

Suspending limitations on conference committee
jurisdiction, S.B. No. 1863 (Ogden/Pitts)

By: Pitts

H.R. No. 2267

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 79th Legislature, Regular Session, 2005, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on Senate Bill 1863 (certain fiscal matters
6 affecting governmental entities; providing a penalty) to consider
7 and take action on the following matters:

8 (1) House Rule 13, Section 9(a)(4), is suspended to permit
9 the committee to add Article 5 to the bill to read as follows:

10 ARTICLE 5. EXTENDING STATE REIMBURSEMENT PROGRAM: PETROLEUM
11 STORAGE TANKS

12 SECTION 5.01. Subsection (f), Section 26.351, Water Code,
13 is amended to read as follows:

14 (f) The person performing corrective action under this
15 section, if the release was reported to the commission on or before
16 December 22, 1998, shall meet the following deadlines:

17 (1) a complete site assessment and risk assessment
18 (including, but not limited to, risk-based criteria for
19 establishing target concentrations), as determined by the
20 executive director, must be received by the agency no later than
21 September 1, 2002;

22 (2) a complete corrective action plan, as determined
23 by the executive director and including, but not limited to,
24 completion of pilot studies and recommendation of a cost-effective

1 and technically appropriate remediation methodology, must be
2 received by the agency no later than September 1, 2003. The person
3 may, in lieu of this requirement, submit by this same deadline a
4 demonstration that a corrective action plan is not required for the
5 site in question under commission rules. Such demonstration must
6 be to the executive director's satisfaction;

7 (3) for those sites found under Subdivision (2) to
8 require a corrective action plan, that plan must be initiated and
9 proceeding according to the requirements and deadlines in the
10 approved plan no later than March 1, 2004;

11 (4) for sites which require either a corrective action
12 plan or groundwater monitoring, a comprehensive and accurate annual
13 status report concerning those activities must be submitted to the
14 agency;

15 (5) for sites which require either a corrective action
16 plan or groundwater monitoring, all deadlines set by the executive
17 director concerning the corrective action plan or approved
18 groundwater monitoring plan shall be met; and

19 (6) for sites that require either a corrective action
20 plan or groundwater monitoring, have met all other deadlines under
21 this subsection, and have submitted annual progress reports that
22 demonstrate progress toward meeting closure requirements, a site
23 closure request must be submitted to [~~requests for all sites where~~]
24 the executive director [~~agreed in writing that no corrective action~~
25 ~~plan was required must be received by the agency~~] no later than
26 September 1, 2007 [~~2005~~]. The request must be complete, as judged
27 by the executive director.

1 SECTION 5.02. Subsection (b), Section 26.355, Water Code,
2 is amended to read as follows:

3 (b) An owner or operator of an underground or aboveground
4 storage tank from which a regulated substance is released is liable
5 to the state unless:

6 (1) the release was caused by:

7 (A) [~~(1)~~] an act of God;

8 (B) [~~(2)~~] an act of war;

9 (C) [~~(3)~~] the negligence of the State of
10 Texas or the United States; or

11 (D) [~~(4)~~] an act or omission of a third
12 party; or

13 (2) the site at which the release occurred has been
14 admitted into the petroleum storage tank state-lead program under
15 Section 26.3573(r-1).

16 SECTION 5.03. Subsection (b), Section 26.35731, Water Code,
17 is amended to read as follows:

18 (b) The commission has discretion whether to postpone
19 considering, processing, or paying [~~may not consider, process, or~~
20 ~~pay~~] a claim for reimbursement from the petroleum storage tank
21 remediation account for corrective action work begun without prior
22 commission approval after September 1, 1993, and filed with the
23 commission prior to January 1, 2005 [~~without prior commission~~
24 ~~approval until all claims for reimbursement for corrective action~~
25 ~~work preapproved by the commission have been considered, processed,~~
26 ~~and paid~~].

27 SECTION 5.04. Section 26.3573, Water Code, is amended by

1 amending Subsections (d), (r), and (s) and adding Subsection (r-1)
2 to read as follows:

3 (d) The commission may use the money in the petroleum
4 storage tank remediation account to pay:

5 (1) necessary expenses associated with the
6 administration of the petroleum storage tank remediation account
7 and the groundwater protection cleanup program[~~, not to exceed an~~
8 ~~amount equal to: 11.8 percent of the gross receipts of that account~~
9 ~~for FY02/03; 16.40 percent of the gross receipts of that account for~~
10 ~~FY04/05; and 21.1 percent of the gross receipts of that account for~~
11 ~~FY06/07]~~;

12 (2) expenses associated with investigation, cleanup,
13 or corrective action measures performed in response to a release or
14 threatened release from a petroleum storage tank, whether those
15 expenses are incurred by the commission or pursuant to a contract
16 between a contractor and an eligible owner or operator as
17 authorized by this subchapter; and

18 (3) subject to the conditions of Subsection (e) [~~of~~
19 ~~this section~~], expenses associated with investigation, cleanup, or
20 corrective action measures performed in response to a release or
21 threatened release of hydraulic fluid or spent oil from hydraulic
22 lift systems or tanks located at a vehicle service and fueling
23 facility and used as part of the operations of that facility.

24 (r) Except as provided by Subsection (r-1), the [~~The~~]
25 petroleum storage tank remediation account may not be used to
26 reimburse any person for corrective action performed after
27 September 1, 2005.

1 (r-1) In this subsection, "state-lead program" means the
2 petroleum storage tank state-lead program administered by the
3 commission. The executive director shall grant an extension for
4 corrective action reimbursement to a person who is an eligible
5 owner or operator under Section 26.3571. The petroleum storage
6 tank remediation account may be used to reimburse an eligible owner
7 or operator for corrective action performed under an extension
8 before August 31, 2007. Not later than July 1, 2007, an eligible
9 owner or operator who is granted an extension under this subsection
10 may apply to the commission in writing using a form provided by the
11 commission to have the site subject to corrective action placed in
12 the state-lead program. The eligible owner or operator must agree
13 in the application to allow site access to state personnel and state
14 contractors as a condition of placement in the state-lead program
15 under this subsection. On receiving the application for placement
16 in the state-lead program under this subsection, the executive
17 director by order shall place the site in the state-lead program
18 until the corrective action is completed to the satisfaction of the
19 commission. An eligible owner or operator of a site that is placed
20 in the state-lead program under this subsection is not liable to the
21 commission for any costs related to the corrective action.

22 (s) The petroleum storage tank remediation account may not
23 be used to reimburse any person for corrective action contained in a
24 reimbursement claim filed with the commission after March 1, 2008
25 [~~2006~~].

26 SECTION 5.05. Subsection (b), Section 26.3574, Water Code,
27 is amended to read as follows:

1 (b) A fee is imposed on the delivery of a petroleum product
2 on withdrawal from bulk of that product as provided by this
3 subsection. Each operator of a bulk facility on withdrawal from
4 bulk of a petroleum product shall collect from the person who orders
5 the withdrawal a fee in an amount determined as follows:

6 (1) \$12.50 for each delivery into a cargo tank having a
7 capacity of less than 2,500 gallons for the state fiscal year
8 beginning September 1, 2001, and the state fiscal year beginning
9 September 1, 2002 [~~FY 02 and FY 03~~]; and \$10.00 for each delivery
10 into a cargo tank having a capacity of less than 2,500 gallons for
11 the state fiscal year beginning September 1, 2003, through the
12 state fiscal year ending August 31, 2007 [~~FY 04 and FY 05, \$5.00 for~~
13 ~~each delivery into a cargo tank having a capacity of less than 2,500~~
14 ~~gallons for FY 06, and \$2.00 for each delivery into a cargo tank~~
15 ~~having a capacity of less than 2,500 gallons for FY 07~~];

16 (2) \$25.00 for each delivery into a cargo tank having a
17 capacity of 2,500 gallons or more but less than 5,000 gallons for
18 the state fiscal year beginning September 1, 2001, and the state
19 fiscal year beginning September 1, 2002 [~~FY 02 and FY 03~~]; and
20 \$20.00 for each delivery into a cargo tank having a capacity of
21 2,500 gallons or more but less than 5,000 gallons for the state
22 fiscal year beginning September 1, 2003, through the state fiscal
23 year ending August 31, 2007 [~~FY 04 and FY 05, \$10.00 for each~~
24 ~~delivery into a cargo tank having a capacity of 2,500 gallons or~~
25 ~~more but less than 5,000 gallons for FY 06, and \$4.00 for each~~
26 ~~delivery into a cargo tank having a capacity of 2,500 gallons or~~
27 ~~more but less than 5,000 gallons for FY 07~~];

1 (3) \$37.50 for each delivery into a cargo tank having a
2 capacity of 5,000 gallons or more but less than 8,000 gallons for
3 the state fiscal year beginning September 1, 2001, and the state
4 fiscal year beginning September 1, 2002 [~~FY 02 and FY 03~~]; and
5 \$30.00 for each delivery into a cargo tank having a capacity of
6 5,000 gallons or more but less than 8,000 gallons for the state
7 fiscal year beginning September 1, 2003, through the state fiscal
8 year ending August 31, 2007 [~~FY 04 and FY 05; \$15.00 for each~~
9 ~~delivery into a cargo tank having a capacity of 5,000 gallons or~~
10 ~~more but less than 8,000 gallons for FY 06; and \$6.00 for each~~
11 ~~delivery into a cargo tank having a capacity of 5,000 gallons or~~
12 ~~more but less than 8,000 gallons for FY 07]~~;

13 (4) \$50.00 for each delivery into a cargo tank having a
14 capacity of 8,000 gallons or more but less than 10,000 gallons for
15 the state fiscal year beginning September 1, 2001, and the state
16 fiscal year beginning September 1, 2002 [~~FY 02 and FY 03~~]; and
17 \$40.00 for each delivery into a cargo tank having a capacity of
18 8,000 gallons or more but less than 10,000 gallons for the state
19 fiscal year beginning September 1, 2003, through the state fiscal
20 year ending August 31, 2007 [~~FY 04 and FY 05; \$20.00 for each~~
21 ~~delivery into a cargo tank having a capacity of 8,000 gallons or~~
22 ~~more but less than 10,000 gallons for FY 06; and \$8.00 for each~~
23 ~~delivery into a cargo tank having a capacity of 8,000 gallons or~~
24 ~~more but less than 10,000 gallons for FY 07]~~; and

25 (5) a \$25.00 fee for each increment of 5,000 gallons or
26 any part thereof delivered into a cargo tank having a capacity of
27 10,000 gallons or more for the state fiscal year beginning

1 September 1, 2001, and the state fiscal year beginning September 1,
2 2002 [FY 02 and FY 03]; and \$20.00 for each increment of 5,000
3 gallons or any part thereof delivered into a cargo tank having a
4 capacity of 10,000 gallons or more for the state fiscal year
5 beginning September 1, 2003, through the state fiscal year ending
6 August 31, 2007 [FY 04 and FY 05; \$10.00 for each increment of 5,000
7 gallons or any part thereof delivered into a cargo tank having a
8 capacity of 10,000 gallons or more for FY 06; and \$4.00 for each
9 increment of 5,000 gallons or any part thereof delivered into a
10 cargo tank having a capacity of 10,000 gallons or more for FY 07].

11 SECTION 5.06. Section 26.361, Water Code, is amended to
12 read as follows:

13 Sec. 26.361. EXPIRATION OF REIMBURSEMENT PROGRAM.
14 Notwithstanding any other provision of this subchapter, the
15 reimbursement program established under this subchapter expires
16 September 1, 2008 [~~2006~~]. On or after September 1, 2008 [~~2006~~], the
17 commission may not use money from the petroleum storage tank
18 remediation account to reimburse an eligible owner or operator for
19 any expenses of corrective action or to pay the claim of a person
20 who has contracted with an eligible owner or operator to perform
21 corrective action.

22 SECTION 5.07. This article takes effect September 1, 2005.

23 Explanation: This change is necessary to add provisions to
24 the bill that extend a state reimbursement program relating to
25 petroleum storage tanks.

26 (2) House Rule 13, Section 9(a)(4), is suspended to permit
27 the committee to add Article 6 to the bill to read as follows:

ARTICLE 6. DRUG PURCHASING FOR STATE AGENCIES

SECTION 6.01. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.080 to read as follows:

Sec. 531.080. JOINT PURCHASING OF PRESCRIPTION DRUGS AND OTHER MEDICATIONS. (a) Subject to Subsection (b), the commission and each health and human services agency authorized by the executive commissioner may enter into an agreement with one or more other states for the joint bulk purchasing of prescription drugs and other medications to be used in the Medicaid program, the state child health plan, or another program under the authority of the commission.

(b) An agreement under this section may not be entered into until:

(1) the commission determines that entering into the agreement would be feasible and cost-effective; and

(2) if appropriated money would be spent under the proposed agreement, the governor and the Legislative Budget Board grant prior approval to expend appropriated money under the proposed agreement.

(c) If an agreement is entered into, the commission shall adopt procedures applicable to an agreement and joint purchase required by this section. The procedures must ensure that this state receives:

(1) all prescription drugs and other medications purchased with money provided by this state; and

(2) an equitable share of any price benefits resulting from the joint bulk purchase.

1 (d) In determining the feasibility and cost-effectiveness
2 of entering into an agreement under this section, the commission
3 shall identify:

4 (1) the most cost-effective existing joint bulk
5 purchasing agreement; and

6 (2) any potential groups of states with which this
7 state could enter into a new cost-effective joint bulk purchasing
8 agreement.

9 SECTION 6.02. Not later than January 15, 2006, the Health
10 and Human Services Commission shall determine the feasibility and
11 cost-effectiveness of entering into an agreement under Section
12 531.080, Government Code, as added by this article. If the
13 commission determines that such action is feasible and
14 cost-effective, the commission shall take action to enter into an
15 agreement that takes effect March 1, 2006.

16 SECTION 6.03. If before implementing any provision of this
17 article a state agency determines that a waiver or authorization
18 from a federal agency is necessary for implementation of that
19 provision, the agency affected by the provision shall request the
20 waiver or authorization and may delay implementing that provision
21 until the waiver or authorization is granted.

22 Explanation: This change is necessary to add provisions to
23 the bill relating to drug purchasing for state agencies.

24 (3) House Rule 13, Section 9(a)(4), is suspended to permit
25 the committee to add Article 7 to the bill to read as follows:

26 ARTICLE 7. CONTINUATION OF QUALITY ASSURANCE FEES

27 SECTION 7.01. Section 252.209, Health and Safety Code, is

1 repealed.

2 Explanation: This change is necessary to add provisions to
3 the bill relating to the continuation of certain quality assurance
4 fees.

5 (4) House Rule 13, Section 9(a)(4), is suspended to permit
6 the committee to add Article 8 to the bill to read as follows:

7 ARTICLE 8. TEXAS MOBILITY FUND

8 SECTION 8.01. Subchapter M, Chapter 201, Transportation
9 Code, is amended by adding Section 201.9471 to read as follows:

10 Sec. 201.9471. TEMPORARY DISPOSITION OF MONEY ALLOCATED TO
11 FUND. (a) Notwithstanding Sections 521.058, 521.313, 521.3466,
12 521.427, 522.029, 524.051, and 724.046, to the extent that those
13 sections allocate money to the Texas mobility fund, in state fiscal
14 year 2006 the comptroller shall deposit that money to the credit of
15 the general revenue fund instead of to the credit of the Texas
16 mobility fund.

17 (b) Notwithstanding Sections 521.313, 521.3466, 521.427,
18 522.029, 524.051, and 724.046, to the extent that those sections
19 allocate money to the Texas mobility fund, in state fiscal year 2007
20 the comptroller shall deposit that money to the credit of the
21 general revenue fund instead of to the credit of the Texas mobility
22 fund.

23 (c) This section expires January 1, 2008.

24 SECTION 8.02. This article takes effect September 1, 2005.

25 Explanation: This change is necessary to add provisions to
26 the bill relating to the Texas mobility fund.

27 (5) House Rule 13, Section 9(a)(4), is suspended to permit

1 the committee to add Article 9 to the bill to read as follows:

2 ARTICLE 9. TELECOMMUNICATIONS INFRASTRUCTURE FUND

3 SECTION 9.01. Section 57.048, Utilities Code, is amended by
4 adding Subsections (f)-(i) to read as follows:

5 (f) Notwithstanding any other provision of this title, a
6 certificated telecommunications utility may recover from the
7 utility's customers an assessment imposed on the utility under this
8 subchapter after the total amount deposited to the credit of the
9 fund, excluding interest and loan repayments, is equal to \$1.5
10 billion, as determined by the comptroller. A certificated
11 telecommunications utility may recover only the amount of the
12 assessment imposed after the total amount deposited to the credit
13 of the fund, excluding interest and loan repayments, is equal to
14 \$1.5 billion, as determined by the comptroller. The utility may
15 recover the assessment through a monthly billing process.

16 (g) The comptroller shall publish in the Texas Register the
17 date on which the total amount deposited to the credit of the fund,
18 excluding interest and loan repayments, is equal to \$1.5 billion.

19 (h) Not later than February 15 of each year, a certificated
20 telecommunications utility that wants to recover the assessment
21 under Subsection (f) shall file with the commission an affidavit or
22 affirmation stating the amount that the utility paid to the
23 comptroller under this section during the previous calendar year
24 and the amount the utility recovered from its customers in
25 cumulative payments during that year.

26 (i) The commission shall maintain the confidentiality of
27 information the commission receives under this section that is

1 claimed to be confidential for competitive purposes. The
2 confidential information is exempt from disclosure under Chapter
3 552, Government Code.

4 SECTION 9.02. Section 57.0485, Utilities Code, is amended
5 to read as follows:

6 Sec. 57.0485. ALLOCATION OF REVENUE [ACCOUNTS]. ~~[(a)]~~ The
7 comptroller shall deposit ~~[50 percent of]~~ the money collected by
8 the comptroller under Section 57.048 to the credit of the general
9 revenue fund ~~[public schools account in the fund. The comptroller~~
10 ~~shall deposit the remainder of the money collected by the~~
11 ~~comptroller under Section 57.048 to the credit of the qualifying~~
12 ~~entities account in the fund.~~

13 ~~[(b) Interest earned on money in an account shall be~~
14 ~~deposited to the credit of that account].~~

15 SECTION 9.03. Section 57.051, Utilities Code, is amended to
16 read as follows:

17 Sec. 57.051. SUNSET PROVISION. The Telecommunications
18 Infrastructure Fund ~~[Board]~~ is subject to Chapter 325, Government
19 Code (Texas Sunset Act). Unless continued in existence as provided
20 by that chapter, ~~[the board is abolished and]~~ this subchapter
21 expires September 1, 2011 ~~[2005]~~.

22 SECTION 9.04. Section 57.043 and Subsections (c) and (d),
23 Section 57.048, Utilities Code, are repealed.

24 SECTION 9.05. If, on the day before the effective date of
25 this article, the assessment prescribed by Section 57.048,
26 Utilities Code, is imposed at a rate of less than 1.25 percent, the
27 comptroller shall, on the effective date of this article, reset the

1 rate of the assessment to 1.25 percent.

2 SECTION 9.06. This article takes effect July 1, 2005, if
3 this Act receives a vote of two-thirds of all the members elected to
4 each house, as provided by Section 39, Article III, Texas
5 Constitution. If this Act does not receive the vote necessary for
6 effect on that date, this article takes effect September 1, 2005.

7 Explanation: This change is necessary to add provisions to
8 the bill relating to the Telecommunications Infrastructure Fund.

9 (6) House Rule 13, Section 9(a)(4), is suspended to permit
10 the committee to add Article 10 to the bill to read as follows:

11 ARTICLE 10. COLLECTION OF CERTAIN COSTS, FEES, AND FINES

12 IN CRIMINAL CASES

13 SECTION 10.01. Chapter 103, Code of Criminal Procedure, is
14 amended by adding Article 103.0033 to read as follows:

15 Art. 103.0033. COLLECTION IMPROVEMENT PROGRAM. (a) In
16 this article:

17 (1) "Office" means the Office of Court Administration
18 of the Texas Judicial System.

19 (2) "Program" means the program to improve the
20 collection of court costs, fees, and fines imposed in criminal
21 cases, as developed and implemented under this article.

22 (b) This article applies only to:

23 (1) a county with a population of 50,000 or greater;

24 and

25 (2) a municipality with a population of 100,000 or
26 greater.

27 (c) Unless granted a waiver under Subsection (h), each

1 county and municipality shall develop and implement a program that
2 complies with the prioritized implementation schedule under
3 Subsection (h). A county program must include district, county,
4 and justice courts.

5 (d) The program must consist of:

6 (1) a component that conforms with a model developed
7 by the office and designed to improve in-house collections through
8 application of best practices; and

9 (2) a component designed to improve collection of
10 balances more than 60 days past due, which may be implemented by
11 entering into a contract with a private attorney or public or
12 private vendor in accordance with Article 103.0031.

13 (e) Not later than June 1 of each year, the office shall
14 identify those counties and municipalities that:

15 (1) have not implemented a program; and

16 (2) are able to implement a program before April 1 of
17 the following year.

18 (f) The comptroller, in cooperation with the office, shall
19 develop a methodology for determining the collection rate of
20 counties and municipalities described by Subsection (e) before
21 implementation of a program. The comptroller shall determine the
22 rate for each county and municipality not later than the first
23 anniversary of the county's or municipality's adoption of a
24 program.

25 (g) The office shall:

26 (1) make available on the office's Internet website
27 requirements for a program; and

1 (2) assist counties and municipalities in
2 implementing a program by providing training and consultation,
3 except that the office may not provide employees for implementation
4 of a program.

5 (h) The office, in consultation with the comptroller, may:

6 (1) use case dispositions, population, revenue data,
7 or other appropriate measures to develop a prioritized
8 implementation schedule for programs; and

9 (2) determine whether it is not cost-effective to
10 implement a program in a county or municipality and grant a waiver
11 to the county or municipality.

12 (i) Each county and municipality shall at least annually
13 submit to the office and the comptroller a written report that
14 includes updated information regarding the program, as determined
15 by the office in cooperation with the comptroller. The report must
16 be in a form approved by the office in cooperation with the
17 comptroller.

18 (j) The comptroller shall periodically audit counties and
19 municipalities to verify information reported under Subsection (i)
20 and confirm that the county or municipality is conforming with
21 requirements relating to the program. The comptroller shall
22 consult with the office in determining how frequently to conduct
23 audits under this section.

24 SECTION 10.02. Section 133.058, Local Government Code, is
25 amended by adding Subsection (e) to read as follows:

26 (e) A municipality or county may not retain a service fee
27 if, during an audit under Section 133.059 of this code or Article

1 103.0033(j), Code of Criminal Procedure, the comptroller
2 determines that the municipality or county is not in compliance
3 with Article 103.0033, Code of Criminal Procedure. The
4 municipality or county may continue to retain a service fee under
5 this section on receipt of a written confirmation from the
6 comptroller that the municipality or county is in compliance with
7 Article 103.0033, Code of Criminal Procedure.

8 SECTION 10.03. Section 133.103, Local Government Code, is
9 amended by amending Subsections (b) and (c) and adding Subsection
10 (c-1) to read as follows:

11 (b) Except as provided by Subsection (c-1), the [~~The~~]
12 treasurer shall send 50 percent of the fees collected under this
13 section to the comptroller. The comptroller shall deposit the fees
14 received to the credit of the general revenue fund.

15 (c) Except as provided by Subsection (c-1), the [~~The~~]
16 treasurer shall deposit 10 percent of the fees collected under this
17 section in the general fund of the county or municipality for the
18 purpose of improving the efficiency of the administration of
19 justice in the county or municipality. The county or municipality
20 shall prioritize the needs of the judicial officer who collected
21 the fees when making expenditures under this subsection and use the
22 money deposited to provide for those needs.

23 (c-1) The treasurer shall send 100 percent of the fees
24 collected under this section to the comptroller if, during an audit
25 under Section 133.059 of this code or Article 103.0033(j), Code of
26 Criminal Procedure, the comptroller determines that the
27 municipality or county is not in compliance with Article 103.0033,

1 Code of Criminal Procedure. The municipality or county shall
2 continue to dispose of fees as otherwise provided by this section on
3 receipt of a written confirmation from the comptroller that the
4 municipality or county is in compliance with Article 103.0033, Code
5 of Criminal Procedure.

6 SECTION 10.04. (a) Notwithstanding Subsection (e),
7 Article 103.0033, Code of Criminal Procedure, as added by this
8 article, not later than September 1, 2005, the Office of Court
9 Administration of the Texas Judicial System shall identify those
10 counties and municipalities that are able to implement a collection
11 improvement program under Article 103.0033, Code of Criminal
12 Procedure, as added by this article, before April 1, 2006.
13 Beginning June 1, 2006, the Office of Court Administration of the
14 Texas Judicial System shall comply with Subsection (e), Article
15 103.0033, Code of Criminal Procedure, as added by this article.

16 (b) Not later than September 1, 2005, the Office of Court
17 Administration of the Texas Judicial System shall make available on
18 the office's Internet website requirements for a program under
19 Article 103.0033, Code of Criminal Procedure, as added by this
20 article, in accordance with Subsection (g) of Article 103.0033.

21 Explanation: This change is necessary to add provisions to
22 the bill relating to the collection of certain costs, fees, and
23 fines in criminal cases.

24 (7) House Rule 13, Section 9(a)(4), is suspended to permit
25 the committee to add Article 11 to the bill to read as follows:

26 ARTICLE 11. INTEREST ON CERTAIN TAX REFUNDS

27 SECTION 11.01. Section 111.064, Tax Code, is amended by

1 amending Subsections (a), (c), and (f) and adding Subsection (c-1)
2 to read as follows:

3 (a) Except as otherwise provided by this section, for a
4 refund under this chapter [~~Subsections (b) and (c), in a~~
5 ~~comptroller's final decision on a claim for refund or in an audit~~],
6 interest is at the rate that is the lesser of the annual rate of
7 interest earned on deposits in the state treasury during December
8 of the previous calendar year, as determined by the comptroller, or
9 the rate set in Section 111.060, and accrues on the amount found to
10 be erroneously paid for a period:

11 (1) beginning on the later of 60 days after the date of
12 payment or the due date of the tax report; and

13 (2) ending on, as determined by the comptroller,
14 either the date of allowance of credit on account of the
15 comptroller's final decision or audit or a date not more than 10
16 days before the date of the refund warrant.

17 (c) For a refund claimed before September 1, 2005, and
18 granted for a report period due on or after January 1, 2000, the
19 rate of interest is the rate set in Section 111.060 [~~granted for a~~
20 ~~report period due on or after January 1, 2000, the rate of interest~~
21 ~~is the rate set in Section 111.060~~].

22 (c-1) A refund, without regard to the date claimed, for a
23 report period due before January 1, 2000, does not accrue interest.

24 (f) A local revenue fund is not subject to Subsections
25 (a)-(c-1) [~~(a)-(c)~~]. In this subsection, "local revenue fund"
26 includes a court cost, a fee, a fine, or a similar charge collected
27 by a municipality, a county, or a court of this state and remitted

1 to the comptroller.

2 SECTION 11.02. This article takes effect September 1, 2005.

3 Explanation: This change is necessary to add provisions to
4 the bill relating to interest on certain tax refunds.

5 (8) House Rule 13, Section 9(a)(4), is suspended to permit
6 the committee to add Article 12 to the bill to read as follows:

7 ARTICLE 12. PUBLIC SCHOOL FACILITIES

8 SECTION 12.01. Section 46.033, Education Code, is amended
9 to read as follows:

10 Sec. 46.033. ELIGIBLE BONDS. Bonds, including bonds issued
11 under Section 45.006, are eligible to be paid with state and local
12 funds under this subchapter if:

13 (1) the district made payments on the bonds during the
14 2004-2005 [~~2002-2003~~] school year or taxes levied to pay the
15 principal of and interest on the bonds were included in the
16 district's audited debt service collections for that school year;
17 and

18 (2) the district does not receive state assistance
19 under Subchapter A for payment of the principal and interest on the
20 bonds.

21 SECTION 12.02. Subsection (c), Section 46.034, Education
22 Code, is amended to read as follows:

23 (c) If the amount required to pay the principal of and
24 interest on eligible bonds in a school year is less than the amount
25 of payments made by the district on the bonds during the 2004-2005
26 [~~2002-2003~~] school year or the district's audited debt service
27 collections for that school year, the district may not receive aid

1 in excess of the amount that, when added to the district's local
2 revenue for the school year, equals the amount required to pay the
3 principal of and interest on the bonds.

4 Explanation: This change is necessary to add provisions to
5 the bill relating to public school facilities.

6 (9) House Rule 13, Section 9(a)(4), is suspended to permit
7 the committee to add Article 13 to the bill to read as follows:

8 ARTICLE 13. COMPENSATION FOR CERTAIN STATE EMPLOYEES WHO RETURN TO
9 STATE EMPLOYMENT

10 SECTION 13.01. Section 659.042, Government Code, is amended
11 to read as follows:

12 Sec. 659.042. EXCLUSIONS. The following are not entitled
13 to longevity pay under this subchapter:

14 (1) a member of the legislature;

15 (2) an individual who holds a statewide office that is
16 normally filled by vote of the people;

17 (3) an independent contractor or an employee of an
18 independent contractor;

19 (4) a temporary employee;

20 (5) an officer or employee of a public junior college;

21 [~~or~~]

22 (6) an academic employee of a state institution of
23 higher education; or

24 (7) a state employee who retired from state employment
25 on or after June 1, 2005, and who receives an annuity based wholly
26 or partly on service as a state officer or state employee in a
27 public retirement system, as defined by Section 802.001, that was

1 credited to the state employee.

2 SECTION 13.02. Subsection (a), Section 659.043, Government
3 Code, is amended to read as follows:

4 (a) A state employee is entitled to longevity pay to be
5 included in the employee's monthly compensation if the employee:

6 (1) is a full-time state employee on the first workday
7 of the month;

8 (2) is not on leave without pay on the first workday of
9 the month; and

10 (3) has accrued at least two [~~three~~] years of lifetime
11 service credit not later than the last day of the preceding month.

12 SECTION 13.03. Section 659.044, Government Code, as amended
13 by Section 32, Chapter 1158, Acts of the 77th Legislature, Regular
14 Session, 2001, and Section 104, Chapter 1158, Acts of the 77th
15 Legislature, Regular Session, 2001, is reenacted and amended to
16 read as follows:

17 Sec. 659.044. AMOUNT. (a) Except as provided by
18 Subsections [~~Subsection~~] (e) and (f), the monthly amount of
19 longevity pay is \$20 for every two [~~three~~] years of lifetime service
20 credit.

21 (b) The amount increases when the 4th, 6th, 8th [~~9th~~], 10th,
22 12th, 14th [~~15th~~], 16th, 18th, 20th [~~21st~~], 22nd, 24th, 26th
23 [~~27th~~], 28th, 30th, 32nd [~~33rd~~], 34th, 36th, 38th [~~39th~~], 40th, and
24 42nd years of lifetime service credit are accrued.

25 (c) An increase is effective beginning with the month
26 following the month in which the 4th, 6th, 8th [~~9th~~], 10th, 12th,
27 14th [~~15th~~], 16th, 18th, 20th [~~21st~~], 22nd, 24th, 26th [~~27th~~],

1 28th, 30th, 32nd [~~33rd~~], 34th, 36th, 38th [~~39th~~], 40th, and 42nd
2 years of lifetime service credit are accrued.

3 (d) An employee may not receive from the state as longevity
4 pay more than the amount determined under Subsection (a) or (e), as
5 applicable, regardless of the number of positions the employee
6 holds or the number of hours the employee works each week.

7 (e) This subsection applies only to an employee of the Texas
8 Youth Commission who is receiving less than the maximum amount of
9 hazardous duty pay that the commission may pay to the employee under
10 Section 659.303. The employee's monthly amount of longevity pay is
11 the sum of:

12 (1) \$4 for each year of lifetime service credit, which
13 may not include any period served in a hazardous duty position; and

14 (2) the lesser of:

15 (A) \$4 for each year served in a hazardous duty
16 position; or

17 (B) the difference between:

18 (i) \$7 for each year served in a hazardous
19 duty position; and

20 (ii) the amount paid by the commission for
21 each year served in a hazardous duty position.

22 (f) A state employee who retired from state employment
23 before June 1, 2005, and who returned to state employment before
24 September 1, 2005, is entitled to receive longevity pay. The
25 monthly amount of longevity pay the employee is entitled to receive
26 equals the amount of longevity pay the employee was entitled to
27 receive immediately before September 1, 2005. A state employee who

1 retired from state employment before June 1, 2005, and who returns
2 to state employment on or after September 1, 2005, is not entitled
3 to receive longevity pay.

4 SECTION 13.04. Section 659.126, Government Code, is amended
5 to read as follows:

6 Sec. 659.126. LOSS OF ELIGIBILITY TO RECEIVE BENEFIT
7 REPLACEMENT PAY. (a) An eligible state employee who leaves state
8 employment after August 31, 1995, for at least 30 consecutive days
9 ~~[12 consecutive months]~~, on returning to state employment or on
10 assuming a state office, is ineligible to receive benefit
11 replacement pay.

12 (b) An eligible state-paid judge who leaves office after
13 August 31, 1995, for at least 30 consecutive days ~~[12 consecutive~~
14 ~~months]~~, on return to state office or on accepting a state
15 employment, is ineligible to receive benefit replacement pay.

16 (c) For purposes of Subsection (a), a state employee is not
17 considered to have left state employment:

18 (1) while the state employee is on an unpaid leave of
19 absence as provided by Section 661.909; or

20 (2) during a period of time the employee is not working
21 for the state because the employee's employment with the state
22 customarily does not include that period of time, such as a teacher
23 whose employment does not invariably include the summer months.

24 (d) An eligible state employee who retired from state
25 employment on or after June 1, 2005, and who receives an annuity
26 based wholly or partly on service as a state officer or state
27 employee in a public retirement system, as defined by Section

1 802.001, that was credited to the state employee is ineligible to
2 receive benefit replacement pay.

3 SECTION 13.05. Section 661.152, Government Code, is amended
4 by adding Subsection (1) to read as follows:

5 (1) For purposes of computing vacation leave under
6 Subsection (d) for a state employee who retired from state
7 employment on or after June 1, 2005, and who receives an annuity
8 based wholly or partly on service as a state officer or state
9 employee in a public retirement system, as defined by Section
10 802.001, that was credited to the state employee, years of total
11 state employment includes only the length of state employment after
12 the date the state employee retired.

13 SECTION 13.06. Subsections (a), (b), (c), and (g), Section
14 659.305, Government Code, are amended to read as follows:

15 (a) Except as provided by Subsection (b), the amount of a
16 full-time state employee's hazardous duty pay for a particular
17 month is the lesser of:

18 (1) \$10 [~~\$7~~] for each 12-month period of lifetime
19 service credit accrued by the employee; or

20 (2) \$300 [~~\$210~~].

21 (b) This subsection applies only to a state employee whose
22 compensation for services provided to the state during any month
23 before August 1987 included hazardous duty pay that was based on
24 total state service performed before May 29, 1987. The amount of a
25 full-time state employee's hazardous duty pay for a particular
26 month is the sum of:

27 (1) \$10 [~~\$7~~] for each 12-month period of state service

1 credit the employee finished accruing before May 29, 1987; and

2 (2) \$10 [~~\$7~~] for each 12-month period of lifetime
3 service credit that the employee accrued after the date, which must
4 be before May 29, 1987, on which the employee finished accruing the
5 last 12-month period of state service credit.

6 (c) The amount determined under Subsection (b)(2) may not
7 exceed \$300 [~~\$210~~].

8 (g) A state employee may not receive more than \$10 [~~\$7~~] for
9 each 12-month period of lifetime service credit, regardless of:

10 (1) the number of positions the employee holds; or

11 (2) the number of hours the employee works each week.

12 SECTION 13.07. (a) Except as provided by Subsection (b) of
13 this section, the change in law made by this article to Section
14 659.126, Government Code, applies only to a state employee who
15 leaves state employment on or after the effective date of this
16 article. A state employee who leaves state employment before the
17 effective date of this article is governed by the law as it existed
18 on the date the employee left state employment and the former law is
19 continued in effect for that purpose.

20 (b) A state employee who leaves state employment before the
21 effective date of this article is ineligible to receive benefit
22 replacement pay unless the employee returns to state employment
23 before September 30, 2005.

24 SECTION 13.08. This article takes effect September 1, 2005.

25 Explanation: This change is necessary to add provisions to
26 the bill relating to compensation for certain state employees who
27 return to state employment.

1 (10) House Rule 13, Section 9(a)(4), is suspended to permit
2 the committee to add Article 14 to the bill to read as follows:

3 ARTICLE 14. SYSTEM BENEFIT FUND

4 SECTION 14.01. Subsection (h), Section 39.903, Utilities
5 Code, is amended to read as follows:

6 (h) The commission shall adopt rules for a retail electric
7 provider to determine a reduced rate for eligible customers to be
8 discounted off the standard retail service package as approved by
9 the commission under Section 39.106, or the price to beat
10 established by Section 39.202, whichever is lower. Municipally
11 owned utilities and electric cooperatives shall establish a reduced
12 rate for eligible customers to be discounted off the standard
13 retail service package established under Section 40.053 or 41.053,
14 as appropriate. The reduced rate for a retail electric provider
15 shall result in a total charge that is at least 10 percent and, if
16 sufficient money in the system benefit fund is available, up to 20
17 percent, lower than the amount the customer would otherwise be
18 charged. To the extent the system benefit fund is insufficient to
19 fund the initial 10 percent rate reduction, the commission may
20 increase the fee to an amount not more than 65 cents per megawatt
21 hour, as provided by Subsection (b). If the fee is set at 65 cents
22 per megawatt hour or if the commission determines that
23 appropriations are insufficient to fund the 10 percent rate
24 reduction, the commission may reduce the rate reduction to less
25 than 10 percent. For a municipally owned utility or electric
26 cooperative, the reduced rate shall be equal to an amount that can
27 be fully funded by that portion of the nonbypassable fee proceeds

1 paid by the municipally owned utility or electric cooperative that
2 is allocated to the utility or cooperative by the commission under
3 Subsection (e) for programs for low-income customers of the utility
4 or cooperative. The reduced rate for municipally owned utilities
5 and electric cooperatives under this section is in addition to any
6 rate reduction that may result from local programs for low-income
7 customers of the municipally owned utilities or electric
8 cooperatives.

9 Explanation: This change is necessary to add provisions to
10 the bill relating to the system benefit fund.

11 (11) House Rule 13, Section 9(a)(4), is suspended to permit
12 the committee to add Article 15 to the bill to read as follows:

13 ARTICLE 15. FUNDING OF THE COASTAL PROTECTION FUND AND THE USE OF
14 MONEY IN THE FUND

15 SECTION 15.01. Section 40.152, Natural Resources Code, is
16 amended by adding Subsection (c) to read as follows:

17 (c) Notwithstanding Subsection (a)(9) and the other
18 provisions of this subchapter, the legislature may appropriate to
19 the General Land Office for implementation of the coastal
20 management program under Subchapter F, Chapter 33, and for erosion
21 response projects under Subchapter H, Chapter 33, money from the
22 fund in an amount that exceeds the amount of interest accruing to
23 the fund annually. This subsection expires September 1, 2007.

24 SECTION 15.02. Subsections (a) through (d), Section 40.155,
25 Natural Resources Code, are amended to read as follows:

26 (a) Except as otherwise provided in this section, the rate
27 of the fee shall be 1-1/3 cents [~~two cents~~] per barrel of crude oil

1 until the commissioner certifies that the unencumbered balance in
2 the fund has reached \$20 [~~\$25~~] million. The commissioner shall
3 certify to the comptroller the date on which the unencumbered
4 balance in the fund exceeds \$20 [~~\$25~~] million. The fee shall not be
5 collected or required to be paid on or after the first day of the
6 second month following the commissioner's certification to the
7 comptroller that the unencumbered balance in the fund exceeds \$20
8 [~~\$25~~] million.

9 (b) If the unencumbered balance in the fund falls below \$10
10 [~~\$14~~] million, the commissioner shall certify such fact to the
11 comptroller. On receiving the commissioner's certification, the
12 comptroller shall resume collecting the fee until suspended in the
13 manner provided in Subsection (a) of this section.

14 (c) Notwithstanding the provisions of Subsection (a) or (b)
15 of this section, the fee shall be levied at the rate of four cents
16 per barrel if the commissioner certifies to the comptroller a
17 written finding of the following facts:

18 (1) the unencumbered balance in the fund is less than
19 \$20 [~~\$25~~] million;

20 (2) an unauthorized discharge of oil in excess of
21 100,000 gallons has occurred within the previous 30 days; and

22 (3) expenditures from the fund for response costs and
23 damages are expected to deplete the fund substantially.

24 (d) In the event of a certification to the comptroller under
25 Subsection (c) of this section, the comptroller shall collect the
26 fee at the rate of four cents per barrel until the unencumbered
27 balance in the fund reaches \$20 [~~\$25~~] million or any lesser amount

1 that the commissioner determines is necessary to pay response costs
2 and damages without substantially depleting the fund. The
3 commissioner shall certify to the comptroller the date on which the
4 unencumbered balance in the fund exceeds \$20 [~~\$25~~] million or such
5 other lesser amount. The fee shall not be collected or required to
6 be paid on or after the first day of the second month following the
7 commissioner's certification to the comptroller.

8 Explanation: This change is necessary to add provisions to
9 the bill relating to the funding of the coastal protection fund and
10 the use of money in the fund.

11 (12) House Rule 13, Section 9(a)(4), is suspended to permit
12 the committee to add Article 16 to the bill to read as follows:

13 ARTICLE 16. REIMBURSEMENT OF EXCESSIVE OR
14 UNFAIRLY DISCRIMINATORY RATES CHARGED BY CERTAIN INSURERS

15 SECTION 16.01. Article 5.144, Insurance Code, is amended by
16 amending Subsection (b) and adding Subsections (b-1) and (b-2) to
17 read as follows:

18 (b) Except as provided by Subsection (d) of this article, if
19 the commissioner determines that an insurer has charged a rate for
20 personal automobile insurance or residential property insurance
21 that is excessive or unfairly discriminatory, as described by
22 Article 5.13-2 [~~or 5.101~~] of this code, the commissioner may order
23 the insurer to:

24 (1) issue a refund of the excessive or unfairly
25 discriminatory portion of the premium, plus interest on that
26 amount, directly to each affected policyholder if the amount of
27 that portion of the premium is at least 7.5 percent of the total

1 premium charged for the coverage; or

2 (2) if the amount of that portion of the premium is
3 less than 7.5 percent:

4 (A) provide each affected policyholder who
5 renews the policy a future premium discount in the amount of the
6 excessive or unfairly discriminatory portion of the premium, plus
7 interest on that amount; and

8 (B) provide each affected policyholder who does
9 not renew or whose coverage is otherwise terminated a refund in the
10 amount described by Subdivision (1) of this subsection.

11 (b-1) The rate for interest assessed under Subsection (b) of
12 this article is the prime rate for the calendar year in which the
13 order is issued plus six percent. For purposes of this subsection,
14 the prime rate is the prime rate as published in The Wall Street
15 Journal for the first day of the calendar year that is not a
16 Saturday, Sunday, or legal holiday. The interest accrues beginning
17 on the date on which the department first provides the insurer with
18 formal written notice that the insurer's filed rate is excessive or
19 unfairly discriminatory, as determined by the commissioner, and
20 continues to accrue until the refund is paid. An insurer may not be
21 required to pay any interest penalty or refund if the insurer
22 prevails in a final appeal of the commissioner's order under
23 Subchapter D, Chapter 36, of this code.

24 (b-2) An insurer may not claim a premium tax credit to which
25 the insurer is otherwise entitled unless the insurer has complied
26 with this article.

27 Explanation: This change is necessary to add provisions to

1 the bill relating to reimbursement of excessive or unfairly
2 discriminatory rates charged by insurers.

3 (13) House Rule 13, Section 9(a)(4), is suspended to permit
4 the committee to add Article 17 to the bill to read as follows:

5 ARTICLE 17. CERTAIN PROVISIONS RELATING TO RETIREMENT SYSTEM
6 CONTRIBUTIONS AND BENEFITS FOR RETIRED SCHOOL EMPLOYEES

7 SECTION 17.01. Section 825.404(a), Government Code, is
8 amended to read as follows:

9 (a) During each fiscal year, the state shall contribute to
10 the retirement system an amount equal to at least six and not more
11 than 10 [~~eight~~] percent of the aggregate annual compensation of all
12 members of the retirement system during that fiscal year.

13 SECTION 17.02. Section 1575.203(a), Insurance Code, is
14 amended to read as follows:

15 (a) Each state fiscal year, each active employee shall, as a
16 condition of employment, contribute to the fund an amount equal to
17 0.65 [~~0.5~~] percent of the employee's salary.

18 SECTION 17.03. The change in law made by this article to
19 Section 1575.203, Insurance Code, takes effect September 1, 2005.

20 Explanation: This change is necessary to add provisions to
21 the bill relating to certain benefits for retired school employees.

22 (14) House Rule 13, Section 9(a)(4), is suspended to permit
23 the committee to add Article 18 to the bill to read as follows:

24 ARTICLE 18. COMPENSATION SUPPLEMENTATION FOR CERTAIN SCHOOL
25 EMPLOYEES

26 SECTION 18.01. Sections 22.004(a), (b), (c), (i), and (j),
27 Education Code, are amended to read as follows:

1 (a) A district shall participate in the uniform group
2 coverage program established under Chapter 1579 [~~Article 3.50-7~~],
3 Insurance Code, as provided by Subchapter D [~~Section 5~~] of that
4 chapter [~~article~~].

5 (b) A district that does not participate in the program
6 described by Subsection (a) shall make available to its employees
7 group health coverage provided by a risk pool established by one or
8 more school districts under Chapter 172, Local Government Code, or
9 under a policy of insurance or group contract issued by an insurer,
10 a company subject to Chapter 842, Insurance Code, or a health
11 maintenance organization under Chapter 843, Insurance Code. The
12 coverage must meet the substantive coverage requirements of Chapter
13 1251, Subchapter A, Chapter 1364, and Subchapter A, Chapter 1366
14 [~~Article 3.51-6~~], Insurance Code, and any other law applicable to
15 group health insurance policies or contracts issued in this state.
16 The coverage must include major medical treatment but may exclude
17 experimental procedures. In this subsection, "major medical
18 treatment" means a medical, surgical, or diagnostic procedure for
19 illness or injury. The coverage may include managed care or
20 preventive care and must be comparable to the basic health coverage
21 provided under Chapter 1551, Insurance Code. The board of trustees
22 of the Teacher Retirement System of Texas shall adopt rules to
23 determine whether a school district's group health coverage is
24 comparable to the basic health coverage specified by this
25 subsection. The rules must provide for consideration of the
26 following factors concerning the district's coverage in
27 determining whether the district's coverage is comparable to the

1 basic health coverage specified by this subsection:

2 (1) the deductible amount for service provided inside
3 and outside of the network;

4 (2) the coinsurance percentages for service provided
5 inside and outside of the network;

6 (3) the maximum amount of coinsurance payments a
7 covered person is required to pay;

8 (4) the amount of the copayment for an office visit;

9 (5) the schedule of benefits and the scope of
10 coverage;

11 (6) the lifetime maximum benefit amount; and

12 (7) verification that the coverage is issued by a
13 provider licensed to do business in this state by the Texas
14 Department of Insurance or is provided by a risk pool authorized
15 under Chapter 172, Local Government Code, or that a district is
16 capable of covering the assumed liabilities in the case of coverage
17 provided through district self-insurance.

18 (c) The cost of the coverage provided under the program
19 described by Subsection (a) shall be paid by the state, the
20 district, and the employees in the manner provided by Subchapter F,
21 Chapter 1579 [~~Article 3.50-7~~], Insurance Code. The cost of
22 coverage provided under a plan adopted under Subsection (b) shall
23 be shared by the employees and the district using the contributions
24 by the state described by Subchapter F, Chapter 1579 [~~Section 9,~~
25 ~~Article 3.50-7~~], Insurance Code, or Subchapter D [~~by Article~~
26 ~~3.50-8, Insurance Code~~].

27 (i) Notwithstanding any other provision of this section, a

1 district participating in the uniform group coverage program
2 established under Chapter 1579 [~~Article 3.50-7~~], Insurance Code,
3 may not make group health coverage available to its employees under
4 this section after the date on which the program of coverages
5 provided under Chapter 1579 [~~Article 3.50-7~~], Insurance Code, is
6 implemented.

7 (j) This section does not preclude a district that is
8 participating in the uniform group coverage program established
9 under Chapter 1579 [~~Article 3.50-7~~], Insurance Code, from entering
10 into contracts to provide optional insurance coverages for the
11 employees of the district.

12 SECTION 18.02. Chapter 22, Education Code, is amended by
13 adding Subchapter D to read as follows:

14 SUBCHAPTER D. COMPENSATION SUPPLEMENTATION

15 Sec. 22.101. DEFINITIONS. In this subchapter:

16 (1) "Cafeteria plan" means a plan as defined and
17 authorized by Section 125, Internal Revenue Code of 1986.

18 (2) "Employee" means an active, contributing member of
19 the Teacher Retirement System of Texas who:

20 (A) is employed by a district, other educational
21 district whose employees are members of the Teacher Retirement
22 System of Texas, participating charter school, or regional
23 education service center;

24 (B) is not a retiree eligible for coverage under
25 the program established under Chapter 1575, Insurance Code;

26 (C) is not eligible for coverage by a group
27 insurance program under Chapter 1551 or 1601, Insurance Code; and

1 (D) is not an individual performing personal
2 services for a district, other educational district that is a
3 member of the Teacher Retirement System of Texas, participating
4 charter school, or regional education service center as an
5 independent contractor.

6 (3) "Participating charter school" means an
7 open-enrollment charter school established under Subchapter D,
8 Chapter 12, that participates in the program established under
9 Chapter 1579, Insurance Code.

10 (4) "Regional education service center" means a
11 regional education service center established under Chapter 8.

12 Sec. 22.102. AUTHORITY TO ADOPT RULES; OTHER AUTHORITY.

13 (a) The agency may adopt rules to implement this subchapter.

14 (b) The agency may enter into interagency contracts with any
15 other agency of this state for the purpose of assistance in
16 implementing this subchapter.

17 Sec. 22.103. ELIGIBILITY; WAITING PERIOD. A person is not
18 eligible for a monthly distribution under this subchapter before
19 the 91st day after the first day the person becomes an employee.

20 Sec. 22.104. DISTRIBUTION BY AGENCY. Subject to the
21 availability of funds, each month the agency shall deliver to each
22 district, including a district that is ineligible for state aid
23 under Chapter 42, each other educational district that is a member
24 of the Teacher Retirement System of Texas, each participating
25 charter school, and each regional education service center state
26 funds in an amount, as determined by the agency, equal to the
27 product of the number of eligible employees employed by the

1 district, school, or service center multiplied by the amount
2 specified in the General Appropriations Act for purposes of this
3 subchapter and divided by 12. The agency shall distribute funding
4 to only one entity for employees who are employed by more than one
5 entity listed in this section.

6 Sec. 22.105. FUNDS HELD IN TRUST. All funds received by a
7 district, other educational district, participating charter
8 school, or regional education service center under this subchapter
9 are held in trust for the benefit of the employees on whose behalf
10 the district, school, or service center received the funds.

11 Sec. 22.106. RECOVERY OF DISTRIBUTIONS. The agency is
12 entitled to recover from a district, other educational district,
13 participating charter school, or regional education service center
14 any amount distributed under this subchapter to which the district,
15 school, or service center was not entitled.

16 Sec. 22.107. DETERMINATION BY AGENCY FINAL. A
17 determination by the agency under this subchapter is final and may
18 not be appealed.

19 Sec. 22.108. DISTRIBUTION BY SCHOOL. Each month, each
20 district, other educational district that is a member of the
21 Teacher Retirement System of Texas, participating charter school,
22 and regional education service center must distribute to its
23 eligible employees the funding received under this subchapter. To
24 receive the monthly distribution, an individual must meet the
25 definition of an employee under Section 22.101 for that month.

26 Sec. 22.109. USE OF SUPPLEMENTAL COMPENSATION. An employee
27 may use a monthly distribution received under this subchapter for

1 any employee benefit, including depositing the amount of the
2 distribution into a cafeteria plan, if the employee is enrolled in a
3 cafeteria plan, or using the amount of the distribution for health
4 care premiums through a premium conversion plan. The employee may
5 take the amount of the distribution as supplemental compensation.

6 Sec. 22.110. SUPPLEMENTAL COMPENSATION. An amount
7 distributed to an employee under this subchapter must be in
8 addition to the rate of compensation that:

9 (1) the district, other educational district,
10 participating charter school, or regional education service center
11 paid the employee in the preceding school year; or

12 (2) the district, school, or service center would have
13 paid the employee in the preceding school year if the employee had
14 been employed by the district, school, or service center in the same
15 capacity in the preceding school year.

16 SECTION 18.03. Section 822.201(c), Government Code, is
17 amended to read as follows:

18 (c) Excluded from salary and wages are:

19 (1) expense payments;

20 (2) allowances;

21 (3) payments for unused vacation or sick leave;

22 (4) maintenance or other nonmonetary compensation;

23 (5) fringe benefits;

24 (6) deferred compensation other than as provided by
25 Subsection (b)(3);

26 (7) compensation that is not made pursuant to a valid
27 employment agreement;

1 (8) payments received by an employee in a school year
2 that exceed \$5,000 for teaching a driver education and traffic
3 safety course that is conducted outside regular classroom hours;

4 (9) the benefit replacement pay a person earns as a
5 result of a payment made under Subchapter B or C, Chapter 661;

6 (10) any amount [~~contributions to a health~~
7 ~~reimbursement arrangement account~~] received by an employee under
8 Subchapter D, Chapter 22, Education Code, former Article 3.50-8,
9 Insurance Code, former Chapter 1580, Insurance Code, or Rider 9,
10 page III-39, Chapter 1330, Acts of the 78th Legislature, Regular
11 Session, 2003 (the General Appropriations Act); and

12 (11) any compensation not described by Subsection (b).

13 SECTION 18.04. Section 1579.253(b), Insurance Code, is
14 amended to read as follows:

15 (b) The employee may pay the employee's contribution under
16 this subsection from the amount distributed to the employee under
17 Subchapter D, Chapter 22, Education Code [~~1580~~].

18 SECTION 18.05. Section 1581.702, Insurance Code, is amended
19 to read as follows:

20 Sec. 1581.702. ADDITIONAL SUPPORT. The state shall provide
21 additional support for a school district to which this section
22 applies in an amount computed by multiplying the total amount of
23 supplemental compensation received by district employees under
24 Subchapter D, Chapter 22, Education Code, [~~1580~~] by 0.062.

25 SECTION 18.06. The following laws are repealed:

26 (1) Chapter 1580, Insurance Code;

27 (2) Section 57, Chapter 201, Acts of the 78th

1 Legislature, Regular Session, 2003;

2 (3) Chapter 313, Acts of the 78th Legislature, Regular
3 Session, 2003; and

4 (4) Section 1.01, Chapter 366, Acts of the 78th
5 Legislature, Regular Session, 2003.

6 SECTION 18.07. The functions and duties of the Teacher
7 Retirement System of Texas with respect to the compensation
8 supplementation program established under Chapter 1580, Insurance
9 Code, and other applicable law, and any appropriation relating to
10 that program are transferred to the Texas Education Agency. A
11 reference in law to the Teacher Retirement System of Texas with
12 respect to the compensation supplementation program means the Texas
13 Education Agency.

14 SECTION 18.08. This article takes effect September 1, 2005.

15 Explanation: This change is necessary to add provisions to
16 the bill relating to compensation supplementation for certain
17 school employees.

18 (15) House Rule 13, Section 9(a)(4), is suspended to permit
19 the committee to add Article 19 to the bill to read as follows:

20 ARTICLE 19. RETIREMENT SYSTEM CONTRIBUTIONS FOR CERTAIN MEMBERS OF
21 THE TEACHER RETIREMENT SYSTEM OF TEXAS

22 SECTION 19.01. Subchapter E, Chapter 825, Government Code,
23 is amended by adding Section 825.4041 to read as follows:

24 Sec. 825.4041. EMPLOYER PAYMENTS. (a) For purposes of this
25 section, a new member is a person first employed on or after
26 September 1, 2005, including a former member who withdrew
27 retirement contributions under Section 822.003 and is reemployed on

1 or after September 1, 2005.

2 (b) During each fiscal year, an employer shall pay an amount
3 equal to the state contribution rate, as established by the General
4 Appropriations Act for the fiscal year, applied to the aggregate
5 compensation of new members of the retirement system, as described
6 by Subsection (a), during their first 90 days of employment.

7 (c) On a monthly basis an employer shall:

8 (1) report to the retirement system, in a form
9 prescribed by the system, a certification of the total amount of
10 salary paid during the first 90 days of employment of a new member
11 and the total amount of employer payments due under this section for
12 the payroll periods; and

13 (2) retain information, as determined by the
14 retirement system, sufficient to allow administration of this
15 section, including information for each employee showing the
16 applicable salary as well as aggregate compensation for the first
17 90 days of employment for new employees.

18 (d) A person who was hired before September 1, 2005, and was
19 subject to a 90-day waiting period for membership in the retirement
20 system becomes eligible to participate in the retirement system as
21 a member starting September 1, 2005. For the purpose of this
22 section, the member shall be treated as a new member for the
23 remainder of the waiting period.

24 (e) The employer must remit the amount required under this
25 section to the retirement system at the same time the employer
26 remits the member's contribution. In computing the amount required
27 to be remitted, the employer shall include compensation paid to an

1 employee for the entire pay period that contains the 90th calendar
2 day of new employment.

3 (f) At the end of each school year, the retirement system
4 shall certify to the commissioner of education and to the state
5 auditor:

6 (1) the name of each employer that has failed to remit,
7 within the period required by Section 825.408, all payments
8 required under this section for the school year; and

9 (2) the amounts of the unpaid required payments.

10 (g) If the commissioner of education or the state auditor
11 receives a certification under Subsection (f), the commissioner or
12 the state auditor shall direct the comptroller to withhold the
13 amount certified, plus interest computed at the rate and in the
14 manner provided by Section 825.408, from the first state money
15 payable to the employer. The amount withheld shall be deposited to
16 the credit of the appropriate accounts of the retirement system.

17 (h) The board of trustees shall take this section into
18 consideration in adopting the biennial estimate of the amount
19 necessary to pay the state's contributions to the retirement
20 system.

21 SECTION 19.02. This Article takes September 1, 2005.

22 Explanation: This change is necessary to add provisions to
23 the bill relating to retirement system contributions for certain
24 members of the Teacher Retirement System of Texas.

25 (16) House Rule 13, Section 9(a)(2), is suspended to permit
26 the committee to omit the following provisions from the bill that
27 are not in disagreement:

ARTICLE __. COLLECTION OF MOTOR FUELS TAXES

SECTION __.01. Subdivisions (20) and (43), Section 162.001, Tax Code, are amended to read as follows:

(20) "Distributor" means a person who acquires motor fuel from a licensed supplier, permissive supplier, or another licensed distributor and who makes sales at wholesale and whose activities may also include sales at retail. The term includes a person engaged in the tax-free sale of dyed diesel fuel to marine vessels.

(43) "Motor fuel transporter" means a person who transports gasoline, diesel fuel, or gasoline blended fuel for hire outside the bulk transfer/terminal system by means of a transport vehicle, a railroad tank car, or a marine vessel.

SECTION __.02. Subsection (b), Section 162.004, Tax Code, is amended to read as follows:

(b) The shipping document issued by the terminal operator or operator of a bulk plant shall contain the following information and any other information required by the comptroller:

(1) the terminal control number of the terminal or physical address of the bulk plant from which the motor fuel was received;

(2) the name [~~and license number~~] of the purchaser;

(3) the date the motor fuel was loaded;

(4) the net gallons loaded, or the gross gallons loaded if the fuel was purchased from a bulk plant;

(5) the destination state of the motor fuel, as represented by the purchaser of the motor fuel or the purchaser's

1 agent; and

2 (6) a description of the product being transported.

3 SECTION __.03. Subsection (a), Section 162.016, Tax Code,
4 is amended to read as follows:

5 (a) A person may not import motor fuel to a destination in
6 this state or export motor fuel to a destination outside this state
7 by any means unless the person possesses a shipping document for
8 that fuel created by the terminal or bulk plant at which the fuel
9 was received. The shipping document must include:

10 (1) the name and physical address of the terminal or
11 bulk plant from which the motor fuel was received for import or
12 export;

13 (2) the name [~~and federal employer identification~~
14 ~~number, or the social security number if the employer~~
15 ~~identification number is not available,~~] of the carrier
16 transporting the motor fuel;

17 (3) the date the motor fuel was loaded;

18 (4) the type of motor fuel;

19 (5) the number of gallons:

20 (A) in temperature-adjusted gallons if purchased
21 from a terminal for export or import; or

22 (B) in temperature-adjusted gallons or in gross
23 gallons if purchased from a bulk plant;

24 (6) the destination of the motor fuel as represented
25 by the purchaser of the motor fuel and the number of gallons of the
26 fuel to be delivered, if delivery is to only one state;

27 (7) the name [~~, federal employer identification~~

1 ~~number, license number, and physical address]~~ of the purchaser of
2 the motor fuel;

3 (8) the name of the person responsible for paying the
4 tax imposed by this chapter, as given to the terminal by the
5 purchaser if different from the licensed supplier or distributor;
6 and

7 (9) any other information that, in the opinion of the
8 comptroller, is necessary for the proper administration of this
9 chapter.

10 SECTION __.04. Subsection (d), Section 162.113, Tax Code,
11 is amended to read as follows:

12 (d) The supplier or permissive supplier shall ~~[has the~~
13 ~~right]~~, after notifying the comptroller of the licensed
14 distributor's or licensed importer's failure to remit taxes under
15 this section, ~~[to]~~ terminate the ability of the licensed
16 distributor or licensed importer to defer the payment of gasoline
17 tax. The supplier or permissive supplier shall reinstate without
18 delay the right of the licensed distributor or licensed importer to
19 defer the payment of gasoline tax after the comptroller provides to
20 the supplier or permissive supplier notice that the licensed
21 distributor or licensed importer is in good standing with the
22 comptroller for the purposes of the gasoline tax imposed under this
23 subchapter.

24 SECTION __.05. Section 162.115, Tax Code, is amended by
25 adding Subsection (m-1) to read as follows:

26 (m-1) In addition to the records specifically required by
27 this section, a license holder shall keep any other record required

1 by the comptroller.

2 SECTION __.06. Subsections (a) and (d), Section 162.116,
3 Tax Code, are amended to read as follows:

4 (a) The monthly return and supplements of each supplier and
5 permissive supplier shall contain for the period covered by the
6 return:

7 (1) [~~the number of net gallons of gasoline received by~~
8 ~~the supplier or permissive supplier during the month, sorted by~~
9 ~~product code, seller, point of origin, destination state, carrier,~~
10 ~~and receipt date,~~

11 [~~(2)~~] the number of net gallons of gasoline removed at
12 a terminal rack during the month from the account of the supplier,
13 sorted by product code, person receiving the gasoline, terminal
14 code, and carrier;

15 (2) [~~(3)~~] the number of net gallons of gasoline
16 removed during the month for export, sorted by product code, person
17 receiving the gasoline, terminal code, destination state, and
18 carrier;

19 (3) [~~(4)~~] the number of net gallons of gasoline
20 removed during the month from a terminal located in another state
21 for conveyance to this state, as indicated on the shipping document
22 for the gasoline, sorted by product code, person receiving the
23 gasoline, terminal code, and carrier;

24 (4) [~~(5)~~] the number of net gallons of gasoline the
25 supplier or permissive supplier sold during the month in
26 transactions exempt under Section 162.104, sorted by [~~product code,~~
27 ~~carrier,~~] purchaser[, ~~and terminal code,~~

1 ~~[(6) the number of net gallons of gasoline sold in the~~
2 ~~bulk transfer/terminal system in this state to any person not~~
3 ~~holding a supplier's or permissive supplier's license]; and~~

4 (5) ~~[(7)]~~ any other information required by the
5 comptroller.

6 (d) For purposes of Subsection (c), all payments or credits
7 in reduction of a customer's account must be applied ratably
8 between motor fuels and other goods sold to the customer, and the
9 credit allowed will be the tax on the number of gallons represented
10 by the motor fuel portion of the credit. The comptroller may not
11 require a supplier or permissive supplier to remit from a payment or
12 credit in reduction of a customer's account any tax for which the
13 supplier or permissive supplier was allowed to take a credit.

14 SECTION __.07. Section 162.118, Tax Code, is amended to
15 read as follows:

16 Sec. 162.118. INFORMATION REQUIRED ON DISTRIBUTOR'S
17 RETURN. The monthly return and supplements of each distributor
18 shall contain for the period covered by the return:

19 (1) the number of net gallons of gasoline received by
20 the distributor during the month, sorted by product code and~~[7]~~
21 ~~seller[, point of origin, destination state, carrier, and receipt~~
22 ~~date];~~

23 (2) the number of net gallons of gasoline removed at a
24 terminal rack by the distributor during the month, sorted by
25 product code, seller, and terminal code~~[, and carrier];~~

26 (3) the number of net gallons of gasoline removed by
27 the distributor during the month for export, sorted by product

1 code, terminal code, bulk plant address, destination state, and
2 carrier;

3 (4) the number of net gallons of gasoline removed by
4 the distributor during the month from a terminal located in another
5 state for conveyance to this state, as indicated on the shipping
6 document for the gasoline, sorted by product code, seller, terminal
7 code, bulk plant address, and carrier;

8 (5) the number of net gallons of gasoline the
9 distributor sold during the month in transactions exempt under
10 Section 162.104, sorted by product code and purchaser; and

11 (6) any other information required by the comptroller.

12 SECTION __.08. Section 162.123, Tax Code, is amended to
13 read as follows:

14 Sec. 162.123. INFORMATION REQUIRED ON BLENDER'S RETURN.
15 The monthly return and supplements of each blender shall contain
16 for the period covered by the return:

17 ~~(1) [the number of net gallons of gasoline received by~~
18 ~~the blender during the month, sorted by product code, seller, point~~
19 ~~of origin, carrier, and receipt date,~~

20 ~~[(2)]~~ the number of net gallons of product blended
21 with gasoline during the month, sorted by product code, type of
22 blending agent if no product code exists, seller, and carrier;

23 ~~[(3) the number of net gallons of blended gasoline~~
24 ~~sold during the month and the license number or name and address of~~
25 ~~the entity receiving the blended gasoline,] and~~

26 (2) ~~[(4)]~~ any other information required by the
27 comptroller.

1 SECTION __.09. Section 162.127, Tax Code, is amended by
2 adding Subsection (g) to read as follows:

3 (g) The comptroller shall issue a refund warrant to a
4 distributor not later than the 60th day after the date the
5 comptroller receives a valid refund claim from the distributor. If
6 the comptroller does not issue the refund warrant by that date, the
7 amount of the refund draws interest at the rate provided by Section
8 111.060 beginning on the 61st day after the date the comptroller
9 receives the valid refund claim and ending on the date the
10 comptroller issues the refund warrant.

11 SECTION __.10. Section 162.206, Tax Code, is amended by
12 amending Subsection (c) and adding Subsections (c-1) and (h-1) to
13 read as follows:

14 (c) A person may not make a tax-free purchase and a licensed
15 supplier or distributor may not make a tax-free sale to a purchaser
16 of any dyed diesel fuel under this section using a signed
17 statement[+]

18 [~~(1) for the purchase or the sale of more than 7,400~~
19 ~~gallons of dyed diesel fuel in a single delivery; or~~

20 [~~(2)~~] in a calendar month in which the person has
21 previously purchased from all sources or in which the licensed
22 supplier has previously sold to that purchaser more than:

23 (1) [~~(A)~~] 10,000 gallons of dyed diesel fuel;

24 (2) [~~(B)~~] 25,000 gallons of dyed diesel fuel if the
25 purchaser stipulates in the signed statement that all of the fuel
26 will be consumed by the purchaser in the original production of, or
27 to increase the production of, oil or gas and furnishes the supplier

1 with a letter of exception issued by the comptroller; or

2 (3) [~~(c)~~] 25,000 gallons of dyed diesel fuel if the
3 purchaser stipulates in the signed statement that all of the fuel
4 will be consumed by the purchaser in agricultural off-highway
5 equipment.

6 (c-1) The monthly limitations prescribed by Subsection (c)
7 apply regardless of whether the dyed diesel fuel is purchased in a
8 single transaction during that month or in multiple transactions
9 during that month.

10 (h-1) For purposes of this section, the purchaser is
11 considered to have furnished the signed statement to the licensed
12 supplier or distributor if the supplier or distributor verifies
13 that the purchaser has an end user number issued by the comptroller.
14 The licensed supplier or distributor shall use the comptroller's
15 Internet website or other materials provided or produced by the
16 comptroller to verify this information.

17 SECTION __.11. Subsection (d), Section 162.214, Tax Code,
18 is amended to read as follows:

19 (d) The supplier or permissive supplier shall [~~has the~~
20 ~~right~~], after notifying the comptroller of the licensed
21 distributor's or licensed importer's failure to remit taxes under
22 this section, [~~to~~] terminate the ability of the licensed
23 distributor or licensed importer to defer the payment of diesel
24 fuel tax. The supplier or permissive supplier shall reinstate
25 without delay the right of the licensed distributor or licensed
26 importer to defer the payment of diesel fuel tax after the
27 comptroller provides to the supplier or permissive supplier notice

1 that the licensed distributor or licensed importer is in good
2 standing with the comptroller for the purposes of diesel fuel tax
3 imposed under this subchapter.

4 SECTION __.12. Section 162.216, Tax Code, is amended by
5 adding Subsection (m-1) to read as follows:

6 (m-1) In addition to the records specifically required by
7 this section, a license holder shall keep any other record required
8 by the comptroller.

9 SECTION __.13. Subsections (a) and (d), Section 162.217,
10 Tax Code, are amended to read as follows:

11 (a) The monthly return and supplements of each supplier and
12 permissive supplier shall contain for the period covered by the
13 return:

14 (1) ~~[the number of net gallons of diesel fuel received~~
15 ~~by the supplier or permissive supplier during the month, sorted by~~
16 ~~product code, seller, point of origin, destination state, carrier,~~
17 ~~and receipt date,~~

18 ~~[(2)]~~ the number of net gallons of diesel fuel removed
19 at a terminal rack during the month from the account of the
20 supplier, sorted by product code, person receiving the diesel fuel,
21 terminal code, and carrier;

22 (2) ~~[(3)]~~ the number of net gallons of diesel fuel
23 removed during the month for export, sorted by product code, person
24 receiving the diesel fuel, terminal code, destination state, and
25 carrier;

26 (3) ~~[(4)]~~ the number of net gallons of diesel fuel
27 removed during the month from a terminal located in another state

1 for conveyance to this state, as indicated on the shipping document
2 for the diesel fuel, sorted by product code, person receiving the
3 diesel fuel, terminal code, and carrier;

4 (4) [~~(5)~~] the number of net gallons of diesel fuel the
5 supplier or permissive supplier sold during the month in
6 transactions exempt under Section 162.204, sorted by [~~product code,~~
7 ~~carrier,~~] purchaser [~~, and terminal code,~~

8 [~~(6)~~ ~~the number of net gallons of diesel fuel sold in~~
9 ~~the bulk transfer/terminal system in this state to any person not~~
10 ~~holding a supplier's or permissive supplier's license]; and~~

11 (5) [~~(7)~~] any other information required by the
12 comptroller.

13 (d) For the purpose of Subsection (c), all payments or
14 credits in reduction of a customer's account must be applied
15 ratably between motor fuels and other goods sold to the customer,
16 and the credit allowed will be the tax on the number of gallons
17 represented by the motor fuel portion of the credit. The
18 comptroller may not require a supplier or permissive supplier to
19 remit from a payment or credit in reduction of a customer's account
20 any tax for which the supplier or permissive supplier was allowed to
21 take a credit.

22 SECTION __.14. Section 162.219, Tax Code, is amended to
23 read as follows:

24 Sec. 162.219. INFORMATION REQUIRED ON DISTRIBUTOR'S
25 RETURN. The monthly return and supplements of each distributor
26 shall contain for the period covered by the return:

27 (1) the number of net gallons of diesel fuel received

1 by the distributor during the month, sorted by product code and[7]
2 seller[, ~~point of origin, destination state, carrier, and receipt~~
3 ~~date~~];

4 (2) the number of net gallons of diesel fuel removed at
5 a terminal rack by the distributor during the month, sorted by
6 product code, seller, and terminal code[, ~~and carrier~~];

7 (3) the number of net gallons of diesel fuel removed by
8 the distributor during the month for export, sorted by product
9 code, terminal code, bulk plant address, destination state, and
10 carrier;

11 (4) the number of net gallons of diesel fuel removed by
12 the distributor during the month from a terminal located in another
13 state for conveyance to this state, as indicated on the shipping
14 document for the diesel fuel, sorted by product code, seller,
15 terminal code, bulk plant address, and carrier;

16 (5) the number of net gallons of diesel fuel the
17 distributor sold during the month in transactions exempt under
18 Section 162.204, sorted by product code and by the entity receiving
19 the diesel fuel;

20 (6) the number of net gallons of[7] dyed diesel fuel
21 sold to a purchaser under a signed statement[7] or dyed diesel fuel
22 sold to a dyed diesel fuel bonded user, sorted by product code and
23 by the entity receiving the diesel fuel; and

24 (7) [~~(6)~~] any other information required by the
25 comptroller.

26 SECTION __.15. Section 162.224, Tax Code, is amended to
27 read as follows:

1 Sec. 162.224. INFORMATION REQUIRED ON BLENDER'S RETURN.
2 The monthly return and supplements of each blender shall contain
3 for the period covered by the return:

4 (1) ~~[the number of net gallons of diesel fuel received~~
5 ~~by the blender during the month, sorted by product code, seller,~~
6 ~~point of origin, carrier, and receipt date,~~

7 ~~[(2)]~~ the number of net gallons of product blended
8 with diesel fuel during the month, sorted by product code, type of
9 blending agent if no product code exists, seller, and carrier;

10 ~~[(3) the number of net gallons of blended diesel fuel~~
11 ~~sold during the month and the license number or name and address of~~
12 ~~the entity receiving the blended diesel fuel,]~~ and

13 (2) ~~[(4)]~~ any other information required by the
14 comptroller.

15 SECTION __.16. Section 162.227, Tax Code, is amended by
16 adding Subsection (c-1) to read as follows:

17 (c-1) A license holder may take a credit on a return for the
18 period in which the purchase occurred, and a person who does not
19 hold a license may file a refund claim with the comptroller, if the
20 license holder or person paid tax on diesel fuel and the diesel fuel
21 is used in this state:

22 (1) as a feedstock or other component in the further
23 manufacturing of tangible personal property for resale not as a
24 motor fuel; or

25 (2) in the original production of oil or gas or to
26 increase the production of oil or gas.

27 SECTION __.17. Section 162.229, Tax Code, is amended by

1 adding Subsection (g) to read as follows:

2 (g) The comptroller shall issue a refund warrant to a
3 distributor not later than the 60th day after the date the
4 comptroller receives a valid refund claim from the distributor. If
5 the comptroller does not issue the refund warrant by that date, the
6 amount of the refund draws interest at the rate provided by Section
7 111.060 beginning on the 61st day after the date the comptroller
8 receives the valid refund claim and ending on the date the
9 comptroller issues the refund warrant.

10 SECTION __.18. Subsection (d), Section 162.230, Tax Code,
11 is amended to read as follows:

12 (d) A supplier, ~~[or]~~ permissive supplier, or distributor
13 that determines taxes were erroneously reported and remitted or
14 that paid more taxes than were due to this state because of a
15 mistake of fact or law may take a credit on the monthly tax report on
16 which the error has occurred and tax payment made to the
17 comptroller. The credit must be taken before the expiration of the
18 applicable period of limitation as provided by Chapter 111.

19 SECTION __.19. Subsections (c) and (d), Section 162.404,
20 Tax Code, are amended to read as follows:

21 (c) The prohibition under Section 162.403(32) does not
22 apply to the tax-free sale or distribution of diesel fuel
23 authorized by Section 162.204(a)(1) [~~162.204(1)~~], (2), or (3).

24 (d) The prohibition under Section 162.403(33) does not
25 apply to the tax-free sale or distribution of gasoline under
26 Section 162.104(a)(1) [~~162.104(1)~~], (2), or (3).

27 SECTION __.20. Subsection (h), Section 162.016, Tax Code,

1 is repealed.

2 SECTION __.21. This article applies only to taxes imposed
3 on or after the effective date of this article. Taxes imposed
4 before the effective date of this article are governed by the law in
5 effect on the date the taxes were imposed, and that law is continued
6 in effect for that purpose.

7 SECTION __.22. This article takes effect September 1, 2005.

8 Explanation: This change is necessary to remove provisions
9 from the bill relating to the collection of motor fuel taxes.

10 (17) House Rule 13, Section 9(a)(2), is suspended to permit
11 the committee to omit the following provisions from the bill that
12 are not in disagreement:

13 ARTICLE __. FEES FOR CERTAIN INSPECTIONS CONDUCTED

14 BY THE COMMISSION ON JAIL STANDARDS

15 SECTION __.01. Section 511.0091, Government Code, is
16 amended by adding Subsection (c-1) and amending Subsection (d) to
17 read as follows:

18 (c-1) In addition to the other fees authorized by this
19 section, the commission may set and collect a reasonable fee to
20 cover the cost of performing any reinspection of a municipal or
21 county jail that is conducted by the commission:

22 (1) following a determination by the commission that
23 the jail is not in compliance with minimum standards;

24 (2) in response to a request by the operator of the
25 jail; and

26 (3) before the operator of the jail has taken actions
27 as necessary to ensure that the jail is in compliance with minimum

1 standards.

2 (d) All money paid to the commission under this chapter is
3 subject to Subchapter F, Chapter 404. Fees collected under
4 Subsection (c-1) shall be deposited to the credit of a special
5 account in the general revenue fund to be appropriated only to pay
6 costs incurred by the commission in performing services under this
7 section.

8 SECTION __.02. This article takes effect September 1, 2005.

9 Explanation: This change is necessary to remove provisions
10 from the bill relating to fees for certain inspections conducted by
11 the Commission on Jail Standards.