

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 6, 2005

TO: Honorable Jim Keffer, Chair, House Committee on Ways & Means

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB2233 by Keffer, Jim (Relating to state and certain local fiscal matters.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend numerous provisions of the Code of Criminal Procedure, Education Code, Government Code, Local Government Code, Probate Code, Property Code, and the Transportation Code, relating to state fiscal matters. The bill would provide clarification on numerous issues concerning the Comptroller's administrative duties, government accounting practices, and reporting requirements.

The bill would amend Article 103.0031(e) of the Code of Criminal Procedure to require a county or municipality that enters into a collection contract to give 30 percent of aggregate amount collected to the private attorney or vendor, with the remainder allocated in accordance with Article 103.003 and Chapter 133 of the Local Government Code.

The bill would amend and clarify various sections of the Education Code relating to the Permanent School Fund and the Available School Fund.

The bill would authorize the funds created by HB 1945 (77th Legislature R.S., 2001) to pay for the expenses of managing and administering the assets of the funds.

The bill would change the Comptroller's monthly remittance to county salary and contributions funds under Government Code Sections 25 and 26 to a quarterly basis. The bill would remove reference to retired judge or justice from Section 74.061(d) of the Government Code.

The bill would remove the requirement of the Comptroller to contract with an agency to perform an audit on paid claims.

The bill would clarify that cash on an overnight basis held by the State Treasury in lieu of securities and obligations does not constitute a deposit of state or public funds requiring collateral.

The bill would allow the State Treasury to select the most advantageous method of sale of notes relating to a General Revenue Fund cash shortfall.

The bill would allow state agencies to provide written or electronic earnings statements approved by the Comptroller.

The bill would amend several sections of the Government Code relating to longevity pay, to comply with the current \$20 for every three years of lifetime service credit. The bill would amend various sections of the Government Code relating to merit raises, promotions, and demotions, clarifying that salary Schedule A is no longer divided into steps. The bill would amend various sections of the Government Code relating to travel expenses, allowing the Comptroller to determine the documentation and approval necessary. The bill would amend Section 662.010 of the Government Code to clarify holiday pay for state employees.

The bill would amend Section 1431.001(2) of the Government Code to include certain hospital districts in the definition of an "eligible countywide district."

The bill would amend Section 302 of the Local Government Code to include usage measures relating to increased revenues in energy savings performance contracts.

The bill would amend Section 430.003 of the Local Government Code to include private institutions of higher education and public junior colleges in the exemption of infrastructure fees relating to the control of excess water or storm water.

The bill would amend Section 433(a) of the Probate Code to specify that a claimant seeking to recover property that had been escheated to the state before September 1, 1991 would have to institute suit for such no later than September 1, 2009.

The bill would amend various sections of the Property Code relating to unclaimed property reporting, disposition, and claims.

The bill would amend Section 623.052(b) of the Transportation Code to remove the Comptroller from the approval process of surety bonds required for overweight vehicles.

Except for Section 43.002 of the Education Code and Sections 659.255, 659.256, and 659.257 of the Government Code, which would take effect September 1, 2005, this bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise Section 103.0031 of the Code of Criminal Procedure; Sections 25.0015, 25.00211, 26.007, 74.061, 403.071, 404.024, 660.024, 660.027, and 2256.011 of the Government Code; Section 433 of the Probate Code; and Sections 74.101, 74.401, 74.507, 74.601 of the Property Code; and Section 623.052 of the Transportation Code would take effect September 1, 2005 and all remaining sections would take effect on the 91st day after the last day of the legislative session.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 327 Employees Retirement System, 701 Central Education Agency

LBB Staff: JOB, SD, WP, EB, KJG