

By: Bivins

S.B. No. 1865

A BILL TO BE ENTITLED

AN ACT

relating to the delay or deferral of certain payments and transfers
by the comptroller of public accounts.

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

SECTION 1. Subchapter E, Chapter 42, Education Code, is
amended by adding Section 42.2595 to read as follows:

Sec. 42.2595. CERTAIN FOUNDATION SCHOOL FUND TRANSFERS
DELAY. (a) Notwithstanding the requirements of Section
42.259(c)(8), payment from the foundation school fund to each
category 2 school district for August 2005 shall 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.

(b) Notwithstanding the requirements of Section
42.259(d)(3), payment from the foundation school fund to each
category 3 school district for August 2005 shall 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.

(c) This section expires September 15, 2005.

SECTION 2. Subchapter F, Chapter 403, Government Code, is
amended by adding Section 403.0931 to read as follows:

Sec. 403.0931. DELAY IN ALLOCATION. (a) Notwithstanding
the requirements of Section 403.093(c), the comptroller may not
make monthly payments from the general revenue fund to the state
contribution account of the trust fund for the Teacher Retirement

1 System of Texas during the months of June, July, and August, 2005.
2 Not later than September 5, 2005, the comptroller shall allocate
3 and deposit the monthly payments deferred by this section.

4 (b) Payments deferred under Subsection (a) may not include
5 any payments necessary for the program identified as TRS-Care for
6 which state contributions are identified under Section 1575.202,
7 Insurance Code.

8 (c) For each month in which any portion of payments deferred
9 under this section remains unpaid, the comptroller shall transfer
10 to the state contribution account of the trust fund for the Teacher
11 Retirement System of Texas from other amounts in the general
12 revenue fund an amount certified by the Teacher Retirement System
13 of Texas that is based on the greater of an annual rate
14 of _____ percent or the rate of yield that would have been earned on
15 the unpaid deferred amount if monthly contributions to the Teacher
16 Retirement System of Texas had been made as provided by Section
17 403.093(c) for that month and for each previous month of the fiscal
18 year in which the payments have been deferred as provided by this
19 section and the funds from the contributions had been invested.

20 (d) This section expires October 1, 2005.

21 SECTION 3. Subchapter E, Chapter 815, Government Code, is
22 amended by adding Section 815.4035 to read as follows:

23 Sec. 815.4035. DELAY IN ALLOCATION. (a) Notwithstanding
24 the requirements of Section 815.403(e), the comptroller may not
25 make monthly payments from any fund or account to the state
26 accumulation account of the trust fund for the retirement system
27 during August 2005 except as provided by Subsection (b). On

1 September 5, 2005, the comptroller shall allocate and deposit the
2 monthly payment deferred by this section.

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

15 (c) This section expires October 1, 2005.

16 SECTION 4. Subchapter F, Chapter 153, Tax Code, is amended
17 by adding Section 153.5015 to read as follows:

18 Sec. 153.5015. DELAY IN ALLOCATION OF TAXES.

19 (a) Notwithstanding any other law, the comptroller shall allocate
20 and deposit as soon as practicable after September 5, 2005, but not
21 later than September 10, 2005:

22 (1) the unclaimed refunds of gasoline taxes under
23 Section 153.502 for June, July, and August, 2005;

24 (2) the gasoline taxes collected under Subchapter B
25 for June, July, and August, 2005;

26 (3) the diesel fuel taxes collected under Subchapter C
27 for June, July, and August, 2005; and

1 (4) the liquefied gas taxes collected under Subchapter
2 D for June, July, and August, 2005.

3 (b) This section expires October 1, 2005.