

By: Swinford

H.B. No. 3002

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the fees of, and other financial matters applying to,
3 state governmental entities.

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

5 SECTION 1. Subchapter C, Chapter 161, Agriculture Code, is
6 amended by adding Section 161.0411 to read as follows:

7 Sec. 161.0411. FEES REQUIRED. (a) The commission shall set
8 and collect fees to recover at least 25 percent of the commission's
9 biennial costs of administering programs under this subtitle.

10 (b) The commission shall submit to the legislature with any
11 request for appropriations the commission's fee schedule for
12 recovering costs of administering programs under this subtitle.

13 (c) The commission may exempt a commission program from the
14 fee requirements of this section.

15 SECTION 2. Chapter 88, Education Code, is amended by adding
16 Subchapter D to read as follows:

17 SUBCHAPTER D. TEXAS TRANSPORTATION INSTITUTE

18 Sec. 88.301. DEFINITION. In this subchapter, "institute"
19 means the Texas Transportation Institute, a component of The Texas
20 A&M University System.

21 Sec. 88.302. FUNDING; LIMITATION ON GENERAL REVENUE. (a)
22 General revenue of the state may not be appropriated or used to fund
23 an activity or program of the institute if money from the state
24 highway fund could lawfully be appropriated and used to fund the

1 activity or program.

2 (b) In any request or proposal by the board to the
3 legislature, Legislative Budget Board, or Texas Higher Education
4 Coordinating Board for an appropriation for the institute, the
5 board shall include a description of each major activity or program
6 of the center and a statement of the board's opinion whether the
7 activity or program could be lawfully funded in whole or part by
8 money from the state highway fund.

9 SECTION 3. Chapter 2108, Government Code, is amended by
10 adding Subchapter C to read as follows:

11 SUBCHAPTER C. SAVINGS INCENTIVE PROGRAM FOR STATE AGENCY

12 Sec. 2108.101. NOTICE. A state agency that spends less
13 undedicated general revenue derived from nonfederal sources than is
14 appropriated to the agency for a fiscal year shall send to the
15 comptroller a notice of the amount of the savings before October 30
16 following the end of the fiscal year in which the savings are
17 realized.

18 Sec. 2108.102. VERIFICATION OF SAVINGS. The comptroller
19 shall verify the amount of savings contained in the notice not later
20 than the 60th day following the date the comptroller receives the
21 notice.

22 Sec. 2108.103. RETENTION OF FUNDS. (a) The affected agency
23 retains one-half of the amount of savings verified by the
24 comptroller, not to exceed one percent of the amount of the
25 undedicated general revenue derived from nonfederal sources
26 appropriated to the agency for the fiscal year in which the savings
27 are realized.

1 (b) Savings retained under this section may only be
2 appropriated by the legislature to the affected agency. The agency
3 may spend the savings only on an activity or expense that does not:

4 (1) create new or expanded services; or

5 (2) require ongoing funding at a later date.

6 SECTION 4. Subchapter C, Chapter 81, Natural Resources
7 Code, is amended by adding Section 81.057 to read as follows:

8 Sec. 81.057. COMMISSION AUTHORITY TO SET FEES BY RULE. (a)
9 Notwithstanding any other law, for each fiscal year the commission
10 by rule shall set fees for services and for regulatory and
11 administrative functions of the commission to provide sufficient
12 money to pay all the expenses of the commission when combined with
13 money received from:

14 (1) interest on the late payment of fees;

15 (2) administrative or civil penalties;

16 (3) fines;

17 (4) court awards or settlements;

18 (5) donations or grants;

19 (6) federal programs; and

20 (7) any other similar source.

21 (b) The commission by rule may establish a fee for a service
22 or function for which the commission has not collected a fee before
23 September 1, 2003.

24 (c) Except for the fiscal year beginning September 1, 2003,
25 the commission shall set the fees to be collected in a fiscal year
26 not later than June 1 of the preceding fiscal year.

27 (d) This section prevails over and supersedes other law in

1 conflict with or inconsistent with this section.

2 SECTION 5. Subchapter B, Chapter 1052, Occupations Code, is
3 amended by adding Section 1052.0541 to read as follows:

4 Sec. 1052.0541. FEE INCREASE. (a) The fee for the issuance
5 of a certificate of registration under this chapter and the fee for
6 the renewal of a certificate of registration under this chapter is
7 increased by \$200.

8 (b) Of each fee increase collected, \$50 shall be deposited
9 in the foundation school fund and \$150 shall be deposited in the
10 general revenue fund.

11 SECTION 6. Subchapter B, Chapter 1053, Occupations Code, is
12 amended by adding Section 1053.0521 to read as follows:

13 Sec. 1053.0521. FEE INCREASE. (a) The fee for the issuance
14 of a certificate of registration under this chapter and the fee for
15 the renewal of a certificate of registration under this chapter is
16 increased by \$200.

17 (b) Of each fee increase collected, \$50 shall be deposited
18 in the foundation school fund and \$150 shall be deposited in the
19 general revenue fund.

20 SECTION 7. Subchapter D, Chapter 1071, Occupations Code, is
21 amended by adding Section 1071.1521 to read as follows:

22 Sec. 1071.1521. FEE INCREASE. (a) The fee for the issuance
23 of a certificate of registration to a registered professional land
24 surveyor under this chapter and the fee for the renewal of a
25 certificate of registration for a registered professional land
26 surveyor under this chapter is increased by \$200.

27 (b) Of each fee increase collected, \$50 shall be deposited

1 in the foundation school fund and \$150 shall be deposited in the
2 general revenue fund.

3 SECTION 8. Subchapter C, Chapter 1151, Occupations Code, is
4 amended by adding Section 1151.1025 to read as follows:

5 Sec. 1151.1025. FEE INCREASE. (a) The fee for the
6 registration of a person under this chapter and the fee for the
7 renewal of a registration under this chapter is increased by \$200.

8 (b) Of each fee increase collected, \$50 shall be deposited
9 in the foundation school fund and \$150 shall be deposited in the
10 general revenue fund.

11 SECTION 9. Section 5.701(a), Water Code, is amended to read
12 as follows:

13 (a) Notwithstanding the other provisions of this section or
14 any other law, the [The] executive director shall charge and
15 collect the fees prescribed by Section 5.7011 [law]. The executive
16 director shall make a record of fees prescribed when due and shall
17 render an account to the person charged with the fees. Each fee is a
18 separate charge and is in addition to other fees unless provided
19 otherwise. Except as otherwise provided, a fee assessed and
20 collected under this section shall be deposited to the credit of the
21 water resource management account.

22 (1) Notwithstanding other provisions, the commission
23 by rule may establish due dates, schedules, and procedures for
24 assessment, collection, and remittance of fees due the commission
25 to ensure the cost-effective administration of revenue collection
26 and cash management programs.

27 (2) Notwithstanding other provisions, the commission

1 by rule shall establish uniform and consistent requirements for the
2 assessment of penalties and interest for late payment of fees owed
3 the state under the commission's jurisdiction. Penalties and
4 interest established under this section shall not exceed rates
5 established for delinquent taxes under Sections 111.060 and
6 111.061, Tax Code.

7 SECTION 10. Subchapter P, Chapter 5, Water Code, is amended
8 by adding Section 5.7011 to read as follows:

9 Sec. 5.7011. COMMISSION AUTHORITY TO SET FEES BY RULE. (a)
10 Notwithstanding any other law, for each fiscal year the commission
11 by rule shall set fees for services and for regulatory and
12 administrative functions of the commission to provide sufficient
13 money to pay all the expenses of the commission when combined with
14 money received from:

- 15 (1) interest on the late payment of fees;
- 16 (2) administrative or civil penalties;
- 17 (3) fines;
- 18 (4) court awards or settlements;
- 19 (5) donations or grants;
- 20 (6) federal programs; and
- 21 (7) any other similar source.

22 (b) The commission by rule may establish a fee for a service
23 or function for which the commission has not collected a fee before
24 September 1, 2003.

25 (c) Except for the fiscal year beginning September 1, 2003,
26 the commission shall set the fees to be collected in a fiscal year
27 not later than June 1 of the preceding fiscal year.

1 (d) This section prevails over and supersedes other law in
2 conflict with or inconsistent with this section.

3 SECTION 11. Section 321.013, Government Code, is amended by
4 adding Subsection (j) to read as follows:

5 (j) The State Auditor shall:

6 (1) develop fraud awareness training programs for use
7 by state agencies;

8 (2) identify qualified individuals or entities to
9 assist state agencies in implementing the programs; and

10 (3) make the programs available to state agencies on
11 the Internet or in a CD-ROM format.

12 SECTION 12. Chapter 322, Government Code, is amended by
13 adding Section 322.015 to read as follows:

14 Sec. 322.015. DEVELOPMENT OF SYSTEM OF PERFORMANCE
15 MEASURES. (a) The Legislative Budget Board shall develop a system
16 of performance measures to be used by state agencies for purposes of
17 the appropriations process.

18 (b) The Legislative Budget Board shall keep the House
19 Appropriations Committee and the Senate Finance Committee informed
20 of the board's activities related to the development of the system
21 of performance measures.

22 (c) On request, a state agency shall provide information or
23 assistance to the Legislative Budget Board to assist with the
24 development of the system of performance measures.

25 SECTION 13. Section 403.011(b), Government Code, is amended
26 to read as follows:

27 (b) The comptroller may:

1 (1) solicit, accept, or refuse a gift or grant of
2 money, services, or property on behalf of the state for any public
3 purpose related to the office or duties of the comptroller; and

4 (2) verify that a state agency has provided
5 appropriate fraud awareness training in accordance with Section
6 656.050.

7 SECTION 14. Subchapter C, Chapter 656, Government Code, is
8 amended by adding Section 656.050 to read as follows:

9 Sec. 656.050. FRAUD AWARENESS TRAINING. (a) In this
10 section, "state agency" means a department, commission, board,
11 office, or other agency in the executive, legislative, or judicial
12 branch of state government created by the constitution or a statute
13 of this state, including an institution of higher education as
14 defined by Section 61.003, Education Code, except a public junior
15 college, and a health-related institution that is associated with
16 an institution of higher education.

17 (b) A state agency shall provide fraud awareness training to
18 the employees of the agency by implementing a fraud awareness
19 training program developed by the state auditor. The agency shall
20 provide the training to an employee not later than the 90th day
21 after the date the employee begins employment.

22 (c) The executive director of a state agency, or the
23 executive director's designee, annually shall certify to the
24 comptroller that the agency has provided appropriate fraud
25 awareness training to the employees of the agency in a timely
26 manner.

27 SECTION 15. Section 2056.002, Government Code, is amended

1 by adding Subsection (f) to read as follows:

2 (f) The Legislative Budget Board and the governor's office
3 of budget and planning shall develop recommendations for
4 improvement of the strategic planning process under this section.
5 On request, a state agency shall assist the Legislative Budget
6 Board and the governor's office of budget and planning in
7 developing recommendations for improvement in accordance with this
8 subsection.

9 SECTION 16. Subtitle C, Title 10, Government Code, is
10 amended by adding Chapter 2115 to read as follows:

11 CHAPTER 2115. RISK ASSESSMENT AND FINANCIAL CONTROL SYSTEMS

12 Sec. 2115.001. DEFINITION. In this chapter, "state agency"
13 means a department, commission, board, office, or other agency in
14 the executive, legislative, or judicial branch of state government
15 created by the constitution or a statute of this state, including an
16 institution of higher education as defined by Section 61.003,
17 Education Code, except a public junior college, and a
18 health-related institution that is associated with an institution
19 of higher education.

20 Sec. 2115.002. REPORT ON RISK ASSESSMENT AND FINANCIAL
21 CONTROL SYSTEMS. (a) Not later than September 30 of each year, the
22 executive director of a state agency and, for a state agency
23 governed by a board or similar body, the presiding officer of the
24 agency's governing body shall submit to the office of the governor,
25 the Legislative Budget Board, and the state auditor, a letter that
26 provides assurance about the state agency's risk assessment and
27 financial control systems.

1 (b) If the executive director and the presiding officer of
2 the agency's governing body agree on the content of the letter
3 required by this section, they shall jointly submit one letter for
4 the state agency. If the executive director and the presiding
5 officer do not agree on the content of the letter, they shall each
6 submit a separate letter in accordance with this section.

7 (c) A person submitting or jointly submitting a letter in
8 accordance with this section must sign the letter and, as
9 appropriate, attest in the letter that:

10 (1) the person has identified and reviewed risks that
11 may affect the state agency's operation and the achievement of its
12 mission;

13 (2) the person has taken appropriate action to manage
14 and reduce the actual and potential effects of the risks identified
15 under Subdivision (1) on the state agency;

16 (3) the person has reviewed the state agency's
17 financial control systems; and

18 (4) to the best of the person's knowledge after
19 reasonable efforts to obtain accurate information:

20 (A) the financial control systems identified
21 under Subdivision (3) protect the state's resources from
22 inappropriate use and fraud to the greatest extent possible; and

23 (B) as of the date the letter is submitted, the
24 financial statements and other financial information reported by
25 the state agency fairly represent the financial condition and
26 results of the agency's operations.

27 (d) If a person is unable to attest to any of the statements

1 under Subsection (c), the person must identify in the letter the
2 statement and the reason or reasons why the person is unable to
3 attest to it.

4 (e) A letter submitted under this section must identify any
5 ongoing or future planned actions to correct problems in or
6 strengthen the state agency's risk assessment or financial control
7 systems and the date the actions were, or are expected to be,
8 implemented.

9 (f) If a state agency fails to timely submit a letter in
10 accordance with this section, the state auditor shall report to any
11 relevant legislative committees the fact of the state agency's
12 failure to do so.

13 SECTION 17. This Act takes effect September 1, 2003.