  
5 Subsection (a) of this section may be used to allocate earned  
6 interest to a fund outside the state treasury under Section  
7 403.092(a), Government Code.

8 (c) The comptroller may return money appropriated by  
9 Subsection (a) of this section only if:

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

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

19 SECTION 6. (a) Section 11.28, Article IX, House Bill No. 1,  
20 Acts of the 78th Legislature, Regular Session, 2003 (the General  
21 Appropriations Act), is amended by amending Subsection (a) and  
22 adding Subsections (c) and (d) to read as follows:

23 (a) Notwithstanding other provisions of this Act, based  
24 upon the passage of federal legislation that provides federal funds  
25 for the purpose of state fiscal relief, such funds are  
26 appropriated~~[, after the implementation of Section 11.15,~~  
27 ~~Contingency Appropriation Reduction and Contingency~~

1 ~~Appropriation,~~] to the Comptroller of Public Accounts in the fiscal  
2 year in which the funds are received for the purpose of transferring  
3 funds to state agencies for state fiscal relief, as directed by the  
4 Governor and Legislative Budget Board acting under Chapter 317,  
5 Government Code, and in accordance with ~~[provided by]~~ subsection  
6 (b) of this section.

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

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

23       (b) The heading to Section 11.28, Article IX, House Bill No.  
24 1, Acts of the 78th Legislature, Regular Session, 2003 (the General  
25 Appropriations Act), is amended to read as follows:

26       Sec. 11.28. Appropriation of State Fiscal Relief Federal  
27 Funds and Reappropriation for State Fiscal Relief of Vetoed General

1 Revenue Appropriations.

2           (c) In the event of a conflict between this Act and another  
3 Act enacted by the 78th Legislature, 3rd Called Session, 2003, that  
4 becomes law and that amends Section 11.28, Article IX, House Bill  
5 No. 1, Acts of the 78th Legislature, Regular Session, 2003 (the  
6 General Appropriations Act), this Act controls.

7           SECTION 7. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect on the 91st day after the last day of the  
12 legislative session.