

By: Duncan

S.B. No. 1848

A BILL TO BE ENTITLED

AN ACT

relating to state fiscal matters.

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

SECTION 1. Article 103.002, Code of Criminal Procedure, is amended to read as follows:

Art. 103.002. CERTAIN COSTS BARRED. (a) An officer may not impose a cost for a service not performed or for a service for which a cost is not expressly provided by law.

(b) If a person has paid a cost for a service that is not expressly provided by law, the money paid for the cost must first be applied to any unpaid statutory court costs that the person owes, then to other unpaid costs, fees, and fines imposed in the person's case that the person owes. Any remaining money must be refunded to the person making the payment. If the money cannot be refunded to the person making the payment, it must be remitted to the comptroller in accordance with Chapter 133, Local Government Code, for deposit in the general revenue fund.

SECTION 2. Chapter 103, Code of Criminal Procedure, is amended by adding Article 103.0021 to read as follows:

Art. 103.0021. ALLOCATION OF PARTIAL PAYMENTS. If the payment tendered by a person for court costs, fees, and fines in the person's criminal case is not adequate to cover the total amount of all obligations due, the payment shall be allocated to state court costs first and the remainder applied to other costs, fees, and

1 finer due in the case.

2 SECTION 3. Article 103.0031(e), Code of Criminal Procedure,
3 is amended to read as follows:

4 (e) If a county or municipality has entered into a contract
5 under Subsection (a) and a person pays an amount that is less than
6 the aggregate total to be collected under Subsections (a) and (b),
7 ~~[the allocation to the comptroller, the county or municipality,~~
8 ~~and]~~ the private attorney or vendor shall receive 30 percent of the
9 aggregate amount collected, not to exceed the amount added as the
10 collection fee, and the remainder of the amount collected shall be
11 allocated in accordance with Article 103.0021 ~~[be reduced~~
12 ~~proportionately]~~.

13 SECTION 4. Section 43.001(b), Education Code, as amended by
14 Chapters 201 and 328, Acts of the 78th Legislature, Regular
15 Session, 2003, is reenacted and amended to read as follows:

16 (b) The available school fund, which shall be apportioned
17 annually to each county according to its scholastic population,
18 consists of:

19 (1) the distributions to the fund from the permanent
20 school fund as provided by Section 5(a), Article VII, Texas
21 Constitution;

22 (2) ~~[one-fourth of all revenue derived from all state~~
23 ~~occupation taxes, exclusive of delinquencies and cost of~~
24 ~~collection,~~

25 ~~[(3)]~~ one-fourth of revenue derived from state
26 gasoline and special fuels excise taxes as provided by law; and

27 (3) ~~[(4)]~~ all other appropriations to the available

1 school fund made by the legislature for public school purposes.

2 SECTION 5. Section 43.002(a), Education Code, is amended to
3 read as follows:

4 (a) On the first working day of each month in a state fiscal
5 year, the agency [~~comptroller~~] shall transfer from the permanent
6 school fund to the available school fund an amount equal to
7 one-twelfth of the annual distribution from the permanent school
8 fund to the available school fund as provided by Section 5(a),
9 Article VII, Texas Constitution, for the fiscal year.

10 SECTION 6. Section 57.48(k)(1), Education Code, is amended
11 to read as follows:

12 (1) "Compensation" means base salary or wages,
13 longevity pay, hazardous duty pay, benefit replacement pay, a
14 retirement annuity, or an emolument provided in lieu of base salary
15 or wages.

16 SECTION 7. Section 63.202, Education Code, is amended by
17 amending Subsection (b) and adding Subsection (h) to read as
18 follows:

19 (b) Except as provided by Subsections (c), [and] (d), and
20 (h), money in the fund established under this subchapter may not be
21 used for any purpose.

22 (h) Expenses of managing and administering the assets of the
23 fund shall be paid from the fund.

24 SECTION 8. Section 63.302, Education Code, is amended by
25 amending Subsection (b) and adding Subsection (h) to read as
26 follows:

27 (b) Except as provided by Subsections (c), [and] (e), and

1 (h), money in the fund established under this subchapter may not be
2 used for any purpose.

3 (h) Expenses of managing and administering the assets of the
4 fund shall be paid from the fund.

5 SECTION 9. Sections 231.007(c) and (d), Family Code, are
6 amended to read as follows:

7 (c) The Title IV-D agency is the sole assignee of ~~[all]~~
8 payments, including payments of compensation, by the state to a
9 person indebted to the state under Subsection (a) if the
10 comptroller is not responsible for issuing warrants or initiating
11 electronic funds transfers to make those payments.

12 (d) On request of the Title IV-D agency, [+
13 ~~[(1) the comptroller shall make payable and deliver to~~
14 ~~the agency any payments for which the agency is the assignee under~~
15 ~~Subsection (c), if the comptroller is responsible for issuing~~
16 ~~warrants or initiating electronic funds transfers to make those~~
17 ~~payments, and~~

18 ~~[(2)]~~ a state agency shall make payable and deliver to
19 the Title IV-D agency any payments for which the Title IV-D agency
20 is the assignee under Subsection (c) [~~if the comptroller is not~~
21 ~~responsible for issuing warrants or initiating electronic funds~~
22 ~~transfers to make those payments]~~.

23 SECTION 10. Sections 25.0015(b) and (c), Government Code,
24 are amended to read as follows:

25 (b) For a county that participates under Section 51.702(f)
26 under a resolution adopted and filed with the comptroller before
27 September 1, 2003, the amount shall be paid to the county's salary

1 fund in equal quarterly [~~monthly~~] installments, and of each \$35,000
2 paid a county, \$30,000 shall be paid from funds appropriated from
3 the judicial fund, and \$5,000 shall be paid from funds appropriated
4 from the general revenue fund.

5 (c) For a county that participates under Section 51.702(f)
6 under a resolution adopted or filed with the comptroller on or after
7 September 1, 2003, the amount shall be paid to the county's salary
8 fund in equal quarterly [~~monthly~~] installments from funds
9 appropriated from the judicial fund.

10 SECTION 11. Section 25.00211(b), Government Code, is
11 amended to read as follows:

12 (b) The amount shall be paid to the county treasury for
13 deposit in the contributions fund created under Section 25.00213 in
14 equal quarterly [~~monthly~~] installments from funds appropriated
15 from the judicial fund.

16 SECTION 12. Section 26.007(b), Government Code, is amended
17 to read as follows:

18 (b) The amount shall be paid to the county's salary fund in
19 equal quarterly [~~monthly~~] installments from funds appropriated
20 from the judicial fund.

21 SECTION 13. Section 74.061(d), Government Code, is amended
22 to read as follows:

23 (d) For services actually performed while assigned under
24 this chapter, a [~~retired or~~] former judge or justice shall receive
25 from county funds and money appropriated by the legislature the
26 same amount of salary, compensation, and expenses that the regular
27 judge is entitled to receive from the county and from the state for

1 those services. The presiding judge of the administrative region
2 shall certify to the county and the state the services rendered
3 under this chapter by a ~~[retired or]~~ former judge or justice and the
4 share to be paid by the state. The amount certified by the
5 presiding judge as the state's share shall be paid from an item in
6 the Judiciary Section, Comptroller's ~~[Judicial~~
7 ~~Section--Comptroller's]~~ Department of the General Appropriations
8 Act for the payment of salaries of district and criminal district
9 judges.

10 SECTION 14. Section 403.016(b), Government Code, is amended
11 to read as follows:

12 (b) The comptroller shall use the electronic funds transfer
13 system to pay an employee's net state salary and travel expense
14 reimbursements unless:

15 (1) the employee does not hold a classified position
16 under the state's position classification plan and the employee's
17 ~~[gross state]~~ salary is less than the minimum ~~[gross state]~~ salary
18 of [for a position classified to] group 8[~~7, step 1~~] of Salary
19 Schedule A of the General Appropriations Act ~~[state position~~
20 ~~classification plan]~~; or

21 (2) the employee holds a classified position under the
22 state's position classification plan and the position is allocated
23 to a group with a minimum salary of less than the minimum salary of
24 [that is classified below] group 8 of Salary Schedule A of the
25 General Appropriations Act.

26 SECTION 15. Section 403.055(1)(1), Government Code, is
27 amended to read as follows:

1 (1) "Compensation" means base salary or wages,
2 longevity pay, hazardous duty pay, benefit replacement pay, a
3 retirement annuity, or an emolument provided in lieu of base salary
4 or wages.

5 SECTION 16. Section 403.0551(d), Government Code, is
6 amended to read as follows:

7 (d) This section does not authorize the comptroller to
8 deduct the amount of a state employee's indebtedness to a state
9 agency from any amount of compensation owed by the agency to the
10 employee, the employee's successor, or the assignee of the employee
11 or successor. In this subsection: [τ]

12 (1) "compensation[τ]" has the meaning assigned by
13 Section 403.055; and

14 (2) "indebtedness," "state agency," "state employee,"
15 and "successor" have the meanings assigned by Section 666.001.

16 SECTION 17. Sections 403.071(g) and (h), Government Code,
17 are amended to read as follows:

18 (g) Notwithstanding Subsection (a), the comptroller [~~and a~~
19 ~~state agency~~] may [~~contract in writing for the comptroller to~~]
20 audit claims presented by a [~~the~~] state agency after the
21 comptroller prepares warrants or uses the electronic funds transfer
22 system to pay the claims. The [~~If the comptroller and a state~~
23 ~~agency execute a contract, the~~] comptroller may determine [~~decide~~]
24 the types of claims that will be audited after payment.

25 (h) [~~This subsection applies if the comptroller and a state~~
26 ~~agency have contracted in accordance with Subsection (g).~~] The
27 comptroller shall audit claims after payment under Subsection (g)

1 in the same manner [~~way~~] that the comptroller audits claims before
2 payment under Subsection (a). The comptroller may establish
3 requirements and adopt rules concerning the time that a state
4 agency must retain documentation in its files to enable a
5 postpayment audit. If a postpayment audit by the comptroller shows
6 that a claim presented by a state agency was invalid, the
7 comptroller may:

8 (1) implement procedures to ensure that similar
9 invalid claims from the state agency are not paid in the future;

10 (2) report to the governor, the lieutenant governor,
11 the speaker of the house of representatives, the state auditor, and
12 the Legislative Budget Board the results of the audit;

13 (3) require the state agency to obtain a refund of the
14 monies from the payee; and

15 (4) [~~cancel the contract with the state agency; and~~

16 [~~(5)~~] reduce the state agency's remaining
17 appropriations by the amount of the claim.

18 SECTION 18. Section 404.024, Government Code, is amended by
19 amending Subsections (b) and (l) and adding Subsections (m) and (n)
20 to read as follows:

21 (b) State funds not deposited in state depositories shall be
22 invested by the comptroller in:

23 (1) direct security repurchase agreements;

24 (2) reverse security repurchase agreements;

25 (3) direct obligations of or obligations the principal
26 and interest of which are guaranteed by the United States;

27 (4) direct obligations of or obligations guaranteed by

1 agencies or instrumentalities of the United States government;

2 (5) bankers' acceptances that:

3 (A) are eligible for purchase by the Federal
4 Reserve System;

5 (B) do not exceed 270 days to maturity; and

6 (C) are issued by a bank whose other comparable
7 short-term obligations are rated in [~~that has received~~] the highest
8 short-term [~~credit~~] rating category, within which there may be
9 subcategories or gradations indicating relative standing,
10 including such subcategories or gradations as "rating category" or
11 "rated," by a nationally recognized statistical rating
12 organization, as defined by Rule 2a-7 (17 C.F.R. Section 270.2a-7),
13 promulgated under the Investment Company Act of 1940 by the
14 Securities and Exchange Commission [~~investment rating firm~~];

15 (6) commercial paper that:

16 (A) does not exceed 270 days to maturity; and

17 (B) except as provided by Subsection (i), is
18 issued by an entity whose other comparable short-term obligations
19 are rated in [~~has received~~] the highest short-term [~~credit~~] rating
20 category by a nationally recognized statistical rating
21 organization [~~investment rating firm~~];

22 (7) contracts written by the treasury in which the
23 treasury grants the purchaser the right to purchase securities in
24 the treasury's marketable securities portfolio at a specified price
25 over a specified period and for which the treasury is paid a fee and
26 specifically prohibits naked-option or uncovered option trading;

27 (8) direct obligations of or obligations guaranteed by

1 the Inter-American Development Bank, the International Bank for
2 Reconstruction and Development (the World Bank), the African
3 Development Bank, the Asian Development Bank, and the International
4 Finance Corporation that have received the highest long-term
5 ~~[credit]~~ rating categories for debt obligations by a nationally
6 recognized statistical rating organization ~~[investment rating~~
7 ~~firm]~~;

8 (9) bonds issued, assumed, or guaranteed by the State
9 of Israel;

10 (10) obligations of a state or an agency, county,
11 city, or other political subdivision of a state;

12 (11) mutual funds secured by obligations that are
13 described by Subdivisions (1) through (6) or by obligations
14 consistent with Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated
15 by the Securities and Exchange Commission, including pooled funds:

16 (A) established by the Texas Treasury
17 Safekeeping Trust Company;

18 (B) operated like a mutual fund; and

19 (C) with portfolios consisting only of
20 dollar-denominated securities; ~~and~~

21 (12) foreign currency for the sole purpose of
22 facilitating investment by state agencies that have the authority
23 to invest in foreign securities;

24 (13) asset-backed securities, as defined by the
25 Securities and Exchange Commission in Rule 2a-7 (17 C.F.R. Section
26 270.2a-7), that are rated at least A or its equivalent by a
27 nationally recognized statistical rating organization and that

1 have a weighted-average maturity of five years or less; and

2 (14) corporate debt obligations that are rated at
3 least A or its equivalent by a nationally recognized statistical
4 rating organization and mature in five years or less from the date
5 on which the obligations were "acquired," as defined by the
6 Securities and Exchange Commission in Rule 2a-7 (17 C.F.R. Section
7 270.2a-7).

8 (1) The comptroller may lend securities under procedures
9 established by the comptroller. The procedures must be consistent
10 with industry practice and must include a requirement to fully
11 secure the loan with cash, obligations described by Subsections
12 (b)(1)-(6), or a combination of cash and the described obligations.
13 Notwithstanding any law to the contrary, cash may be reinvested in
14 the items permitted under Subsection (b) or mutual funds, as
15 defined by the Securities and Exchange Commission in Rule 2a-7 (17
16 C.F.R. Section 270.2a-7) [~~In this subsection, "obligation" means an~~
17 ~~item described by Subsections (b)(1)-(6)].~~

18 (m) In entering into a direct security repurchase agreement
19 or a reverse security repurchase agreement, the comptroller may
20 agree to accept cash on an overnight basis in lieu of the
21 securities, obligations, or participation certificates identified
22 in Section 404.001(3). Cash held by the state under this subsection
23 is not a deposit of state or public funds for purposes of any
24 statute, including this subchapter or Subchapter D, that requires a
25 deposit of state or public funds to be collateralized by eligible
26 securities.

27 (n) Notwithstanding any other law to the contrary, any

1 government investment pool created to function as a money market
2 mutual fund and managed by the comptroller or the Texas Treasury
3 Safekeeping Trust Company may invest the funds it receives in
4 investments that are "eligible securities," as defined by the
5 Securities and Exchange Commission in Rule 2a-7 (17 C.F.R. Section
6 270.2a-7), if it maintains a dollar-weighted average portfolio
7 maturity of 90 days or less, with the maturity of each portfolio
8 security calculated in accordance with Rule 2a-7 (17 C.F.R. Section
9 270.2a-7), and meets the diversification requirements of Rule 2a-7.

10 SECTION 19. The heading to Section 552.024, Government
11 Code, is amended to read as follows:

12 Sec. 552.024. ELECTING TO DISCLOSE ADDRESS, ~~AND~~ TELEPHONE
13 NUMBER, DATE OF BIRTH, SOCIAL SECURITY NUMBER, AND PERSONAL FAMILY
14 INFORMATION.

15 SECTION 20. Section 552.024(a), Government Code, is amended
16 to read as follows:

17 (a) Each employee or official of a governmental body and
18 each former employee or official of a governmental body shall
19 choose whether to allow public access to the information in the
20 custody of the governmental body that relates to the person's home
21 address, home telephone number, date of birth, or social security
22 number, or that reveals whether the person has family members.

23 SECTION 21. The heading to Section 552.117, Government
24 Code, is amended to read as follows:

25 Sec. 552.117. EXCEPTION: CERTAIN ADDRESSES, TELEPHONE
26 NUMBERS, DATES OF BIRTH, SOCIAL SECURITY NUMBERS, AND PERSONAL
27 FAMILY INFORMATION.

1 SECTION 22. Section 552.117(a), Government Code, is amended
2 to read as follows:

3 (a) Information is excepted from the requirements of
4 Section 552.021 if it is information that relates to the home
5 address, home telephone number, date of birth, or social security
6 number of the following person or that reveals whether the person
7 has family members:

8 (1) a current or former official or employee of a
9 governmental body, except as otherwise provided by Section 552.024;

10 (2) a peace officer as defined by Article 2.12, Code of
11 Criminal Procedure, or a security officer commissioned under
12 Section 51.212, Education Code, regardless of whether the officer
13 complies with Section 552.024 or 552.1175, as applicable;

14 (3) a current or former employee of the Texas
15 Department of Criminal Justice or of the predecessor in function of
16 the department or any division of the department, regardless of
17 whether the current or former employee complies with Section
18 552.1175;

19 (4) a peace officer as defined by Article 2.12, Code of
20 Criminal Procedure, or other law, a reserve law enforcement
21 officer, a commissioned deputy game warden, or a corrections
22 officer in a municipal, county, or state penal institution in this
23 state who was killed in the line of duty, regardless of whether the
24 deceased complied with Section 552.024 or 552.1175; or

25 (5) a commissioned security officer as defined by
26 Section 1702.002, Occupations Code, regardless of whether the
27 officer complies with Section 552.024 or 552.1175, as applicable.

1 SECTION 23. The heading to Section 552.1175, Government
2 Code, is amended to read as follows:

3 Sec. 552.1175. CONFIDENTIALITY OF ADDRESSES, TELEPHONE
4 NUMBERS, DATES OF BIRTH, SOCIAL SECURITY NUMBERS, AND PERSONAL
5 FAMILY INFORMATION OF PEACE OFFICERS, COUNTY JAILERS, SECURITY
6 OFFICERS, AND EMPLOYEES OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
7 OR A PROSECUTOR'S OFFICE.

8 SECTION 24. Section 552.1175(b), Government Code, is
9 amended to read as follows:

10 (b) Information that relates to the home address, home
11 telephone number, date of birth, or social security number of an
12 individual to whom this section applies, or that reveals whether
13 the individual has family members is confidential and may not be
14 disclosed to the public under this chapter if the individual to whom
15 the information relates:

16 (1) chooses to restrict public access to the
17 information; and

18 (2) notifies the governmental body of the individual's
19 choice on a form provided by the governmental body, accompanied by
20 evidence of the individual's status.

21 SECTION 25. Section 552.132(b), Government Code, is amended
22 to read as follows:

23 (b) A crime victim may elect whether to allow public access
24 to information held by the crime victim's compensation division of
25 the attorney general's office that relates to:

26 (1) the name, social security number, date of birth,
27 address, or telephone number of the crime victim; or

1 (2) any other information the disclosure of which
2 would identify or tend to identify the crime victim.

3 SECTION 26. Section 552.1325(b), Government Code, is
4 amended to read as follows:

5 (b) The following information that is held by a governmental
6 body or filed with a court and that is contained in a victim impact
7 statement or was submitted for purposes of preparing a victim
8 impact statement is confidential:

9 (1) the name, social security number, date of birth,
10 address, and telephone number of a crime victim; and

11 (2) any other information the disclosure of which
12 would identify or tend to identify the crime victim.

13 SECTION 27. Section 552.138(b), Government Code, is amended
14 to read as follows:

15 (b) Information maintained by a family violence shelter
16 center or sexual assault program is excepted from the requirements
17 of Section 552.021 if it is information that relates to:

18 (1) the home address, home telephone number, date of
19 birth, or social security number of an employee or a volunteer
20 worker of a family violence shelter center or a sexual assault
21 program, regardless of whether the employee or worker complies with
22 Section 552.024;

23 (2) the location or physical layout of a family
24 violence shelter center;

25 (3) the name, home address, home telephone number,
26 date of birth, or social security number or other numeric
27 identifier of a current or former client of a family violence

1 shelter center or sexual assault program;

2 (4) the provision of services, including counseling
3 and sheltering, to a current or former client of a family violence
4 shelter center or sexual assault program;

5 (5) the name, home address, [~~or~~] home telephone
6 number, date of birth, or social security number or other numeric
7 identifier of a private donor to a family violence shelter center or
8 sexual assault program; or

9 (6) the home address, [~~or~~] home telephone number, date
10 of birth, or social security number of a member of the board of
11 directors or the board of trustees of a family violence shelter
12 center or sexual assault program, regardless of whether the board
13 member complies with Section 552.024.

14 SECTION 28. Subchapter A, Chapter 659, Government Code, is
15 amended by adding Section 659.007 to read as follows:

16 Sec. 659.007. EARNINGS STATEMENTS. (a) In this section,
17 "state agency" has the meaning assigned by Section 403.013.

18 (b) A state agency may provide a written or electronic
19 earnings statement to an officer or employee of the agency.

20 (c) The comptroller may adopt rules and establish
21 procedures concerning the earnings statements provided by state
22 agencies that under Subchapter C, Chapter 2101, are required to use
23 the uniform statewide payroll system.

24 SECTION 29. Section 659.044(e), Government Code, is amended
25 to read as follows:

26 (e) This subsection applies only to an employee of the Texas
27 Youth Commission who is receiving less than the maximum amount of

1 hazardous duty pay that the commission may pay to the employee under
2 Section 659.303. The employee's monthly amount of longevity pay is
3 the sum of:

4 (1) \$20 [~~\$4~~] for every two years [~~each year~~] of
5 lifetime service credit, which may not include any period served in
6 a hazardous duty position; and

7 (2) the lesser of:

8 (A) \$20 [~~\$4~~] for every 24 months of lifetime
9 service credit accrued under Section 659.307(a) [~~each year served~~
10 ~~in a hazardous duty position~~]; or

11 (B) the difference between:

12 (i) \$10 [~~\$7~~] for each 12-month period of
13 lifetime service credit accrued under Section 659.307(a) [~~year~~
14 ~~served in a hazardous duty position~~]; and

15 (ii) the amount paid by the commission for
16 each 12-month period of lifetime service credit accrued under
17 Section 659.307(a) [~~year served in a hazardous duty position~~].

18 SECTION 30. (a) Section 659.046, Government Code, is
19 amended by adding Subsection (g) to read as follows:

20 (g) For purposes of Subsection (a)(4), an employee's
21 service as an academic employee of a state institution of higher
22 education includes a summer semester or session during which the
23 employee is not required to provide services to the institution if:

24 (1) the employee provided services to the institution
25 throughout the immediately preceding spring and fall semesters; and

26 (2) the employee resumes providing services to the
27 institution at the beginning of the first fall semester occurring

1 after the summer semester or session.

2 (b) The changes in law made by Subsection (a) of this
3 section to Section 659.046, Government Code, apply beginning with
4 the first summer semester or session that occurs during calendar
5 year 2007.

6 SECTION 31. Section 659.255(a)(3), Government Code, is
7 amended to read as follows:

8 (3) "Merit salary increase" means an increase in
9 compensation to:

10 (A) a higher step rate in the same classified
11 salary group, if the classified employee is compensated under a
12 salary group that is divided into steps [~~Salary Schedule A of the~~
13 ~~General Appropriations Act~~]; or

14 (B) a higher rate within the range of the same
15 classified salary group, if the classified employee is compensated
16 under a salary group that is not divided into steps [~~Salary Schedule~~
17 ~~B of the General Appropriations Act~~].

18 SECTION 32. Sections 659.256(c) and (f), Government Code,
19 are amended to read as follows:

20 (c) When an employee is promoted within [~~to a position in a~~
21 ~~higher salary group in~~] Salary Schedule A of the General
22 Appropriations Act or from Salary Schedule B or C of the General
23 Appropriations Act to Salary Schedule A of the General
24 Appropriations Act, the employee shall receive a salary rate that
25 is at least 3.4 percent [~~one step~~] higher than the employee's salary
26 rate before promotion or the minimum rate of the new salary range,
27 whichever is higher, and may, at the discretion of the state agency

1 administrator, receive an annual salary rate up to and including
2 the maximum rate of the new salary range. [~~When an employee is~~
3 ~~promoted from a position in Salary Schedule B or C of the General~~
4 ~~Appropriations Act to a position in Salary Schedule A of the General~~
5 ~~Appropriations Act, the employee shall receive a step rate that is~~
6 ~~at least one step above the rate the employee received before~~
7 ~~promotion or the minimum rate of the new salary range, whichever is~~
8 ~~higher, and may, at the discretion of the state agency~~
9 ~~administrator, receive an annual rate up to and including the~~
10 ~~maximum rate of the new salary range.~~]

11 (f) Notwithstanding the other provisions of this section,
12 an employee whose salary prior to promotion exceeds the maximum
13 rate of the employee's assigned salary group may not receive more
14 than the maximum rate of the new salary group, even if the increase
15 is less than one step in a salary group that is divided into steps
16 [~~Salary Schedule A of the General Appropriations Act~~] or 3.4
17 percent in a salary group that is not divided into steps [~~Salary~~
18 ~~Schedule B of the General Appropriations Act~~].

19 SECTION 33. Section 659.257(c), Government Code, is amended
20 to read as follows:

21 (c) When an employee is demoted within [~~to a position in a~~
22 ~~lower salary group in~~] Salary Schedule A of the General
23 Appropriations Act or from Salary Schedule B or C of the General
24 Appropriations Act to Salary Schedule A of the General
25 Appropriations Act, the employee will receive a salary rate of at
26 least 3.4 percent [~~one step~~] below the rate the employee received
27 before demotion. [~~When an employee is demoted from a position in~~

1 ~~Salary Schedule B or C of the General Appropriations Act to a~~
2 ~~position in Salary Schedule A of the General Appropriations Act,~~
3 ~~the employee shall receive a step rate that is at least 3.4 percent~~
4 ~~below the rate the employee received before demotion.]~~

5 SECTION 34. Section 660.024(a), Government Code, is amended
6 to read as follows:

7 (a) The chief administrator of a state agency must give
8 advance written approval for any travel related to official state
9 business for which a reimbursement for travel expenses is claimed
10 or for which an advance for travel expenses to be incurred is
11 sought. The advance written approval may be communicated
12 electronically. [~~A copy of the written approval shall be submitted~~
13 ~~with the travel voucher to the comptroller in accordance with~~
14 ~~Section 660.027.~~]

15 SECTION 35. Sections 660.027(b), (d), and (e), Government
16 Code, are amended to read as follows:

17 (b) A voucher submitted under Subsection (a) is valid only
18 if:

19 (1) the state agency submitting the voucher approves
20 it in accordance with Chapter 2103 and, if required by law,
21 certifies the voucher; and

22 (2) the state employee who incurred the travel expense
23 or, if the employee is unavailable, another individual acceptable
24 to the comptroller approves the description, information, and
25 documentation required by Subsection (d) [voucher] in writing or
26 electronically, except that the employee's approval is not required
27 if another person is required by law to provide the approval.

1 (d) A voucher must be supported by:

2 (1) a description of [~~describe~~] the official state
3 business performed; and

4 (2) [~~be accompanied by~~] the information and
5 documentation that the comptroller considers necessary for the
6 comptroller to determine compliance with this chapter, the travel
7 provisions of the General Appropriations Act, and the rules adopted
8 by the comptroller under this chapter.

9 (e) The comptroller may require a state agency to provide to
10 the comptroller the description, information, and documentation
11 required under [~~by~~] Subsection (d):

12 (1) on the form adopted by the comptroller under
13 Subsection (c);

14 (2) electronically;

15 (3) by submitting receipts or other documents; or

16 (4) [~~(3)~~] by any [~~a~~] combination of Subdivisions (1),
17 [~~and~~] (2), and (3).

18 SECTION 36. Section 660.028, Government Code, is amended by
19 amending Subsections (b), (c), and (d) and adding Subsection (e) to
20 read as follows:

21 (b) If the comptroller audits a state agency's voucher after
22 the comptroller issues a warrant or initiates an electronic funds
23 transfer in response to the voucher, the comptroller may require
24 the agency to maintain in its files the description, information,
25 and documentation [~~receipts~~] relating to the travel expense paid or
26 reimbursed by the voucher until the comptroller audits the voucher.

27 (c) If a state agency pays or reimburses a travel expense

1 without first submitting a voucher to the comptroller, the
2 comptroller may audit the payment or reimbursement for compliance
3 with this chapter and the travel provisions of the General
4 Appropriations Act. The comptroller may report the results of the
5 audit to the governor, the lieutenant governor, the speaker of the
6 house of representatives, the state auditor, and the Legislative
7 Budget Board. The state agency shall cooperate with the comptroller
8 and make available the description, information, and documentation
9 ~~[receipts]~~ required by the comptroller at the time and in the manner
10 required by the comptroller.

11 (d) The comptroller may require a state agency to maintain
12 in its files the description, information, and documentation
13 ~~[receipts]~~ regarding a travel expense payment or reimbursement for
14 the period required by the comptroller.

15 (e) The comptroller may require or authorize the
16 description, information, and documentation relating to a travel
17 expense payment or reimbursement to be maintained in paper form or
18 electronically.

19 SECTION 37. The heading to Subchapter C, Chapter 661,
20 Government Code, is amended to read as follows:

21 SUBCHAPTER C. PAYMENT FOR VACATION LEAVE ~~[TIME]~~ TO

22 STATE EMPLOYEES WHO SEPARATE FROM STATE EMPLOYMENT

23 SECTION 38. Section 661.062, Government Code, is amended to
24 read as follows:

25 Sec. 661.062. ENTITLEMENT TO PAYMENT FOR VACATION LEAVE
26 ~~[TIME]~~. (a) A state employee who, at any time during the
27 employee's lifetime, has accrued six months of continuous state

1 ~~employment [and who resigns, is dismissed, or otherwise separates~~
2 ~~from state employment by a state agency other than an institution of~~
3 ~~higher education]~~ is entitled to be paid for [~~the accrued balance~~
4 ~~of]~~ the employee's accrued vacation leave [~~time as of the date of~~
5 ~~the separation,~~] if:

6 (1) the employee resigns or is dismissed from a
7 position in a state agency that is not an institution of higher
8 education without, during the 30-day period immediately following
9 the effective date of the resignation or dismissal:

10 (A) accepting a position at another state agency;
11 and

12 (B) resuming state employment in a position that
13 accrues vacation leave;

14 (2) the employee resigns or is dismissed from a
15 position in a state agency that is an institution of higher
16 education without:

17 (A) having accepted a position at another state
18 agency; and

19 (B) resuming state employment in a position that
20 accrues vacation leave on the first workday immediately following
21 the effective date of the resignation or dismissal;

22 (3) the employee moves from a position in a state
23 agency that accrues vacation leave to another position within the
24 same state agency that does not accrue vacation leave and the agency
25 agrees to pay the employee for the accrued leave;

26 (4) the employee moves from a position in a state
27 agency that accrues vacation leave to a position in a different

1 state agency that does not accrue vacation leave and the second
2 agency refuses to credit the employee for the accrued leave;

3 (5) the employee moves from a position in a state
4 agency that is not an institution of higher education to a position
5 in a different state agency that accrues vacation leave and the
6 first day of employment in the second position is at least 31 days
7 after the last day of employment in the first position;

8 (6) the employee moves from a position in an
9 institution of higher education to a position in a different state
10 agency that accrues vacation leave and the first day of employment
11 in the second position is at least two workdays after the last day
12 of employment in the first position; or

13 (7) the employee holds two or more positions in a state
14 agency, the employee resigns or is dismissed from a position that
15 accrues vacation leave, and the agency agrees to pay the employee
16 for the accrued leave. [~~the individual is not reemployed by the~~
17 state in a position under which the employee accrues vacation leave
18 during the 30-day period immediately following the date of
19 separation from state employment. A state employee who, at any time
20 during the employee's lifetime, has accrued six months of
21 continuous state employment and who resigns, is dismissed, or
22 otherwise separates from state employment by an institution of
23 higher education is entitled to be paid for the accrued balance of
24 the employee's vacation time as of the date of separation.]

25 (b) For purposes of this section, the amount of a state
26 employee's accrued vacation leave is the amount existing on the
27 date the event occurs that entitles the employee to be paid for the

1 employee's accrued vacation leave. [~~A separation from state~~
2 ~~employment includes a separation in which the employee:~~

3 [~~(1) leaves one state agency to begin working for~~
4 ~~another state agency, if one or more workdays occur between the two~~
5 ~~employments and the individual is not reemployed by the state in a~~
6 ~~position under which the employee accrues vacation leave during the~~
7 ~~30-day period immediately following the date of separation from~~
8 ~~state employment;~~

9 [~~(2) moves from a position in a state agency that~~
10 ~~accrues vacation time to a position in that agency that does not~~
11 ~~accrue vacation time, if the agency agrees to pay the employee for~~
12 ~~the accrued balance of the employee's vacation time;~~

13 [~~(3) moves from a position in a state agency that~~
14 ~~accrues vacation time to a position in another state agency that~~
15 ~~does not accrue vacation time, if the other state agency refuses to~~
16 ~~credit the employee for the balance of the employee's vacation time~~
17 ~~as of the date of the move;~~

18 [~~(4) moves from a position in a state agency that does~~
19 ~~not accrue vacation time to a position in another state agency that~~
20 ~~does not accrue vacation time, if the other state agency is not~~
21 ~~authorized or refuses to credit the employee for the balance of the~~
22 ~~employee's vacation time as of the date of the move; or~~

23 [~~(5) holds two or more positions, and separates from~~
24 ~~one that accrues vacation time, if the agency agrees to pay the~~
25 ~~employee for the accrued balance of the employee's vacation time.]~~

26 (c) The state agency to which a state employee moves shall
27 credit the employee for the employee's accrued vacation leave if

1 the employee is not entitled under Subsection (a)(3) or (4) to
2 receive payment for that leave.

3 (d) A state employee who holds two or more positions is
4 entitled to be paid for the employee's accrued vacation leave
5 concerning a particular [separation under Subsection (b)(4)
6 applies only with respect to the] position only if the event
7 entitling the employee to receive the payment relates to the
8 position that accrues vacation leave, as provided in Subsection (a)
9 [from which the separation occurs].

10 (e) [~~(d)~~] State employment is continuous for purposes of
11 this section [Subsection (a)] while the employee is entitled to be
12 paid a regular state salary, except that continuity of state
13 employment is not interrupted while the employee is on a leave of
14 absence without pay for less than one calendar month.

15 (f) [~~(e)~~] The following are ineligible [not entitled] to
16 receive a payment [payments] under this subchapter:

17 (1) an individual who holds an office that is normally
18 filled by vote of the people;

19 (2) an independent contractor or an employee of an
20 independent contractor;

21 (3) an operator of equipment or a driver of a team
22 whose wages are included in the rental paid by a state agency to the
23 owner of the equipment or team;

24 (4) an individual employed on a piecework basis; or

25 (5) an individual covered by:

26 (A) the Judicial Retirement System of Texas Plan
27 One;

1 (B) the Judicial Retirement System of Texas Plan
2 Two; or

3 (C) the Teacher Retirement System of Texas, other
4 than an individual described by Section 661.061(2)(E) or (F).

5 (g) An employee of a legislative agency is eligible or
6 entitled to receive payment for the employee's accrued [~~(f)~~
7 ~~Payment for accrued~~] vacation leave only as provided by the
8 administrative head of that agency. An employee of the house of
9 representatives or of a member of the house of representatives is
10 eligible or entitled to receive payment for the employee's accrued
11 vacation leave only as provided by the speaker of the house of
12 representatives. An employee of the senate, of a member of the
13 senate, or of the lieutenant governor is eligible or entitled to
14 receive payment for the employee's accrued vacation leave only as
15 provided by the lieutenant governor [~~for employees of the~~
16 ~~legislative branch, including employees of the lieutenant~~
17 ~~governor, is determined as follows:~~

18 [~~(1) for employees of either house of the legislature,~~
19 ~~a member of the legislature, or the lieutenant governor, by the~~
20 ~~presiding officer of the appropriate house of the legislature, and~~

21 [~~(2) for employees of a legislative agency, by the~~
22 ~~administrative head of the agency]~~.

23 SECTION 39. Sections 661.063(a) and (b), Government Code,
24 are amended to read as follows:

25 (a) Except as provided by Subsection (b), the payment to a
26 state employee under this subchapter shall be computed by
27 multiplying the employee's rate of compensation on the date the

1 event occurs that entitles the employee to be paid for the
 2 employee's accrued vacation leave [~~of separation from state~~
 3 ~~employment~~] by the total number of hours of vacation leave [~~time~~]
 4 determined under Section 661.064.

5 (b) The payment under this subchapter to a state employee
 6 who resigns, is dismissed, or moves to another position from
 7 [~~separates from state employment while holding~~] a position that
 8 does not accrue vacation leave [~~time~~] shall be computed according
 9 to this subsection. The employee's final rate of compensation in
 10 the last position held that accrues vacation leave [~~time~~] shall be
 11 multiplied by the employee's total number of hours of vacation
 12 leave [~~time~~] determined under Section 661.064.

13 SECTION 40. Section 661.064, Government Code, is amended to
 14 read as follows:

15 Sec. 661.064. COMPUTATION OF TOTAL ACCUMULATED LEAVE;
 16 HOLIDAY TIME. (a) This subsection applies except as provided by
 17 Subsection (c). For a state employee who, on the date the event
 18 occurs that entitles the employee to be paid for the employee's
 19 accrued vacation leave, [~~of separation~~] is normally scheduled to
 20 work at least 40 hours a week, eight hours are to be added to the
 21 employee's accrued vacation leave [~~time~~] for each state or national
 22 holiday that is scheduled to fall within the period after the date
 23 of the event [~~separation~~] and during which the employee could have
 24 used the leave [~~time~~]. To determine the period during which
 25 vacation leave [~~time~~] could have been used and the number of state
 26 or national holidays, the employee's vacation leave [~~time~~] is
 27 allocated over the workdays after the date of the event [~~employee's~~

1 ~~separation~~] and eight hours are added as a state or national holiday
2 occurs during the period.

3 (b) For a state employee who, on the date the event occurs
4 that entitles the employee to be paid for the employee's accrued
5 vacation leave, [~~of separation~~] is normally scheduled to work less
6 than 40 hours a week, the number of hours that is to be added to the
7 employee's accrued vacation leave [~~time~~] for each state or national
8 holiday is computed as provided by Subsection (a), but is to be
9 proportionally reduced according to the lesser number of the
10 employee's normally scheduled weekly work hours.

11 (c) For a state employee who is paid under this subchapter
12 because the event that entitles the employee to be paid for the
13 employee's accrued vacation leave [~~separation from state~~
14 ~~employment~~] involves a move to a position in a state agency that
15 does not accrue vacation leave [~~time~~], no hours may be added to the
16 employee's accrued vacation leave [~~time~~] for a state or national
17 holiday that [~~which~~] is scheduled to fall within the period after
18 the date of the event [~~separation~~] and during which the employee
19 could have used the leave [~~time~~].

20 SECTION 41. Section 661.066, Government Code, is amended to
21 read as follows:

22 Sec. 661.066. PAYMENT CHARGED TO CERTAIN FISCAL YEAR. A
23 state agency shall charge a lump-sum payment required by this
24 subchapter to the fiscal year in which the event occurs that
25 entitles the employee to be paid for the employee's accrued
26 vacation leave [~~state employee's separation from state employment~~
27 ~~becomes effective~~].

1 SECTION 42. Section 661.067, Government Code, is amended to
2 read as follows:

3 Sec. 661.067. AGREEMENT FOR STATE EMPLOYEE TO REMAIN ON
4 AGENCY PAYROLL. (a) A state agency may agree to permit an employee
5 entitled to payment under this subchapter to remain on the agency's
6 payroll to exhaust the employee's accrued vacation leave [~~time~~].

7 (b) A state employee who remains on the payroll of a state
8 agency under this section:

9 (1) is entitled to continue to receive all
10 compensation and benefits that the state employee was receiving on
11 the employee's last day of duty, including paid holidays, longevity
12 pay, and hazardous duty pay;

13 (2) is entitled to a general salary increase for state
14 employees that takes effect before the employee's accrued vacation
15 leave [~~time~~] is exhausted; and

16 (3) may not use sick leave or accrue sick leave or
17 vacation leave [~~time~~].

18 SECTION 43. The heading to Subchapter D, Chapter 661,
19 Government Code, is amended to read as follows:

20 SUBCHAPTER D. PAYMENTS FOR VACATION LEAVE [~~TIME~~] TO
21 CONTRIBUTING MEMBERS OF EMPLOYEES RETIREMENT SYSTEM WHO RETIRE

22 SECTION 44. Section 661.091, Government Code, is amended to
23 read as follows:

24 Sec. 661.091. PAYMENT FOR VACATION LEAVE [~~TIME~~] ON
25 RETIREMENT. (a) A contributing member of the Employees Retirement
26 System of Texas who retires is entitled to be paid in a lump sum,
27 from funds of the agency or department from which the member

1 retires, for the member's accrued vacation leave [~~time~~] as of the
2 date of retirement.

3 (b) A payment required by this section is payable on the
4 date of retirement.

5 SECTION 45. Section 661.092, Government Code, is amended to
6 read as follows:

7 Sec. 661.092. COMPUTATION OF PAYMENT. A payment required by
8 this subchapter shall be computed as provided by Section 661.063
9 [~~as if the member had taken vacation time, using the member's rate~~
10 ~~of compensation as of the date of retirement~~].

11 SECTION 46. Section 662.010, Government Code, is amended to
12 read as follows:

13 Sec. 662.010. HOLIDAY BEFORE WORK BEGINS OR AFTER WORK
14 ENDS. (a) An individual who is [~~must be~~] a state employee on the
15 first workday [~~before and~~] after a state or national holiday may not
16 [~~in order to~~] be paid for that holiday if:

17 (1) the individual is not a state employee on the last
18 workday before the holiday; and

19 (2) [~~, unless~~] the holiday and the [~~falls on the~~
20 ~~employee's~~] first [~~or last~~] workday after the holiday occur during
21 different months [~~of the month~~].

22 (b) An individual who is a state employee on the last
23 workday before a state or national holiday may not be paid for that
24 holiday if:

25 (1) the individual is not a state employee on the first
26 workday after the holiday; and

27 (2) the holiday and the last workday before the

1 holiday occur during different months.

2 (c) [~~(b)~~] In this section, "state employee":

3 (1) includes an individual who uses paid leave from a
4 state agency; and

5 (2) does not include an individual who uses unpaid
6 leave from a state agency.

7 SECTION 47. Subchapter A, Chapter 2103, Government Code, is
8 amended by adding Section 2103.005 to read as follows:

9 Sec. 2103.005. CONFLICTS OF LAW. This chapter prevails
10 over all other law to the extent of any conflict.

11 SECTION 48. Chapter 2107, Government Code, is amended by
12 adding Section 2107.009 to read as follows:

13 Sec. 2107.009. DEDUCTIONS FOR REPAYMENT OF CERTAIN DEBTS OR
14 TAX DELINQUENCIES. (a) Except as provided by this section, a state
15 agency may deduct the amount of a person's indebtedness to the state
16 or tax delinquency from any amount the agency owes the person or the
17 person's successor. The state agency shall pay to the person or
18 successor any amount remaining after the deduction.

19 (b) Subsection (a) applies to a person or the person's
20 successor only if:

21 (1) the state agency has provided notice to the person
22 or successor that complies with Subsection (c);

23 (2) Section 57.48, Education Code, or Section 403.055
24 of this code prohibits the comptroller from issuing a warrant or
25 initiating an electronic funds transfer to the person or successor;
26 and

27 (3) the comptroller is not responsible under Section

1 404.046, 404.069, or 2103.003 for paying the amount owed by the
2 state agency to the person or successor through the issuance of a
3 warrant or initiation of an electronic funds transfer.

4 (c) A state agency shall provide notice to a person or the
5 person's successor before deducting the amount of the person's
6 indebtedness to the state or tax delinquency under Subsection (a).

7 The notice must:

8 (1) be given in a manner reasonably calculated to give
9 actual notice to the person or successor;

10 (2) state the:

11 (A) amount of the indebtedness or the amount of
12 the tax, penalties, interest, and costs due, as applicable; and

13 (B) name of the indebted or delinquent person;

14 (3) specify the deadline for paying the amount due;

15 and

16 (4) inform the person or successor that unless the
17 amount due is paid before the deadline, the state agency will deduct
18 the amount of the indebtedness or delinquency from the amount the
19 agency owes the person or successor.

20 (d) This section does not authorize a state agency to deduct
21 the amount of a state employee's indebtedness to the state from any
22 amount of compensation owed by the agency to the employee, the
23 employee's successor, or the assignee of the employee or successor.

24 In this subsection:

25 (1) "compensation" has the meaning assigned by Section
26 403.055; and

27 (2) "indebtedness," "state agency," "state employee,"

1 and "successor" have the meanings assigned by Section 666.001.

2 (e) A state agency shall credit the appropriate fund or
3 account for any amount deducted under this section if the agency is
4 the custodian or trustee of that fund or account. The agency shall
5 remit any amount deducted under this section to the custodian or
6 trustee of the appropriate fund or account if the agency is not its
7 custodian or trustee.

8 (f) The comptroller may determine the order that a person's
9 multiple types of indebtedness to the state or tax delinquencies
10 are deducted from the amount a state agency owes the person or the
11 person's successor.

12 (g) The assignee of a person or the person's successor is
13 considered to be a successor of the person for the purposes of this
14 section, except that a deduction under this section from the amount
15 owed to the assignee of a person or the person's successor may not
16 be made if the assignment became effective before the person became
17 indebted to the state or incurred the tax delinquency.

18 (h) Except as provided by this section, a state agency may
19 adopt rules and establish procedures concerning deductions made by
20 the agency under this section. To the extent of any conflict, rules
21 adopted or procedures established by the comptroller under
22 Subsection (i) prevail over the agency's rules or procedures.

23 (i) The comptroller may adopt rules and establish
24 procedures to administer Subsection (f).

25 (j) Except as provided by Subsection (d), in this section
26 "successor" means a person's estate and the distributees of that
27 estate.

1 SECTION 49. Section 2115.001(1), Government Code, is
2 amended to read as follows:

3 (1) "Overpayment" includes a duplicate payment made to
4 a vendor for a single invoice and a payment made to a vendor:

5 (A) when an available discount from the vendor
6 was not applied;

7 (B) for a late payment penalty that was
8 improperly applied by the vendor;

9 (C) for shipping costs that were computed
10 incorrectly or incorrectly included in an invoice;

11 (D) for a [state sales] tax or fee that the state
12 is not required to pay under applicable law, except that the term
13 does not include a tax or fee imposed under a law of this state; or

14 (E) for a good or service the vendor did not
15 provide.

16 SECTION 50. The heading to Section 2115.003, Government
17 Code, is amended to read as follows:

18 Sec. 2115.003. SCOPE OF [~~STATE AGENCIES SUBJECT TO~~]
19 MANDATORY RECOVERY AUDITS.

20 SECTION 51. Section 2115.003(b), Government Code, is
21 amended to read as follows:

22 (b) The comptroller may exempt from the mandatory recovery
23 audit process a state agency or a type of payment:

24 (1) if the comptroller determines, in accordance with
25 [that has a low proportion of its expenditures made to vendors,
26 according to] criteria the comptroller adopts by rule, that the
27 exemption would be in the best interests of the state; or

1 (2) by rule [~~after consideration of the likely costs~~
2 ~~and benefits of performing recovery audits for agencies that make~~
3 ~~relatively few or small payments to vendors~~].

4 SECTION 52. Section 2115.004(a), Government Code, is
5 amended to read as follows:

6 (a) A state agency shall pay[~~, from recovered money~~
7 ~~appropriated for the purpose,~~] the recovery audit consultant
8 responsible for obtaining for the agency a reimbursement from a
9 vendor. Unless otherwise prohibited by law, the payment must be
10 made from recovered money.

11 SECTION 53. Section 117.002, Local Government Code, is
12 amended to read as follows:

13 Sec. 117.002. TRANSFER OF UNCLAIMED FUNDS TO COMPTROLLER.
14 Any funds deposited under this chapter[~~, except cash bail bonds,~~]
15 that are presumed abandoned under Chapter 72, 73, or 75, Property
16 Code, shall be reported and delivered by the county or district
17 clerk to the comptroller without further action by any court. The
18 dormancy period for funds deposited under this chapter begins on
19 the later of:

20 (1) the date of entry of final judgment or order of
21 dismissal in the action in which the funds were deposited;

22 (2) the 18th birthday of the minor for whom the funds
23 were deposited; or

24 (3) a reasonable date established by rule by the
25 comptroller to promote the public interest in disposing of
26 unclaimed funds.

27 SECTION 54. Section 74.202, Property Code, is amended to

1 read as follows:

2 Sec. 74.202. NOTICE FOR ITEM WITH VALUE OF LESS THAN \$200
3 [~~\$100~~]. In the notice required by Section 74.201, the comptroller
4 is not required to publish information regarding an item having a
5 value that is less than \$200 [~~\$100~~] unless the comptroller
6 determines that publication of that information is in the public
7 interest.

8 SECTION 55. Section 74.101(a), Property Code, is amended to
9 read as follows:

10 (a) Each holder who on June 30 holds property that is
11 presumed abandoned under Chapter 72, 73, or 75 of this code or under
12 Chapter 154, Finance Code, shall file a report of that property on
13 or before the following November 1. The comptroller may require the
14 report to be in a particular format, including an electronic [a]
15 format that can be read by a computer. The comptroller may adopt
16 rules to establish threshold requirements for electronic filing by
17 holders.

18 SECTION 56. Section 74.301, Property Code, is amended by
19 adding Subsection (d) to read as follows:

20 (d) The comptroller may require holders to electronically
21 transmit money subject to delivery under Subsection (a). The
22 comptroller may adopt rules to establish the threshold requirement
23 for electronic transmission of money by holders.

24 SECTION 57. Section 74.401(a), Property Code, is amended to
25 read as follows:

26 (a) Except as provided by Subsection (c) or Section 74.404,
27 the comptroller shall sell at public sale all personal property,

1 other than money and [~~marketable~~] securities, delivered to the
2 comptroller in accordance with Section 74.301. The comptroller
3 shall conduct the sale in the city in this state that the
4 comptroller determines affords the most favorable market for the
5 particular property.

6 SECTION 58. Section 74.601, Property Code, is amended by
7 adding Subsection (g) to read as follows:

8 (g) If an owner does not assert a claim for unclaimed money
9 and the owner is reported to be the state or a state agency, the
10 comptroller may deposit the unclaimed money to the credit of the
11 general revenue fund. The comptroller may establish procedures and
12 adopt rules as necessary to implement this section.

13 SECTION 59. The following laws are repealed:

- 14 (1) Section 43.020, Education Code;
15 (2) Section 661.093, Government Code;
16 (3) Chapter 2112, Government Code; and
17 (4) Section 2103.063, Government Code.

18 SECTION 60. (a) The changes in law made by this Act to
19 Sections 552.024, 552.117, 552.1175, 552.132, 552.1325, and
20 552.138, Government Code, apply to information, records, and
21 notations collected, made, assembled, or maintained on, before, or
22 after the effective date of this Act.

23 (b) The changes in law made by this Act to Sections 552.024,
24 552.117, 552.1175, 552.132, 552.1325, and 552.138, Government
25 Code, apply to a request for information that is received by a
26 governmental body on, before, or after the effective date of this
27 Act.

1 (c) In this section, "governmental body" has the meaning
2 assigned by Section 552.003, Government Code.

3 SECTION 61. A rule adopted by the comptroller of public
4 accounts before the effective date of the changes made by this Act
5 to Chapter 2115, Government Code, is not required to be readopted by
6 the comptroller if the rule is consistent with that chapter as
7 amended by this Act. This section applies only to a rule adopted to
8 administer that chapter.

9 SECTION 62. (a) Except as provided by Subsection (e) of
10 this section, this Act takes effect immediately if it receives a
11 vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution.

13 (b) If this Act does not receive the vote necessary for
14 immediate effect, the changes to or additions or repeal of the
15 following laws made by this Act take effect on the 91st day after
16 the last day of the legislative session:

17 (1) Section 57.48, Education Code;

18 (2) Section 231.007, Family Code;

19 (3) Sections 403.055, 403.0551, 552.024, 552.117,
20 552.1175, 552.132, 552.1325, 552.138, 659.044, 659.046, 661.062,
21 661.063, 661.064, 661.066, 661.067, 661.091, 661.092, 661.093,
22 662.010, 2103.063, 2107.009, 2115.001, 2115.003, and 2115.004,
23 Government Code;

24 (4) the headings for Subchapters C and D, Chapter 661,
25 Government Code; and

26 (5) Chapter 2112, Government Code.

27 (c) If this Act does not receive the vote necessary for

1 immediate effect, the changes to or additions of the following laws
2 made by this Act take effect September 1, 2007:

3 (1) Articles 103.002, 103.0021, and 103.0031, Code of
4 Criminal Procedure;

5 (2) Sections 63.202 and 63.302, Education Code;

6 (3) Sections 25.0015, 25.00211, 26.007, 403.071,
7 404.024, 659.007, 660.024, 660.027, and 660.028, Government Code;

8 (4) Section 117.002, Local Government Code; and

9 (5) Sections 74.101, 74.202, 74.301, 74.401, and
10 74.601, Property Code.

11 (d) If this Act does not receive the vote necessary for
12 immediate effect, all provisions of this Act not provided for in
13 Subsection (b) or (e) take effect September 1, 2007.

14 (e) The changes to or repeal of the following laws made by
15 this Act take effect September 1, 2007:

16 (1) Sections 43.001, 43.002, and 43.020, Education
17 Code; and

18 (2) Sections 74.061, 403.016, 659.255, 659.256, and
19 659.257, Government Code.