

By: Zaffirini

S.B. No. 2238

A BILL TO BE ENTITLED

AN ACT

relating to revenue and expenses of certain financial regulatory agencies.

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

SECTION 1. Section 12.105, Finance Code, is amended by adding Subsections (a-1) and (a-2) and amending Subsection (b) to read as follows:

(a-1) All money paid to the department shall be retained by the department and deposited in a special fund created outside the state treasury to be administered by the department and known as the Department of Banking expense fund. No money paid to the department may be paid into the state treasury. Money in the fund may be used only for the administration of this chapter, Chapters 11 and 13, and Subtitle A, Title 3, and to pay the expenses of the department.

(a-2) No expense incurred by the department may be charged against the general revenue fund.

(b) The state auditor shall annually conduct an audit of the receipts and expenditures of the department. The costs of an audit of the department under Chapter 321, Government Code, shall be paid to the state auditor from the money of the department.

SECTION 2. Subchapter B, Chapter 12, Finance Code, is amended by adding Sections 12.1055 and 12.1056 to read as follows:

Sec. 12.1055. FISCAL YEAR. The department's fiscal year begins on September 1 and ends on August 31.

1       Sec. 12.1056. BUDGET; REPORT. (a) The finance commission  
2 shall adopt a budget annually using generally accepted accounting  
3 principles that directs the purposes for which and prescribes the  
4 amounts in which the fees and revenues of the department may be  
5 expended.

6       (b) Not later than December 1 of each year, the finance  
7 commission shall submit to the governor, lieutenant governor,  
8 comptroller, and speaker of the house of representatives a report  
9 showing the receipts and expenditures of the department for the  
10 preceding fiscal year.

11       SECTION 3. Section 13.005(b), Finance Code, is amended to  
12 read as follows:

13       ~~(b) [Chapter 654, Government Code, applies to a position of~~  
14 ~~the Department of Savings and Mortgage Lending only if it is~~  
15 ~~classified in salary groups 1-10 under the General Appropriations~~  
16 ~~Act. The legislature in the General Appropriations Act may~~  
17 ~~determine the total amount appropriated to the Department of~~  
18 ~~Savings and Mortgage Lending but may not determine the number or~~  
19 ~~salaries of employees other than the positions specifically subject~~  
20 ~~to Chapter 654, Government Code, as provided by this section.] The~~  
21 ~~finance commission[, subject to the limits provided by this~~  
22 ~~section,] shall [otherwise] determine the number of employees of~~  
23 ~~the Department of Savings and Mortgage Lending and the salaries of~~  
24 ~~those employees. [The Department of Savings and Mortgage Lending~~  
25 ~~may use money appropriated to it for any purpose to pay the salaries~~  
26 ~~determined by the finance commission.]~~

27       SECTION 4. Section 13.008, Finance Code, is amended by

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

3 (a-1) All money paid to the Department of Savings and  
4 Mortgage Lending shall be retained by the Department of Savings and  
5 Mortgage Lending and deposited in a special fund created outside  
6 the state treasury to be administered by the Department of Savings  
7 and Mortgage Lending and known as the Department of Savings and  
8 Mortgage Lending expense fund. No money paid to the Department of  
9 Savings and Mortgage Lending may be paid into the state treasury.  
10 Money in the fund may be used only for:

11 (1) the administration of Subtitles B and C, Title 3,  
12 and Chapters 156 and 157;

13 (2) the support of the finance commission as provided  
14 by Subchapter C, Chapter 11; and

15 (3) to pay the expenses of the Department of Savings  
16 and Mortgage Lending.

17 (a-2) No expense incurred by the Department of Savings and  
18 Mortgage Lending may be charged against the general revenue fund.

19 (b) The savings and mortgage lending commissioner shall:

20 (1) collect all fees, penalties, charges, and revenue  
21 required to be paid by state savings associations, ~~and~~ savings  
22 banks, and persons regulated under Chapters 156 and 157; and

23 (2) periodically submit to the finance commission, as  
24 directed by the finance commission, a complete report of the  
25 receipts and expenditures of the Department of Savings and Mortgage  
26 Lending.

27 (c) The state auditor shall annually conduct an audit of the

1 receipts and expenditures of the Department of Savings and Mortgage  
2 Lending. The cost of an audit of the financial transactions of the  
3 Department of Savings and Mortgage Lending under Chapter 321,  
4 Government Code, shall be paid to the state auditor from the money  
5 of the Department of Savings and Mortgage Lending.

6 SECTION 5. Chapter 13, Finance Code, is amended by adding  
7 Sections 13.0085 and 13.0086 to read as follows:

8 Sec. 13.0085. FISCAL YEAR. The fiscal year of the  
9 Department of Savings and Mortgage Lending begins on September 1  
10 and ends on August 31.

11 Sec. 13.0086. BUDGET; REPORT. (a) The finance commission  
12 shall adopt a budget annually using generally accepted accounting  
13 principles that directs the purposes for which and prescribes the  
14 amounts in which the fees and revenues of the Department of Savings  
15 and Mortgage Lending may be expended.

16 (b) Not later than December 1 of each year, the finance  
17 commission shall submit to the governor, lieutenant governor,  
18 comptroller, and speaker of the house of representatives a report  
19 showing the receipts and disbursements of the Department of Savings  
20 and Mortgage Lending for the preceding fiscal year.

21 SECTION 6. Sections 14.053(a) and (c), Finance Code, are  
22 amended to read as follows:

23 (a) Each officer and employee of the office is entitled to  
24 compensation in an amount set by the finance commission. The  
25 compensation shall be paid from the money of the office [~~Chapter~~  
26 ~~654, Government Code, applies to an office position only if the~~  
27 ~~position is classified in salary groups 1-10 under the state's~~

1 ~~position classification plan in effect on January 1, 1989, or a~~  
2 ~~comparable position under a successor plan].~~

3 (c) The finance commission, subject to the limits provided  
4 by this subchapter, shall determine the number of employees of the  
5 office [~~in exempt positions~~] and the salaries of those employees.

6 SECTION 7. Subchapter B, Chapter 14, Finance Code, is  
7 amended by adding Sections 14.0595, 14.0596, and 14.0605 to read as  
8 follows:

9 Sec. 14.0595. FEES, REVENUE, AND EXPENSES. (a) All money  
10 paid to the office shall be retained by the office and deposited in  
11 a special fund created outside the state treasury to be  
12 administered by the office and known as the Office of Consumer  
13 Credit Commissioner expense fund. No money paid to the office may  
14 be paid into the state treasury. Money in the fund may be used only  
15 for the administration of this chapter, Subtitles B and C, Title 4,  
16 and Chapter 394, and to pay the expenses of the office.

17 (b) No expense incurred by the office may be charged against  
18 the general revenue fund.

19 Sec. 14.0596. FISCAL YEAR. The office's fiscal year begins  
20 on September 1 and ends on August 31.

21 Sec. 14.0605. BUDGET; REPORT. (a) The finance commission  
22 shall adopt a budget annually using generally accepted accounting  
23 principles that directs the purposes for which and prescribes the  
24 amounts in which the fees and revenues of the office may be  
25 expended.

26 (b) Not later than December 1 of each year, the finance  
27 commission shall submit to the governor, lieutenant governor,

1 comptroller, and speaker of the house of representatives a report  
2 showing the receipts and disbursements of the office for the  
3 preceding fiscal year.

4 SECTION 8. Section 14.061, Finance Code, is amended to read  
5 as follows:

6 Sec. 14.061. [~~COST OF~~] AUDIT. (a) The state auditor shall  
7 annually conduct an audit of the receipts and expenditures of the  
8 office.

9 (b) The cost of an audit of the office under Chapter 321,  
10 Government Code, shall be paid to the state auditor from the funds  
11 of the office.

12 SECTION 9. The following provisions of the Finance Code are  
13 repealed:

- 14 (1) Sections 12.103(a), (b), and (d);  
15 (2) Sections 14.053(b), (d), and (e); and  
16 (3) Section 14.060.

17 SECTION 10. This Act takes effect September 1, 2010.