

1-1 By: Bivins S.B. No. 1865
1-2 (In the Senate - Filed March 17, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Finance; May 12, 2003,
1-4 reported favorably by the following vote: Yeas 12, Nays 0;
1-5 May 12, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the delay or deferral of certain payments and transfers
1-9 by the comptroller of public accounts.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter E, Chapter 42, Education Code, is
1-12 amended by adding Section 42.2595 to read as follows:

1-13 Sec. 42.2595. CERTAIN FOUNDATION SCHOOL FUND TRANSFERS
1-14 DELAY. (a) Notwithstanding the requirements of Section
1-15 42.259(c)(8), payment from the foundation school fund to each
1-16 category 2 school district for August 2005 shall be 15 percent of
1-17 the yearly entitlement of the district, which shall be paid in one
1-18 sum after September 5, 2005, but not later than September 10, 2005.

1-19 (b) Notwithstanding the requirements of Section
1-20 42.259(d)(3), payment from the foundation school fund to each
1-21 category 3 school district for August 2005 shall be 20 percent of
1-22 the yearly entitlement of the district, which shall be paid in one
1-23 sum after September 5, 2005, but not later than September 10, 2005.

1-24 (c) This section expires September 15, 2005.

1-25 SECTION 2. Subchapter F, Chapter 403, Government Code, is
1-26 amended by adding Section 403.0931 to read as follows:

1-27 Sec. 403.0931. DELAY IN ALLOCATION. (a) Notwithstanding
1-28 the requirements of Section 403.093(c), the comptroller may not
1-29 make monthly payments from the general revenue fund to the state
1-30 contribution account of the trust fund for the Teacher Retirement
1-31 System of Texas during the months of June, July, and August, 2005.
1-32 Not later than September 5, 2005, the comptroller shall allocate
1-33 and deposit the monthly payments deferred by this section.

1-34 (b) Payments deferred under Subsection (a) may not include
1-35 any payments necessary for the program identified as TRS-Care for
1-36 which state contributions are identified under Section 1575.202,
1-37 Insurance Code.

1-38 (c) For each month in which any portion of payments deferred
1-39 under this section remains unpaid, the comptroller shall transfer
1-40 to the state contribution account of the trust fund for the Teacher
1-41 Retirement System of Texas from other amounts in the general
1-42 revenue fund an amount certified by the Teacher Retirement System
1-43 of Texas that is based on the greater of an annual rate
1-44 of percent or the rate of yield that would have been earned on
1-45 the unpaid deferred amount if monthly contributions to the Teacher
1-46 Retirement System of Texas had been made as provided by Section
1-47 403.093(c) for that month and for each previous month of the fiscal
1-48 year in which the payments have been deferred as provided by this
1-49 section and the funds from the contributions had been invested.

1-50 (d) This section expires October 1, 2005.

1-51 SECTION 3. Subchapter E, Chapter 815, Government Code, is
1-52 amended by adding Section 815.4035 to read as follows:

1-53 Sec. 815.4035. DELAY IN ALLOCATION. (a) Notwithstanding
1-54 the requirements of Section 815.403(e), the comptroller may not
1-55 make monthly payments from any fund or account to the state
1-56 accumulation account of the trust fund for the retirement system
1-57 during August 2005 except as provided by Subsection (b). On
1-58 September 5, 2005, the comptroller shall allocate and deposit the
1-59 monthly payment deferred by this section.

1-60 (b) For each month in which any portion of a payment
1-61 deferred under this section remains unpaid, the comptroller shall
1-62 transfer to the state accumulation account of the trust fund for the
1-63 retirement system from the general revenue fund an amount certified
1-64 by the retirement system that is equal to the greater of an annual

2-1 rate of percent of the unpaid deferred amount or the rate of
2-2 yield that would have been earned on the unpaid deferred amount if
2-3 monthly contributions to the retirement system had been made as
2-4 provided by Section 815.403(e) for that month and for each previous
2-5 month of the fiscal year in which the payments have been deferred as
2-6 provided by this section and the funds from the contributions had
2-7 been invested.

2-8 (c) This section expires October 1, 2005.

2-9 SECTION 4. Subchapter F, Chapter 153, Tax Code, is amended
2-10 by adding Section 153.5015 to read as follows:

2-11 Sec. 153.5015. DELAY IN ALLOCATION OF TAXES.

2-12 (a) Notwithstanding any other law, the comptroller shall allocate
2-13 and deposit as soon as practicable after September 5, 2005, but not
2-14 later than September 10, 2005:

2-15 (1) the unclaimed refunds of gasoline taxes under
2-16 Section 153.502 for June, July, and August, 2005;

2-17 (2) the gasoline taxes collected under Subchapter B
2-18 for June, July, and August, 2005;

2-19 (3) the diesel fuel taxes collected under Subchapter C
2-20 for June, July, and August, 2005; and

2-21 (4) the liquefied gas taxes collected under Subchapter
2-22 D for June, July, and August, 2005.

2-23 (b) This section expires October 1, 2005.

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