

By: Duncan

S.B. No. 1811

A BILL TO BE ENTITLED

AN ACT

relating to state fiscal matters; providing penalties.

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

ARTICLE 1. FOUNDATION SCHOOL PROGRAM PAYMENTS

SECTION 1.01. Subsections (c), (d), and (f), Section 42.259, Education Code, are amended to read as follows:

(c) Payments from the foundation school fund to each category 2 school district shall be made as follows:

(1) 22 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of September of a fiscal year;

(2) 18 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of October;

(3) 9.5 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of November;

(4) 7.5 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of April;

(5) five percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of May;

(6) 10 percent of the yearly entitlement of the

1 district shall be paid in an installment to be made on or before the  
2 25th day of June;

3 (7) 13 percent of the yearly entitlement of the  
4 district shall be paid in an installment to be made on or before the  
5 25th day of July; and

6 (8) 15 percent of the yearly entitlement of the  
7 district shall be paid in an installment to be made after the 5th  
8 day of September and not later than the 10th day of September of the  
9 calendar year following the calendar year of the payment made under  
10 Subdivision (1) [~~on or before the 25th day of August~~].

11 (d) Payments from the foundation school fund to each  
12 category 3 school district shall be made as follows:

13 (1) 45 percent of the yearly entitlement of the  
14 district shall be paid in an installment to be made on or before the  
15 25th day of September of a fiscal year;

16 (2) 35 percent of the yearly entitlement of the  
17 district shall be paid in an installment to be made on or before the  
18 25th day of October; and

19 (3) 20 percent of the yearly entitlement of the  
20 district shall be paid in an installment to be made after the 5th  
21 day of September and not later than the 10th day of September of the  
22 calendar year following the calendar year of the payment made under  
23 Subdivision (1) [~~on or before the 25th day of August~~].

24 (f) Except as provided by Subsection (c)(8) or (d)(3), any  
25 [Any] previously unpaid additional funds from prior fiscal years  
26 owed to a district shall be paid to the district together with the  
27 September payment of the current fiscal year entitlement.

1 SECTION 1.02. Subsection (c), Section 466.355, Government  
2 Code, is repealed.

3 SECTION 1.03. The changes made by this article to Section  
4 42.259, Education Code, apply only to a payment from the foundation  
5 school fund that is made on or after the effective date of this Act.  
6 A payment to a school district from the foundation school fund that  
7 is made before that date is governed by Section 42.259, Education  
8 Code, as it existed before amendment by this article, and the former  
9 law is continued in effect for that purpose.

10 ARTICLE 2. SALE OF CERTAIN STATE PROPERTY

11 SECTION 2.01. (a) Not later than August 31, 2013, the  
12 General Land Office shall offer for sale on behalf of each holder of  
13 real property the tracts of real property described by Section 2.02  
14 of this article.

15 (b) Except as otherwise provided by this article, the sale  
16 shall be conducted as provided by Section 31.158, Natural Resources  
17 Code.

18 SECTION 2.02. Section 2.01 of this article applies to  
19 property described as follows:

20 (1) GLO State Real Property ID OA-1900, described as:  
21 All of Outlot 55, Division E, and all of Outlot 56, save and except  
22 the northwest 171 by 171 feet of Outlot 56, Division E, plus the  
23 vacated portion of East 16th Street, City of Austin, Travis County;

24 (2) GLO State Real Property ID OA-2402, described as:  
25 46.19 acres out of the George W. Spear League, Austin, Travis  
26 County, as described in Volume 776, Page 225, of the Travis County  
27 Deed Records;

1           (3) GLO State Real Property ID OA-1905, described as:  
2 The northeast 1/4, the north 1/2 of the southeast 1/4 and the east 5  
3 feet of the northwest 1/4 and east 5 feet of the north 1/2 of the  
4 southwest 1/4, all in Outlot 42, Division E, City of Austin, Travis  
5 County;

6           (4) GLO State Real Property ID OA-2177, described as:  
7 Lot 25-A, Capitol Business park, 1-A, a subdivision of Travis  
8 County according to the plat recorded in Volume 81, page 110, plat  
9 records, Austin, Travis County;

10          (5) Parcel B, approximately 895.99 acres, of GLO State  
11 Real Property ID OA-702, described as: 895.99 acres out of the  
12 Stephen Manning Survey, A-31, Walker County;

13          (6) GLO State Real Property ID OA-1913, described as:  
14 A 2.32 acre tract of land being the easterly 79 feet, more or less,  
15 of the southern half of Block 54, Division E, excluding a 20 foot  
16 alley, as shown on a map of the Original City of Austin, in the  
17 General Land Office for the State of Texas in the City of Austin,  
18 Travis County;

19          (7) Parcel B, approximately 13 acres, of GLO State  
20 Real Property ID OA-702, described as: A 13 acre tract of land,  
21 more or less, being that part of the McKinney Falls State  
22 Park/Headquarters lying west of East Stassney Lane, out of the  
23 Santiago Del Valle Grant, Austin, Travis County;

24          (8) Parcel B, approximately 20 acres, of GLO State  
25 Real Property ID OA-736, described as: Approximately 20 acres out  
26 of a 78.182 acre tract being all of Blocks 20 and 21 of the Lon C.  
27 Hill subdivision of shares 6, 7, 8, and 9 of the Concepcion de

1 Carricitos Grant, Cameron County;

2 (9) GLO State Real Property ID OA-2144, described as:  
3 0.344 acres of land consisting of Lot 8, Block 2, Twin Circle  
4 Estates Addition, City of Wortham, Freestone County;

5 (10) Parcel A, approximately 33 acres, of GLO State  
6 Real Property ID OA-752, described as: 33 acres being out of the  
7 south half of Section 51, Blind Asylum Land Survey, Abilene, Taylor  
8 County; and

9 (11) GLO State Real Property ID OA-2139, described as:  
10 Lot 11, Plantation Acres, Marlin, Falls County.

11 SECTION 2.03. The proceeds from the sales authorized by  
12 Section 2.01 of this article shall be deposited in the state  
13 treasury to the credit of the general revenue fund.

14 ARTICLE 3. CUSTOMS BROKERS

15 SECTION 3.01. Subsections (a-1), (f), and (f-1), Section  
16 151.157, Tax Code, are amended to read as follows:

17 (a-1) The comptroller shall maintain a password-protected  
18 website that a customs broker, or an authorized employee of a  
19 customs broker, licensed under this section must use to prepare  
20 documentation to show the exemption of tangible personal property  
21 under Section 151.307(b)(2). The comptroller shall require a  
22 customs broker or authorized employee to use the website to  
23 actually produce the documentation after providing all necessary  
24 information. The comptroller shall use the information provided by  
25 a customs broker or authorized employee under this subsection as  
26 necessary to enforce this section and Section 151.307. ~~[The~~  
27 ~~comptroller shall provide an alternate method to prepare~~

1 ~~documentation to show the exemption of tangible personal property~~  
2 ~~under Section 151.307(b)(2) in those instances when the~~  
3 ~~password-protected website is unavailable due to technical or~~  
4 ~~communication problems.]~~

5 (f) The comptroller may suspend or revoke a license issued  
6 under this section if the customs broker does not comply with  
7 Section 151.1575(c) or issues documentation that is false [~~to~~  
8 ~~obtain a refund of taxes paid on tangible personal property not~~  
9 ~~exported or to assist another person in obtaining such a refund)].  
10 The comptroller may determine the length of suspension or  
11 revocation necessary for the enforcement of this chapter and the  
12 comptroller's rules. A proceeding to suspend or revoke a license  
13 under this subsection is a contested case under Chapter 2001,  
14 Government Code. Judicial review is by trial de novo. The district  
15 courts of Travis County have exclusive original jurisdiction of a  
16 suit under this section.~~

17 (f-1) In addition to any other penalty provided by law, the  
18 comptroller may require a customs broker to pay to the comptroller  
19 the amount of any tax refunded and the amount of any penalty imposed  
20 under Section 151.1575(c) if the customs broker did not comply with  
21 this section or the rules adopted by the comptroller under this  
22 section [~~in relation to the refunded tax~~].

23 SECTION 3.02. Subsections (b) and (c), Section 151.1575,  
24 Tax Code, are amended to read as follows:

25 (b) A customs broker licensed by the comptroller or an  
26 authorized employee of the customs broker may issue and deliver  
27 documentation under Subsection (a) at any time after the tangible

1 personal property is purchased and the broker or employee completes  
2 the process required by Subsection (a). The documentation must  
3 include:

4 (1) the name and address of the customs broker;  
5 (2) the license number of the customs broker;  
6 (3) the name and address of the purchaser;  
7 (4) the name and address of the place at which the  
8 property was purchased;

9 (5) the date and time of the sale;  
10 (6) a description and the quantity of the property;  
11 (7) the sales price of the property;  
12 (8) the foreign country destination of the property,  
13 which may not be the place of export;

14 (9) the date and time:  
15 (A) at which the customs broker or authorized  
16 employee watched the property cross the border of the United  
17 States;

18 (B) at which the customs broker or authorized  
19 employee watched the property being placed on a common carrier for  
20 delivery outside the territorial limits of the United States; or

21 (C) the property is expected to arrive in the  
22 foreign country destination, as stated by the purchaser;

23 (10) a declaration signed by the customs broker or an  
24 authorized employee of the customs broker stating that:

25 (A) the customs broker is a licensed Texas  
26 customs broker; and

27 (B) the customs broker or authorized employee

1 inspected the property and the original receipt for the property;  
2 and

3 (11) an export certification stamp issued by the  
4 comptroller.

5 (c) The comptroller may require a customs broker to pay the  
6 comptroller the amount of any tax refunded if the customs broker  
7 does not comply with this section, Section 151.157, or the rules  
8 adopted by the comptroller under this section or Section 151.157.  
9 In addition to the amount of the refunded tax, the comptroller may  
10 require the customs broker to pay a penalty of [~~in an amount equal~~  
11 ~~to the amount of the refunded tax, but~~] not less than \$500 nor more  
12 than \$5,000. The comptroller and the state may deduct any penalties  
13 to be paid by a customs broker from the broker's posted bond.

14 SECTION 3.03. Subsection (g), Section 151.158, Tax Code, is  
15 amended to read as follows:

16 (g) The comptroller shall charge \$2.10 [~~\$1.60~~] for each  
17 stamp. The comptroller shall use \$1.60 of the money from the sale  
18 of the stamps only for costs related to producing the stamps,  
19 including costs of materials, labor, and overhead. The comptroller  
20 shall use the remaining 50 cents only for enforcement of the laws  
21 relating to customs brokers under this title. Any unspent money  
22 shall be deposited to the credit of the general revenue fund.  
23 Customs brokers who return unused stamps to the comptroller's  
24 office on a quarterly basis shall get credit towards the purchase of  
25 new stamps.

26 SECTION 3.04. The change in law made by this article applies  
27 only to documentation issued on or after the effective date of this



1 article. Documentation issued before the effective date of this  
2 article is governed by the law in effect on the date the  
3 documentation was issued, and that law is continued in effect for  
4 that purpose.

5 ARTICLE 4. STATE SALES AND FRANCHISE TAX REFUNDS FOR CERTAIN AD  
6 VALOREM TAXPAYERS

7 SECTION 4.01. Subchapter F, Chapter 111, Tax Code, is  
8 repealed.

9 SECTION 4.02. The repeal of Subchapter F, Chapter 111, Tax  
10 Code, by this article does not affect an eligible person's right to  
11 claim a refund of state sales and use and state franchise taxes that  
12 was established under Section 111.301, Tax Code, in relation to  
13 taxes paid before the effective date of this article in a calendar  
14 year for which the person paid ad valorem taxes to a school district  
15 as provided by Section 111.301, Tax Code, before the effective date  
16 of this article. An eligible person's right to claim a refund of  
17 state sales and use and state franchise taxes that was established  
18 under Section 111.301, Tax Code, in relation to taxes paid before  
19 the effective date of this article in a calendar year for which the  
20 person paid ad valorem taxes to a school district as provided by  
21 Section 111.301, Tax Code, before the effective date of this  
22 article is governed by the law in effect on the date the right to  
23 claim the refund was established, and the former law is continued in  
24 effect for that purpose.

25 ARTICLE 5. STATE PURCHASING

26 SECTION 5.01. Section 2155.082, Government Code, is amended  
27 to read as follows:

1           Sec. 2155.082. PROVIDING CERTAIN PURCHASING SERVICES ON  
2 FEE-FOR-SERVICE BASIS OR THROUGH BENEFIT FUNDING. (a) The  
3 comptroller [~~commission~~] may provide open market purchasing  
4 services on a fee-for-service basis for state agency purchases that  
5 are delegated to an agency under Section 2155.131, 2155.132,  
6 [~~2155.133,~~] or 2157.121 or that are exempted from the purchasing  
7 authority of the comptroller [~~commission~~]. The comptroller  
8 [~~commission~~] shall set the fees in an amount that recovers the  
9 comptroller's [~~commission's~~] costs in providing the services.

10           (b) The comptroller [~~commission~~] shall publish a schedule  
11 of [~~its~~] fees for services that are subject to this section. The  
12 schedule must include the comptroller's [~~commission's~~] fees for:

- 13           (1) reviewing bid and contract documents for clarity,  
14 completeness, and compliance with laws and rules;  
15           (2) developing and transmitting invitations to bid;  
16           (3) receiving and tabulating bids;  
17           (4) evaluating and determining which bidder offers the  
18 best value to the state;  
19           (5) creating and transmitting purchase orders; and  
20           (6) participating in agencies' request for proposal  
21 processes.

22           (c) The comptroller may engage a consultant to assist with a  
23 particular procurement on behalf of a state agency and pay the  
24 consultant from the cost savings realized by the state agency.

25                           ARTICLE 6. UNCLAIMED PROPERTY

26           SECTION 6.01. Subsection (a), Section 72.101, Property  
27 Code, is amended to read as follows:

1 (a) Except as provided by this section and Sections 72.1015,  
2 72.1016, 72.1017, and 72.102, personal property is presumed  
3 abandoned if, for longer than three years:

4 (1) the existence and location of the owner of the  
5 property is unknown to the holder of the property; and

6 (2) according to the knowledge and records of the  
7 holder of the property, a claim to the property has not been  
8 asserted or an act of ownership of the property has not been  
9 exercised.

10 SECTION 6.02. Subchapter B, Chapter 72, Property Code, is  
11 amended by adding Section 72.1017 to read as follows:

12 Sec. 72.1017. UTILITY DEPOSITS. (a) In this section:

13 (1) "Utility" has the meaning assigned by Section  
14 183.001, Utilities Code.

15 (2) "Utility deposit" is a refundable money deposit a  
16 utility requires a user of the utility service to pay as a condition  
17 of initiating the service.

18 (b) Notwithstanding Section 73.102, a utility deposit is  
19 presumed abandoned on the latest of:

20 (1) the first anniversary of the date a refund check  
21 for the utility deposit was payable to the owner of the deposit;

22 (2) the first anniversary of the date the utility last  
23 received documented communication from the owner of the utility  
24 deposit; or

25 (3) the first anniversary of the date the utility  
26 issued a refund check for the deposit payable to the owner of the  
27 deposit if, according to the knowledge and records of the utility or

1 payor of the check, during that period, a claim to the check has not  
2 been asserted or an act of ownership by the payee has not been  
3 exercised.

4 SECTION 6.03. Subsection (c), Section 72.102, Property  
5 Code, is amended to read as follows:

6 (c) A money order to which Subsection (a) applies is  
7 presumed to be abandoned on the latest of:

8 (1) the third [~~seventh~~] anniversary of the date on  
9 which the money order was issued;

10 (2) the third [~~seventh~~] anniversary of the date on  
11 which the issuer of the money order last received from the owner of  
12 the money order communication concerning the money order; or

13 (3) the third [~~seventh~~] anniversary of the date of the  
14 last writing, on file with the issuer, that indicates the owner's  
15 interest in the money order.

16 SECTION 6.04. Section 72.103, Property Code, is amended to  
17 read as follows:

18 Sec. 72.103. PRESERVATION OF PROPERTY. Notwithstanding any  
19 other provision of this title except a provision of this section or  
20 Section 72.1016 relating to a money order or a stored value card, a  
21 holder of abandoned property shall preserve the property and may  
22 not at any time, by any procedure, including a deduction for  
23 service, maintenance, or other charge, transfer or convert to the  
24 profits or assets of the holder or otherwise reduce the value of the  
25 property. For purposes of this section, value is determined as of  
26 the date of the last transaction or contact concerning the  
27 property, except that in the case of a money order, value is

1 determined as of the date the property is presumed abandoned under  
2 Section 72.102(c). If a holder imposes service, maintenance, or  
3 other charges on a money order prior to the time of presumed  
4 abandonment, such charges may not exceed the amount of \$1 [~~50 cents~~]  
5 per month for each month the money order remains uncashed prior to  
6 the month in which the money order is presumed abandoned.

7 SECTION 6.05. Section 73.101, Property Code, is amended by  
8 amending Subsection (a) and adding Subsection (c) to read as  
9 follows:

10 (a) An account or safe deposit box is presumed abandoned if:

11 (1) except as provided by Subsection (c), the account  
12 or safe deposit box has been inactive for at least five years as  
13 determined under Subsection (b);

14 (2) the location of the depositor of the account or  
15 owner of the safe deposit box is unknown to the depository; and

16 (3) the amount of the account or the contents of the  
17 box have not been delivered to the comptroller in accordance with  
18 Chapter 74.

19 (c) If the account is a checking or savings account or is a  
20 matured certificate of deposit, the account is presumed abandoned  
21 if the account has been inactive for at least three years as  
22 determined under Subsection (b)(1).

23 SECTION 6.06. Subsection (a), Section 74.101, Property  
24 Code, is amended to read as follows:

25 (a) Each holder who on June 1 [~~30~~] holds property that is  
26 presumed abandoned under Chapter 72, 73, or 75 of this code or under  
27 Chapter 154, Finance Code, shall file a report of that property on

1 or before the following July [~~November~~] 1. The comptroller may  
2 require the report to be in a particular format, including a format  
3 that can be read by a computer.

4 SECTION 6.07. Subsection (a), Section 74.1011, Property  
5 Code, is amended to read as follows:

6 (a) Except as provided by Subsection (b), a holder who on  
7 June 1 [~~30~~] holds property valued at more than \$250 that is presumed  
8 abandoned under Chapter 72, 73, or 75 of this code or Chapter 154,  
9 Finance Code, shall, on or before the preceding May [~~following~~  
10 ~~August~~] 1, mail to the last known address of the known owner written  
11 notice stating that:

- 12 (1) the holder is holding the property; and  
13 (2) the holder may be required to deliver the property  
14 to the comptroller on or before July [~~November~~] 1 if the property is  
15 not claimed.

16 SECTION 6.08. Subsections (a) and (c), Section 74.301,  
17 Property Code, are amended to read as follows:

18 (a) Except as provided by Subsection (c), each holder who on  
19 June 1 [~~30~~] holds property that is presumed abandoned under Chapter  
20 72, 73, or 75 shall deliver the property to the comptroller on or  
21 before the following July [~~November~~] 1 accompanied by the report  
22 required to be filed under Section 74.101.

23 (c) If the property subject to delivery under Subsection (a)  
24 is the contents of a safe deposit box, the comptroller may instruct  
25 a holder to deliver the property on a specified date before July  
26 [~~November~~] 1 of the following year.

27 SECTION 6.09. Subsection (e), Section 74.601, Property

1 Code, is amended to read as follows:

2 (e) The comptroller on receipt or from time to time may  
3 [~~from time to time~~] sell securities, including stocks, bonds, and  
4 mutual funds, received under this chapter or any other statute  
5 requiring the delivery of unclaimed property to the comptroller and  
6 use the proceeds to buy, exchange, invest, or reinvest in  
7 marketable securities. When making or selling the investments, the  
8 comptroller shall exercise the judgment and care of a prudent  
9 person.

10 SECTION 6.10. Section 74.708, Property Code, is amended to  
11 read as follows:

12 Sec. 74.708. PROPERTY HELD IN TRUST. A holder who on June 1  
13 [~~30~~] holds property presumed abandoned under Chapters 72-75 holds  
14 the property in trust for the benefit of the state on behalf of the  
15 missing owner and is liable to the state for the full value of the  
16 property, plus any accrued interest and penalty. A holder is not  
17 required by this section to segregate or establish trust accounts  
18 for the property provided the property is timely delivered to the  
19 comptroller in accordance with Section 74.301.

20 SECTION 6.11. A charge imposed on a money order under  
21 Section 72.103, Property Code, by a holder before the effective  
22 date of this article is governed by the law applicable to the charge  
23 immediately before the effective date of this article, and the  
24 holder may retain the charge.

25 ARTICLE 7. CLASSIFICATION OF JUDICIAL AND COURT PERSONNEL  
26 TRAINING FUND

27 SECTION 7.01. Section 56.001, Government Code, is amended

1 to read as follows:

2           Sec. 56.001. JUDICIAL AND COURT PERSONNEL TRAINING FUND.

3 (a) The judicial and court personnel training fund is an account  
4 in the general revenue fund. Money in the judicial and court  
5 personnel training fund may be appropriated only to ~~[created in the~~  
6 ~~state treasury and shall be administered by]~~ the court of criminal  
7 appeals for the uses authorized in Section 56.003.

8           **(b)** ~~[(i)]~~ On requisition of the court of criminal appeals,  
9 the comptroller shall draw a warrant on the fund for the amount  
10 specified in the requisition for a use authorized in Section  
11 56.003. A warrant may not exceed the amount appropriated for any  
12 one fiscal year. ~~[At the end of each state fiscal year, any~~  
13 ~~unexpended balance in the fund in excess of \$500,000 shall be~~  
14 ~~transferred to the general revenue fund.]~~

15           ARTICLE 8. PROCESS SERVER CERTIFICATION FEES

16           SECTION 8.01. Subchapter A, Chapter 51, Government Code, is  
17 amended by adding Section 51.008 to read as follows:

18           Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION.

19 (a) The process server review board established by supreme court  
20 order may recommend to the supreme court the fees to be charged for  
21 process server certification and renewal of certification. The  
22 supreme court must approve the fees recommended by the process  
23 server review board before the fees may be collected.

24           (b) If a certification is issued or renewed for a term that  
25 is less than the certification period provided by supreme court  
26 rule, the fee for the certification shall be prorated so that the  
27 process server pays only that portion of the fee that is allocable



1 to the period during which the certification is valid. On renewal  
2 of the certification on the new expiration date, the process server  
3 must pay the entire certification renewal fee.

4 (c) The Office of Court Administration of the Texas Judicial  
5 System may collect the fees recommended by the process server  
6 review board and approved by the supreme court. Fees collected  
7 under this section shall be sent to the comptroller for deposit to  
8 the credit of the general revenue fund.

9 (d) Fees collected under this section may be appropriated to  
10 the Office of Court Administration of the Texas Judicial System for  
11 the support of regulatory programs for process servers and  
12 guardians.

13 SECTION 8.02. (a) The fees recommended and approved under  
14 Section 51.008, Government Code, as added by this article, apply  
15 to:

16 (1) each person who holds a process server  
17 certification on the effective date of this article; and

18 (2) each person who applies for process server  
19 certification on or after the effective date of this article.

20 (b) The Office of Court Administration of the Texas Judicial  
21 System shall prorate the process server certification fee so that a  
22 person who holds a process server certification on the effective  
23 date of this article pays only that portion of the fee that is  
24 allocable to the period during which the certification is valid. On  
25 renewal of the certification on the new expiration date, the entire  
26 certification renewal fee is payable.

1 ARTICLE 9. FEES FOR DELIVERY OF CERTAIN PETROLEUM PRODUCTS

2 SECTION 9.01. Subsection (b), Section 26.3574, Water Code,  
3 is amended to read as follows:

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

9 (1) \$3.75 for each delivery into a cargo tank having a  
10 capacity of less than 2,500 gallons [~~for the state fiscal year~~  
11 ~~beginning September 1, 2007, through the state fiscal year ending~~  
12 ~~August 31, 2011~~];

13 (2) \$7.50 for each delivery into a cargo tank having a  
14 capacity of 2,500 gallons or more but less than 5,000 gallons [~~for~~  
15 ~~the state fiscal year beginning September 1, 2007, through the~~  
16 ~~state fiscal year ending August 31, 2011~~];

17 (3) \$11.75 for each delivery into a cargo tank having a  
18 capacity of 5,000 gallons or more but less than 8,000 gallons [~~for~~  
19 ~~the state fiscal year beginning September 1, 2007, through the~~  
20 ~~state fiscal year ending August 31, 2011~~];

21 (4) \$15.00 for each delivery into a cargo tank having a  
22 capacity of 8,000 gallons or more but less than 10,000 gallons [~~for~~  
23 ~~the state fiscal year beginning September 1, 2007, through the~~  
24 ~~state fiscal year ending August 31, 2011~~]; and

25 (5) \$7.50 for each increment of 5,000 gallons or any  
26 part thereof delivered into a cargo tank having a capacity of 10,000  
27 gallons or more [~~for the state fiscal year beginning September 1,~~

1 ~~2007, through the state fiscal year ending August 31, 2011]~~.

2 ARTICLE 10. REMITTANCE AND ALLOCATION OF CERTAIN MOTOR FUELS

3 TAXES

4 SECTION 10.01. Section 162.113, Tax Code, is amended by  
5 adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as  
6 follows:

7 (a-1) On August 28, 2013, each licensed distributor and  
8 licensed importer shall remit to the supplier or permissive  
9 supplier, as applicable, a tax prepayment in an amount equal to 25  
10 percent of the tax imposed by Section 162.101 for gasoline removed  
11 at the terminal rack during July 2013 by the licensed distributor or  
12 licensed importer, without accounting for any credit or allowance  
13 to which the licensed distributor or licensed importer is entitled.  
14 The supplier or permissive supplier shall remit the tax prepayment  
15 received under this subsection to the comptroller by electronic  
16 funds transfer on August 30, 2013, without accounting for any  
17 credit or allowance to which the supplier or permissive supplier is  
18 entitled. Subsections (c)-(e) do not apply to the tax prepayment  
19 under this subsection.

20 (a-2) A licensed distributor or licensed importer may take a  
21 credit against the amount of tax imposed by Section 162.101 for  
22 gasoline removed at a terminal rack during August 2013 that is  
23 required to be remitted to the supplier or permissive supplier, as  
24 applicable, under Subsection (a) in September 2013. The amount of  
25 the credit is equal to the amount of any tax prepayment remitted by  
26 the licensed distributor or licensed importer as required by  
27 Subsection (a-1).

1       (a-3) Subsections (a-1) and (a-2) apply to a supplier or an  
2 affiliate of a supplier who removes gasoline at the terminal rack  
3 for distribution to the same extent and in the same manner that  
4 those subsections apply to a licensed distributor or licensed  
5 importer.

6       (a-4) Subsections (a-1), (a-2), and (a-3) and this  
7 subsection expire September 1, 2015.

8       SECTION 10.02. Section 162.214, Tax Code, is amended by  
9 adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as  
10 follows:

11       (a-1) On August 28, 2013, each licensed distributor and  
12 licensed importer shall remit to the supplier or permissive  
13 supplier, as applicable, a tax prepayment in an amount equal to 25  
14 percent of the tax imposed by Section 162.201 for diesel fuel  
15 removed at the terminal rack during July 2013 by the licensed  
16 distributor or licensed importer, without accounting for any credit  
17 or allowance to which the licensed distributor or licensed importer  
18 is entitled. The supplier or permissive supplier shall remit the  
19 tax prepayment received under this subsection to the comptroller by  
20 electronic funds transfer on August 30, 2013, without accounting  
21 for any credit or allowance to which the supplier or permissive  
22 supplier is entitled. Subsections (c)-(e) do not apply to the tax  
23 prepayment under this subsection.

24       (a-2) A licensed distributor or licensed importer may take a  
25 credit against the amount of tax imposed by Section 162.201 for  
26 diesel fuel removed at a terminal rack during August 2013 that is  
27 required to be remitted to the supplier or permissive supplier, as

1 applicable, under Subsection (a) in September 2013. The amount of  
2 the credit is equal to any tax prepayment remitted by the licensed  
3 distributor or licensed importer as required by Subsection (a-1).

4 (a-3) Subsections (a-1) and (a-2) apply to a supplier or an  
5 affiliate of a supplier who removes diesel fuel at the terminal rack  
6 for distribution to the same extent and in the same manner that  
7 those subsections apply to a licensed distributor or licensed  
8 importer.

9 (a-4) Subsections (a-1), (a-2), and (a-3) and this  
10 subsection expire September 1, 2015.

11 SECTION 10.03. Section 162.503, Tax Code, is amended to  
12 read as follows:

13 Sec. 162.503. ALLOCATION OF GASOLINE TAX. (a) On or  
14 before the fifth workday after the end of each month, the  
15 comptroller, after making all deductions for refund purposes and  
16 for the amounts allocated under Sections 162.502 and 162.5025,  
17 shall allocate the net remainder of the taxes collected under  
18 Subchapter B as follows:

19 (1) one-fourth of the tax shall be deposited to the  
20 credit of the available school fund;

21 (2) one-half of the tax shall be deposited to the  
22 credit of the state highway fund for the construction and  
23 maintenance of the state road system under existing law; and

24 (3) from the remaining one-fourth of the tax the  
25 comptroller shall:

26 (A) deposit to the credit of the county and road  
27 district highway fund all the remaining tax receipts until a total

1 of \$7,300,000 has been credited to the fund each fiscal year; and

2 (B) after the amount required to be deposited to  
3 the county and road district highway fund has been deposited,  
4 deposit to the credit of the state highway fund the remainder of the  
5 one-fourth of the tax, the amount to be provided on the basis of  
6 allocations made each month of the fiscal year, which sum shall be  
7 used by the Texas Department of Transportation for the  
8 construction, improvement, and maintenance of farm-to-market  
9 roads.

10 (b) Notwithstanding Subsection (a), the comptroller may not  
11 allocate revenue otherwise required to be allocated under  
12 Subsection (a) during August 2013 before the first workday of  
13 September 2013. The revenue shall be allocated as otherwise  
14 provided by Subsection (a) not later than the fifth workday of  
15 September 2013. This subsection expires September 1, 2015.

16 SECTION 10.04. Section 162.504, Tax Code, is amended to  
17 read as follows:

18 Sec. 162.504. ALLOCATION OF DIESEL FUEL TAX. (a) On or  
19 before the fifth workday after the end of each month, the  
20 comptroller, after making deductions for refund purposes, for the  
21 administration and enforcement of this chapter, and for the amounts  
22 allocated under Section 162.5025, shall allocate the remainder of  
23 the taxes collected under Subchapter C as follows:

24 (1) one-fourth of the taxes shall be deposited to the  
25 credit of the available school fund; and

26 (2) three-fourths of the taxes shall be deposited to  
27 the credit of the state highway fund.



1 additional payment against the next payment due under the reporting  
2 system prescribed by the commission.

3 (e) Subsections (c) and (d) and this subsection expire  
4 September 1, 2015.

5 SECTION 11.02. Section 48.04, Alcoholic Beverage Code, is  
6 amended by adding Subsections (c), (d), and (e) to read as follows:

7 (c) In August 2013, a permittee shall remit a tax prepayment  
8 of taxes due to be remitted in September 2013 that is equal to 25  
9 percent of the amount the permittee is otherwise required to remit  
10 during August 2013 under the reporting system prescribed by the  
11 commission. The prepayment is in addition to the amount the  
12 permittee is otherwise required to remit during August. The  
13 permittee shall remit the additional payment in conjunction with  
14 the report and payment otherwise required during that month.

15 (d) A permittee who remits the additional payment as  
16 required by Subsection (c) may take a credit in the amount of the  
17 additional payment against the next payment due under the reporting  
18 system prescribed by the commission.

19 (e) Subsections (c) and (d) and this subsection expire  
20 September 1, 2015.

21 SECTION 11.03. Section 201.07, Alcoholic Beverage Code, is  
22 amended to read as follows:

23 Sec. 201.07. DUE DATE. (a) The tax on liquor is due and  
24 payable on the 15th of the month following the first sale, together  
25 with a report on the tax due.

26 (b) In August 2013, each permittee who is liable for the  
27 taxes imposed by this subchapter shall remit a tax prepayment of



1 taxes due to be remitted in September 2013 that is equal to 25  
2 percent of the amount the permittee is otherwise required to remit  
3 during August 2013 under Subsection (a). The prepayment is in  
4 addition to the amount the permittee is otherwise required to remit  
5 during August. The permittee shall remit the additional payment in  
6 conjunction with the report and payment otherwise required during  
7 that month.

8 (c) A permittee who remits the additional payment as  
9 required by Subsection (b) may take a credit in the amount of the  
10 additional payment against the next payment due under Subsection  
11 (a).

12 (d) Subsections (b) and (c) and this subsection expire  
13 September 1, 2015.

14 SECTION 11.04. Section 201.43, Alcoholic Beverage Code, is  
15 amended by amending Subsection (b) and adding Subsections (c), (d),  
16 and (e) to read as follows:

17 (b) The tax is due and payable on the 15th day of the month  
18 following the month in which the taxable first sale occurs,  
19 together with a report on the tax due.

20 (c) In August 2013, each permittee who is liable for the tax  
21 imposed by this subchapter shall remit a tax prepayment of taxes due  
22 to be remitted in September 2013 that is equal to 25 percent of the  
23 amount the permittee is otherwise required to remit during August  
24 2013 under Subsection (b). The prepayment is in addition to the  
25 amount the permittee is otherwise required to remit during August.  
26 The permittee shall remit the additional payment in conjunction  
27 with the report and payment otherwise required during that month.

1       (d) A permittee who remits the additional payment as  
2 required by Subsection (c) may take a credit in the amount of the  
3 additional payment against the next payment due under Subsection  
4 (b).

5       (e) Subsections (c) and (d) and this subsection expire  
6 September 1, 2015.

7       SECTION 11.05. Section 203.03, Alcoholic Beverage Code, is  
8 amended by amending Subsection (b) and adding Subsections (c), (d),  
9 and (e) to read as follows:

10       (b) The tax is due and payable on the 15th day of the month  
11 following the month in which the taxable first sale occurs,  
12 together with a report on the tax due.

13       (c) Each licensee who is liable for the tax imposed by this  
14 chapter shall remit a tax prepayment of taxes due to be remitted in  
15 September 2013 that is equal to 25 percent of the amount the  
16 licensee is otherwise required to remit during August 2013 under  
17 Subsection (b). The prepayment is in addition to the amount the  
18 licensee is otherwise required to remit during August. The  
19 licensee shall remit the additional payment in conjunction with the  
20 report and payment otherwise required during that month.

21       (d) A licensee who remits the additional payment as required  
22 by Subsection (c) may take a credit in the amount of the additional  
23 payment against the next payment due under Subsection (b).

24       (e) Subsections (c) and (d) and this subsection expire  
25 September 1, 2015.

26       SECTION 11.06. Section 183.023, Tax Code, is amended to  
27 read as follows:

1           Sec. 183.023. PAYMENT. (a) The tax due for the preceding  
2 month shall accompany the return and shall be payable to the state.

3           (b) The comptroller shall deposit the revenue received  
4 under this section in the general revenue fund.

5           (c) In August 2013, each permittee who is liable for the tax  
6 imposed by this subchapter shall remit a tax prepayment of taxes due  
7 to be remitted in September 2013 that is equal to 25 percent of the  
8 amount the permittee is otherwise required to remit during August  
9 2013 under Subsection (a). The prepayment is in addition to the  
10 amount the permittee is otherwise required to remit during August.  
11 The permittee shall remit the additional payment in conjunction  
12 with the return and payment otherwise required during that month.

13           (d) A permittee who remits the additional payment as  
14 required by Subsection (c) may take a credit in the amount of the  
15 additional payment against the next payment due under Subsection  
16 (a).

17           (e) Subsections (c) and (d) and this subsection expire  
18 September 1, 2015.

19           SECTION 11.07. The expiration of the amendments made to the  
20 Alcoholic Beverage Code and Tax Code in accordance with this  
21 article does not affect tax liability accruing before the  
22 expiration of those amendments. That liability continues in effect  
23 as if the amendments had not expired, and the former law is  
24 continued in effect for the collection of taxes due and for civil  
25 and criminal enforcement of the liability for those taxes.

26           ARTICLE 12. CIGARETTE TAX STAMPING ALLOWANCE

27           SECTION 12.01. Subsection (a), Section 154.052, Tax Code,

1 is amended to read as follows:

2 (a) A distributor is, subject to the provisions of Section  
3 154.051, entitled to two [~~three~~] percent of the face value of stamps  
4 purchased as a stamping allowance for providing the service of  
5 affixing stamps to cigarette packages, except that an out-of-state  
6 distributor is entitled to receive only the same percentage of  
7 stamping allowance as that given to Texas distributors doing  
8 business in the state of the distributor.

9 SECTION 12.02. This article applies only to cigarette  
10 stamps purchased on or after the effective date of this article.  
11 Cigarette stamps purchased before the effective date of this  
12 article are governed by the law in effect on the date the cigarette  
13 stamps were purchased, and that law is continued in effect for that  
14 purpose.

15 ARTICLE 13. FISCAL MATTERS REGARDING BASIC CIVIL LEGAL SERVICES,  
16 INDIGENT DEFENSE, AND JUDICIAL TECHNICAL SUPPORT

17 SECTION 13.01. Subchapter A, Chapter 22, Government Code,  
18 is amended by adding Section 22.016 to read as follows:

19 Sec. 22.016. JUDICIAL ACCESS AND IMPROVEMENT ACCOUNT.

20 (a) The judicial access and improvement account is an account in  
21 the general revenue fund.

22 (b) Subject to Subsection (d), money in the judicial access  
23 and improvement account shall be appropriated only as provided by  
24 this section. The supreme court may use an amount determined by the  
25 supreme court, which annually may not exceed \$1 million, to phase in  
26 electronic filing and retrieval in courts in this state. The  
27 remainder of the money in the account shall be divided as follows:

1           (1) an amount equal to 70 percent of the remainder  
2 shall be deposited to the credit of the basic civil legal services  
3 account of the judicial fund established under Section 51.943 for  
4 use in programs approved by the supreme court that provide basic  
5 civil legal services to indigents; and

6           (2) an amount equal to 30 percent of the remainder  
7 shall be deposited to the credit of the fair defense account  
8 established under Section 71.058.

9           (c) The supreme court in consultation with the Judicial  
10 Committee on Information Technology may enter into an agreement  
11 with the Office of Court Administration of the Texas Judicial  
12 System to implement the electronic filing and retrieval in courts  
13 of this state authorized under Subsection (b), including acquiring  
14 the necessary technology, software, and data storage.

15           (d) The comptroller may retain two percent of the money  
16 remitted to the comptroller for deposit in the judicial access and  
17 improvement account. The comptroller shall use the money to audit  
18 and administer fund balances and to ensure the timely deposit of  
19 money in accounts as required by this section.

20           (e) Section 403.095 does not apply to money dedicated under  
21 this section.

22           SECTION 13.02. Section 101.0615, Government Code, is  
23 amended to read as follows:

24           Sec. 101.0615. DISTRICT COURT FEES AND COSTS: LOCAL  
25 GOVERNMENT CODE. The clerk of a district court shall collect fees  
26 and costs under the Local Government Code as follows:

27           (1) additional filing fees:

1 (A) for each civil suit filed, for court-related  
2 purposes for the support of the judiciary and for civil legal  
3 services to an indigent:

4 (i) for family law cases and proceedings as  
5 defined by Section 25.0002, Government Code (Sec. 133.151, Local  
6 Government Code) . . . \$45; or

7 (ii) for any case other than a case  
8 described by Subparagraph (i) (Sec. 133.151, Local Government Code)  
9 . . . \$50; and

10 (B) on the filing of any civil action or  
11 proceeding requiring a filing fee, including an appeal, and on the  
12 filing of any counterclaim, cross-action, intervention,  
13 interpleader, or third-party action requiring a filing fee, to fund  
14 civil legal services for the indigent:

15 (i) for family law cases and proceedings as  
16 defined by Section 25.0002, Government Code (Sec. 133.152, Local  
17 Government Code) . . . \$15 [~~\$5~~]; or

18 (ii) for any case other than a case  
19 described by Subparagraph (i) (Sec. 133.152, Local Government Code)  
20 . . . \$20 [~~\$10~~];

21 (2) additional filing fee to fund the courthouse  
22 security fund, if authorized by the county commissioners court  
23 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

24 (3) additional filing fee for filing documents not  
25 subject to certain filing fees to fund the courthouse security  
26 fund, if authorized by the county commissioners court (Sec.  
27 291.008, Local Government Code) . . . \$1;

1           (4) additional filing fee to fund the courthouse  
2 security fund in Webb County, if authorized by the county  
3 commissioners court (Sec. 291.009, Local Government Code) . . . not  
4 to exceed \$20;

5           (5) court cost in civil cases other than suits for  
6 delinquent taxes to fund the county law library fund, if authorized  
7 by the county commissioners court (Sec. 323.023, Local Government  
8 Code) . . . not to exceed \$35; and

9           (6) on the filing of a civil suit, an additional filing  
10 fee to be used for court-related purposes for the support of the  
11 judiciary (Sec. 133.154, Local Government Code) . . . \$42.

12           SECTION 13.03. Subchapter F, Chapter 102, Government Code,  
13 is amended by adding Section 102.1035 to read as follows:

14           Sec. 102.1035. ADDITIONAL COURT COSTS ON CONVICTION IN  
15 JUSTICE COURT: LOCAL GOVERNMENT CODE. A clerk of a justice court  
16 shall collect from a defendant a court cost of \$5 under Section  
17 133.108, Local Government Code, on conviction of an offense, other  
18 than an offense relating to a pedestrian or the parking of a motor  
19 vehicle.

20           SECTION 13.04. Subchapter G, Chapter 102, Government Code,  
21 is amended by adding Section 102.1215 to read as follows:

22           Sec. 102.1215. ADDITIONAL COURT COSTS ON CONVICTION IN  
23 MUNICIPAL COURT: LOCAL GOVERNMENT CODE. A clerk of a municipal  
24 court shall collect from a defendant a court cost of \$5 under  
25 Section 133.108, Local Government Code, on conviction of an  
26 offense, other than an offense relating to a pedestrian or the  
27 parking of a motor vehicle.

1 SECTION 13.05. Subchapter B, Chapter 403, Government Code,  
2 is amended by adding Section 403.0306 to read as follows:

3 Sec. 403.0306. FEES AND COSTS ASSESSED FOR JUDICIAL ACCESS  
4 AND IMPROVEMENT ACCOUNT. Notwithstanding any other law, if in any  
5 state fiscal biennium the legislature:

6 (1) does not appropriate any money to the judicial  
7 access and improvement account for the purposes provided by Section  
8 22.016:

9 (A) the comptroller and the Office of Court  
10 Administration of the Texas Judicial System shall notify each clerk  
11 of a justice or municipal court, as appropriate, not to assess fees  
12 and court costs under Sections 102.1035 and 102.1215 of this code  
13 and Section 133.108, Local Government Code, during the state fiscal  
14 biennium; and

15 (B) a clerk of a justice or municipal court may  
16 not assess fees and court costs under Sections 102.1035 and  
17 102.1215 of this code and Section 133.108, Local Government Code,  
18 during the state fiscal biennium; or

19 (2) appropriates only a portion of the money to the  
20 judicial access and improvement account for the purposes provided  
21 by Section 22.016:

22 (A) the comptroller and the Office of Court  
23 Administration of the Texas Judicial System shall:

24 (i) proportionally adjust the amount of the  
25 fees and court costs to be assessed under Sections 102.1035 and  
26 102.1215 of this code and Section 133.108, Local Government Code,  
27 during the state fiscal biennium; and



1                   (ii) notify each clerk of a justice or  
2 municipal court, as appropriate, of the amount of the fees and court  
3 costs to be assessed under Sections 102.1035 and 102.1215 of this  
4 code and Section 133.108, Local Government Code, during the state  
5 fiscal biennium; and

6                   (B) a clerk of a justice or municipal court shall  
7 assess the amount of the fees and court costs determined by the  
8 comptroller under Paragraph (A) during the state fiscal biennium.

9           SECTION 13.06. Section 133.003, Local Government Code, is  
10 amended to read as follows:

11           Sec. 133.003. CRIMINAL FEES. This chapter applies to the  
12 following criminal fees:

13                   (1) the consolidated fee imposed under Section  
14 133.102;

15                   (2) the time payment fee imposed under Section  
16 133.103;

17                   (3) fees for services of peace officers employed by  
18 the state imposed under Article 102.011, Code of Criminal  
19 Procedure, and forwarded to the comptroller as provided by Section  
20 133.104;

21                   (4) costs on conviction imposed in certain statutory  
22 county courts under Section 51.702, Government Code, and deposited  
23 in the judicial fund;

24                   (5) costs on conviction imposed in certain county  
25 courts under Section 51.703, Government Code, and deposited in the  
26 judicial fund;

27                   (6) the administrative fee for failure to appear or

1 failure to pay or satisfy a judgment imposed under Section 706.006,  
2 Transportation Code;

3 (7) fines on conviction imposed under Section  
4 621.506(g), Transportation Code;

5 (8) the fee imposed under Article 102.0045, Code of  
6 Criminal Procedure;

7 (9) the cost on conviction imposed under Section  
8 133.105 and deposited in the judicial fund; ~~and~~

9 (10) the cost on conviction imposed under Section  
10 133.107; and

11 (11) the cost on conviction imposed under Section  
12 133.108.

13 SECTION 13.07. Section 133.058, Local Government Code, is  
14 amended by adding Subsection (c-1) to read as follows:

15 (c-1) A municipality or county may retain five percent of  
16 the money collected as a fee under Section 133.108 to be used for  
17 judicial support.

18 SECTION 13.08. Subchapter C, Chapter 133, Local Government  
19 Code, is amended by adding Section 133.108 to read as follows:

20 Sec. 133.108. FEE FOR JUDICIAL ACCESS AND IMPROVEMENT.

21 (a) A person convicted in a municipal or justice court of an  
22 offense, other than an offense relating to a pedestrian or the  
23 parking of a motor vehicle, shall pay as a court cost, in addition  
24 to other costs, a fee of \$5 to be used to fund basic civil legal  
25 services and criminal defense for indigents and electronic filing  
26 in courts in this state through the judicial access and improvement  
27 account established under Section 22.016, Government Code.

1        (b) The treasurer shall remit the fees collected under this  
2 section to the comptroller in the manner provided by Subchapter B.  
3 The comptroller shall credit the remitted fees to the credit of the  
4 judicial access and improvement account established under Section  
5 22.016, Government Code.

6        SECTION 13.09. Subsection (a), Section 133.152, Local  
7 Government Code, is amended to read as follows:

8        (a) In addition to other fees collected under Section  
9 133.151(a) or otherwise authorized or required by law, the clerk of  
10 a district court shall collect the following fees on the filing of  
11 any civil action or proceeding requiring a filing fee, including an  
12 appeal, and on the filing of any counterclaim, cross-action,  
13 intervention, interpleader, or third-party action requiring a  
14 filing fee:

15                (1) \$15 [~~\$5~~] in family law cases and proceedings as  
16 defined by Section 25.0002, Government Code; and

17                (2) \$20 [~~\$10~~] in any case other than a case described  
18 by Subdivision (1).

19        SECTION 13.10. (a) Section 51.607, Government Code, does  
20 not apply to the imposition of a court cost or fee under this  
21 article.

22        (b) The changes in law made by this article apply to the  
23 costs imposed on or after September 1, 2011, for conviction of an  
24 offense that occurs on or after that date.

25        (c) For purposes of Subsection (b) of this section, an  
26 offense is committed before the date specified by that subsection  
27 if any element of the offense occurs before the specified date.

1 Court costs imposed on conviction of an offense committed before  
2 that specified date are governed by the law in effect on the date  
3 the offense was committed, and the former law is continued in effect  
4 for that purpose.

5 (d) Subsection (a), Section 133.152, Local Government Code,  
6 as amended by this article, and Section 101.0615, Government Code,  
7 as amended by this article, apply only to a civil action or  
8 proceeding filed in a district court on or after the effective date  
9 of this article. A civil action or proceeding filed before that  
10 date is governed by the law in effect on the date the action or  
11 proceeding was filed, and the former law is continued in effect for  
12 that purpose.

13 ARTICLE 14. SALES FOR RESALE

14 SECTION 14.01. Section 151.006, Tax Code, is amended by  
15 amending Subsection (a) and adding Subsection (c) to read as  
16 follows:

17 (a) "Sale for resale" means a sale of:

18 (1) tangible personal property or a taxable service to  
19 a purchaser who acquires the property or service for the purpose of  
20 reselling it with or as a taxable item in the United States of  
21 America or a possession or territory of the United States of America  
22 or in the United Mexican States in the normal course of business in  
23 the form or condition in which it is acquired or as an attachment to  
24 or integral part of other tangible personal property or taxable  
25 service;

26 (2) tangible personal property to a purchaser for the  
27 sole purpose of the purchaser's leasing or renting it in the United

1 States of America or a possession or territory of the United States  
2 of America or in the United Mexican States in the normal course of  
3 business to another person, but not if incidental to the leasing or  
4 renting of real estate;

5 (3) tangible personal property to a purchaser who  
6 acquires the property for the purpose of transferring it in the  
7 United States of America or a possession or territory of the United  
8 States of America or in the United Mexican States as an integral  
9 part of a taxable service; ~~or~~

10 (4) a taxable service performed on tangible personal  
11 property that is held for sale by the purchaser of the taxable  
12 service; or

13 (5) tangible personal property to a purchaser who  
14 acquires the property for the sole purpose of transferring it as an  
15 integral part of performing a contract with the federal government  
16 only if the purchaser:

17 (A) allocates to the contract the cost of the  
18 property as a direct or indirect cost;

19 (B) bills the cost of the property to the federal  
20 government for reimbursement; and

21 (C) transfers title to the property to the  
22 federal government under the contract and applicable federal  
23 acquisition regulations.

24 (c) Except as otherwise provided by this chapter, a sale for  
25 resale does not include the sale of tangible personal property or a  
26 taxable service to a purchaser who acquires the property or service  
27 for the purpose of performing a service that is not subject to

1 taxation under this chapter, regardless of whether title transfers  
2 to the purchaser's customer.

3 SECTION 14.02. This article takes effect immediately if  
4 this Act receives a vote of two-thirds of all the members elected to  
5 each house, as provided by Section 39, Article III, Texas  
6 Constitution. If this Act does not receive the vote necessary for  
7 immediate effect, this article takes effect September 1, 2011.

8 ARTICLE 15. COLLECTION IMPROVEMENT PROGRAM

9 SECTION 15.01. Subsections (f), (h), (i), and (j), Article  
10 103.0033, Code of Criminal Procedure, are amended to read as  
11 follows:

12 (f) The [~~comptroller, in cooperation with the~~] office[~~,~~]  
13 shall develop a methodology for determining the collection rate of  
14 counties and municipalities described by Subsection (e) before  
15 implementation of a program. The office [~~comptroller~~] shall  
16 determine the rate for each county and municipality not later than  
17 the first anniversary of the county's or municipality's adoption of  
18 a program.

19 (h) The office[~~, in consultation with the comptroller,~~]  
20 may:

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

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

27 (i) Each county and municipality shall at least annually

1 submit to the office [~~and the comptroller~~] a written report that  
2 includes updated information regarding the program, as determined  
3 by the office [~~in cooperation with the comptroller~~]. The report  
4 must be in a form approved by the office [~~in cooperation with the~~  
5 ~~comptroller~~].

6 (j) The office [~~comptroller~~] shall periodically audit  
7 counties and municipalities to verify information reported under  
8 Subsection (i) and confirm that the county or municipality is  
9 conforming with requirements relating to the program. [~~The~~  
10 ~~comptroller shall consult with the office in determining how~~  
11 ~~frequently to conduct audits under this section.~~]

12 SECTION 15.02. Subsection (e), Section 133.058, Local  
13 Government Code, is amended to read as follows:

14 (e) A municipality or county may not retain a service fee  
15 if, during an audit under [~~Section 133.059 of this code or~~] Article  
16 103.0033(j), Code of Criminal Procedure, the Office of Court  
17 Administration of the Texas Judicial System [~~comptroller~~]  
18 determines that the municipality or county is not in compliance  
19 with Article 103.0033, Code of Criminal Procedure. The  
20 municipality or county may continue to retain a service fee under  
21 this section on receipt of a written confirmation from the Office of  
22 Court Administration of the Texas Judicial System [~~comptroller~~]  
23 that the municipality or county is in compliance with Article  
24 103.0033, Code of Criminal Procedure.

25 SECTION 15.03. Subsection (c-1), Section 133.103, Local  
26 Government Code, is amended to read as follows:

27 (c-1) The treasurer shall send 100 percent of the fees

1 collected under this section to the comptroller if, during an audit  
2 under [~~Section 133.059 of this code or~~] Article 103.0033(j), Code  
3 of Criminal Procedure, the Office of Court Administration of the  
4 Texas Judicial System [~~comptroller~~] determines that the  
5 municipality or county is not in compliance with Article 103.0033,  
6 Code of Criminal Procedure. The municipality or county shall  
7 continue to dispose of fees as otherwise provided by this section on  
8 receipt of a written confirmation from the Office of Court  
9 Administration of the Texas Judicial System [~~comptroller~~] that the  
10 municipality or county is in compliance with Article 103.0033, Code  
11 of Criminal Procedure.

12 ARTICLE 16. REMITTANCE AND ALLOCATION OF FRANCHISE TAX

13 SECTION 16.01. Subchapter D, Chapter 171, Tax Code, is  
14 amended by adding Section 171.153 to read as follows:

15 Sec. 171.153. TAX PREPAYMENT FROM TAXABLE ENTITIES  
16 REMITTING ELECTRONICALLY. (a) For purposes of this section,  
17 "large taxable entity" means a taxable entity that:

- 18 (1) on July 31, 2013, is doing business in this state;  
19 (2) has total revenue from its entire business for the  
20 regular annual period covered by the report originally due May 15,  
21 2012, that exceeds the maximum amount of total revenue prescribed  
22 by Section 171.1016 that would allow the taxable entity to elect to  
23 pay the tax in the amount computed as prescribed by that section;  
24 and

- 25 (3) is required by rules adopted by the comptroller to  
26 make the taxable entity's tax payment for the regular annual period  
27 for which a report is originally due May 15, 2013, regardless of the



1 date the taxable entity actually files the report, by electronic  
2 funds transfer.

3 (b) Notwithstanding Section 171.152(c), a large taxable  
4 entity shall pay a prepayment of taxes due to be remitted with the  
5 report originally due May 15, 2014, under this chapter in an amount  
6 equal to 25 percent of the amount of tax imposed under this chapter  
7 and reported as due for the regular annual period covered by the  
8 report originally due May 15, 2012, regardless of the date the  
9 taxable entity actually files the report. The taxable entity shall  
10 remit the tax prepayment to the comptroller:

11 (1) not later than July 31, 2013;

12 (2) in the manner prescribed by rules adopted by the  
13 comptroller; and

14 (3) accompanied by any information required by the  
15 comptroller.

16 (c) A large taxable entity that remits a tax prepayment as  
17 required by Subsection (b) may take a credit on the report  
18 originally due on May 15, 2014, in the amount of the tax prepayment.

19 (d) In lieu of a penalty that may be assessed under Section  
20 171.362, a large taxable entity that fails to remit the tax  
21 prepayment required by this section on or before July 31, 2013, is  
22 liable for a penalty of 10 percent of the estimated amount of the  
23 tax prepayment due under this section.

24 (e) A tax prepayment remitted under this section is not  
25 considered a report for purposes of any provision of Subchapter E,  
26 F, or G.

27 (f) Notwithstanding Section 171.4011, the comptroller shall

1 deposit revenue received from tax prepayments under this section to  
2 the credit of the general revenue fund. The comptroller shall  
3 deposit revenue received from tax payments remitted with reports  
4 originally due on May 15, 2014, in accordance with Subchapter I.

5 (g) This section expires September 1, 2015.

6 SECTION 16.02. The expiration of the amendment made to the  
7 Tax Code in accordance with this article does not affect tax  
8 liability accruing before the expiration of that amendment. That  
9 liability continues in effect as if the amendment had not expired,  
10 and the former law is continued in effect for the collection of  
11 taxes due and for civil and criminal enforcement of the liability  
12 for those taxes.

13 ARTICLE 17. REMITTANCE OF SALES AND USE TAXES

14 SECTION 17.01. Section 151.401, Tax Code, is amended by  
15 adding Subsections (c), (d), and (e) to read as follows:

16 (c) In August 2013, a taxpayer who is required to pay the  
17 taxes imposed by this chapter on or before the 20th day of that  
18 month under Subsection (a), who pays the taxes imposed by this  
19 chapter by electronic funds transfer, and who does not prepay as  
20 provided by Section 151.424 shall remit to the comptroller a tax  
21 prepayment that is equal to 25 percent of the amount the taxpayer is  
22 otherwise required to remit during August 2013 under Subsection  
23 (a). The prepayment is in addition to the amount the taxpayer is  
24 otherwise required to remit during August. The taxpayer shall  
25 remit the additional payment in conjunction with the payment  
26 otherwise required during that month. Section 151.424 does not  
27 apply with respect to the additional payment required by this

1 subsection.

2 (d) A taxpayer who remits the additional payment as required  
3 by Subsection (c) may take a credit in the amount of the additional  
4 payment against the next payment due under Subsection (a).

5 (e) Subsections (c) and (d) and this subsection expire  
6 September 1, 2015.

7 SECTION 17.02. Section 151.402, Tax Code, is amended to  
8 read as follows:

9 Sec. 151.402. TAX REPORT DATES. (a) A [~~Except as provided~~  
10 ~~by Subsection (b) of this section, a]~~ tax report required by this  
11 chapter for a reporting period is due on the same date that the tax  
12 payment for the period is due as provided by Section 151.401.

13 (b) A taxpayer may report a credit in the amount of any tax  
14 prepayment remitted to the comptroller as required by Section  
15 151.401(c) on the tax report required by this chapter that is  
16 otherwise due in September 2013 [~~for taxes required by Section~~  
17 ~~151.401(a) to be paid on or before August 20 is due on or before the~~  
18 ~~20th day of the following month]~~. This subsection expires  
19 September 1, 2015.

20 SECTION 17.03. The expiration of the amendments made to the  
21 Tax Code in accordance with this article does not affect tax  
22 liability accruing before the expiration of those amendments. That  
23 liability continues in effect as if the amendments had not expired,  
24 and the former law is continued in effect for the collection of  
25 taxes due and for civil and criminal enforcement of the liability  
26 for those taxes.

1 ARTICLE 18. REPORTS REGARDING CERTAIN SALES OF ALCOHOLIC  
2 BEVERAGES

3 SECTION 18.01. Section 111.006, Tax Code, is amended by  
4 adding Subsections (h) and (i) to read as follows:

5 (h) The comptroller shall disclose information to a person  
6 regarding net sales by quantity, brand, and size that is submitted  
7 in a report required under Section 151.462 if:

8 (1) the person requesting the information holds a  
9 permit or license under Chapter 19, 20, 21, 37, 64, 65, or 66,  
10 Alcoholic Beverage Code; and

11 (2) the request relates only to information regarding  
12 the sale of a product distributed by the person making the request.

13 (i) A disclosure made under Subsection (h) is not considered  
14 a disclosure of competitively sensitive, proprietary, or  
15 confidential information.

16 SECTION 18.02. Chapter 151, Tax Code, is amended by adding  
17 Subchapter I-1, and a heading is added to that subchapter to read as  
18 follows:

19 SUBCHAPTER I-1. REPORTS BY PERSONS INVOLVED IN THE MANUFACTURE  
20 AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

21 SECTION 18.03. Subchapter I-1, Chapter 151, Tax Code, as  
22 added by this Act, is amended by adding Sections 151.462, 151.463,  
23 151.464, 151.465, 151.466, 151.467, 151.468, 151.469, 151.470, and  
24 151.471, and Section 151.433, Tax Code, is transferred to  
25 Subchapter I-1, Chapter 151, Tax Code, redesignated as Section  
26 151.461, Tax Code, and amended to read as follows:

27 Sec. 151.461 [~~151.433~~]. DEFINITIONS. [~~REPORTS~~ BY

1 ~~WHOLESALEERS AND DISTRIBUTORS OF BEER, WINE, AND MALT LIQUOR.~~

2 (a) In this subchapter [~~section~~]:

3 (1) "Brewer" means a person required to hold a brewer's  
4 permit under Chapter 12, Alcoholic Beverage Code.

5 (2) "Distributor" means a person required to hold:

6 (A) a general distributor's license under  
7 Chapter 64, Alcoholic Beverage Code;

8 (B) a local distributor's license under Chapter  
9 65, Alcoholic Beverage Code; or

10 (C) a branch distributor's license under Chapter  
11 66, Alcoholic Beverage Code.

12 (3) "Manufacturer" means a person required to hold a  
13 manufacturer's license under Chapter 62, Alcoholic Beverage Code.

14 (4) "Package store local distributor" means a person  
15 required to hold:

16 (A) a package store permit under Chapter 22,  
17 Alcoholic Beverage Code; and

18 (B) a local distributor's permit under Chapter  
19 23, [a general, local, or branch distributor's license under the]  
20 Alcoholic Beverage Code.

21 (5) [~~2~~] "Retailer" means a person required to hold  
22 [the following]:

23 (A) a wine and beer retailer's permit under  
24 Chapter 25, Alcoholic Beverage Code;

25 (B) a wine and beer retailer's off-premise permit  
26 under Chapter 26, Alcoholic Beverage Code;

27 (C) a temporary wine and beer retailer's permit

1 or special three-day wine and beer permit under Chapter 27,  
2 Alcoholic Beverage Code;  
3 (D) a mixed beverage permit under Chapter 28,  
4 Alcoholic Beverage Code;  
5 (E) a daily temporary mixed beverage permit under  
6 Chapter 30, Alcoholic Beverage Code;  
7 (F) a private club registration permit under  
8 Chapter 32, Alcoholic Beverage Code;  
9 (G) a certificate issued to a fraternal or  
10 veterans organization under Section 32.11, Alcoholic Beverage  
11 Code;  
12 (H) a daily temporary private club permit under  
13 Subchapter B, Chapter 33, Alcoholic Beverage Code;  
14 (I) a temporary charitable auction permit under  
15 Chapter 53, Alcoholic Beverage Code;  
16 (J) a retail dealer's on-premise license under  
17 Chapter 69, Alcoholic Beverage Code;  
18 (K) a temporary license under Chapter 72,  
19 Alcoholic Beverage Code; or  
20 (L) [~~(D)~~] a retail dealer's off-premise license  
21 under Chapter 71, Alcoholic Beverage Code, except for a dealer who  
22 also holds a package store permit under Chapter 22, Alcoholic  
23 Beverage Code.  
24 (6) [~~(3)~~] "Wholesaler" means a person required to hold  
25 [~~the following under the Alcoholic Beverage Code~~]:  
26 (A) a winery permit under Chapter 16, Alcoholic  
27 Beverage Code;

1           (B) a wholesaler's permit under Chapter 19,  
2 Alcoholic Beverage Code;

3           (C) [~~(B)~~] a general Class B wholesaler's permit  
4 under Chapter 20, Alcoholic Beverage Code; or

5           (D) [~~(C)~~] a local Class B wholesaler's permit  
6 under Chapter 21, Alcoholic Beverage Code.

7           Sec. 151.462. REPORTS BY BREWERS, MANUFACTURERS,  
8 WHOLESALERS, AND DISTRIBUTORS. (a) [~~(b)~~] The comptroller shall  
9 [~~may, when considered necessary by the comptroller for the~~  
10 administration of a tax under this chapter,] require each brewer,  
11 manufacturer, wholesaler, [~~or~~] distributor, or package store local  
12 distributor [~~of beer, wine, or malt liquor~~] to file with the  
13 comptroller a report each month of alcoholic beverage sales to  
14 retailers in this state.

15           (b) Each brewer, manufacturer, [~~(c) The~~] wholesaler, [~~or~~  
16 distributor, or package store local distributor shall file a  
17 separate [~~the~~] report for each permit or license held on or before  
18 the 25th day of each month. The report must contain the following  
19 information for the preceding calendar month's sales in relation to  
20 each retailer:

21           (1) the brewer's, manufacturer's, wholesaler's,  
22 distributor's, or package store local distributor's name, address,  
23 taxpayer number and outlet number assigned by the comptroller, and  
24 alphanumeric permit or license number issued by the Texas Alcoholic  
25 Beverage Commission;

26           (2) the retailer's:

27           (A) name and address, including street name and

1 number, city, and zip code;  
2 (B) taxpayer number assigned by the comptroller;  
3 and  
4 (C) alphanumeric permit or license number issued  
5 by the Texas Alcoholic Beverage Commission for each separate retail  
6 location or outlet to which the brewer, manufacturer, wholesaler,  
7 distributor, or package store local distributor sold the alcoholic  
8 beverages that are listed on the report [~~the name of the retailer~~  
9 ~~and the address of the retailer's outlet location to which the~~  
10 ~~wholesaler or distributor delivered beer, wine, or malt liquor,~~  
11 ~~including the city and zip code;~~  
12 [~~(2) the taxpayer number assigned by the comptroller~~  
13 ~~to the retailer, if the wholesaler or distributor is in possession~~  
14 ~~of the number;~~  
15 [~~(3) the permit or license number assigned to the~~  
16 ~~retailer by the Texas Alcoholic Beverage Commission]; and  
17 (3) [~~(4)~~] the monthly net sales made by the brewer,  
18 manufacturer, wholesaler, distributor, or package store local  
19 distributor to the retailer for each [~~by~~] outlet or location  
20 covered by a separate retail permit or license issued by the Texas  
21 Alcoholic Beverage Commission, including separate line items for:  
22 (A) the number of units of alcoholic beverages;  
23 (B) the individual container size and pack of  
24 each unit;  
25 (C) the brand name;  
26 (D) the type of beverage, such as distilled  
27 spirits, wine, or malt beverage;~~



1                   (E) the universal product code of the alcoholic  
2 beverage; and

3                   (F) the net selling price of the alcoholic  
4 beverage [~~by the wholesaler or distributor, including the quantity~~  
5 ~~and units of beer, wine, and malt liquor sold to the retailer~~].

6           (c) [~~(d)~~] Except as provided by this subsection, the  
7 brewer, manufacturer, wholesaler, [~~or~~] distributor, or package  
8 store local distributor shall file the report with the comptroller  
9 electronically. The comptroller may establish procedures to  
10 temporarily postpone the electronic reporting requirement [~~for~~  
11 ~~allowing an alternative method of filing~~] for a brewer,  
12 manufacturer, wholesaler, [~~or~~] distributor, or package store local  
13 distributor who demonstrates to the comptroller an inability to  
14 comply because undue hardship would result if it were required to  
15 file the return electronically [~~with the electronic reporting~~  
16 ~~requirement~~]. If the comptroller determines that another  
17 technological method of filing the report is more efficient than  
18 electronic filing, the comptroller may establish procedures  
19 requiring its use by brewers, manufacturers, wholesalers, [~~and~~  
20 distributors, and package store local distributors.

21           Sec. 151.463. RULES. The comptroller may adopt rules to  
22 implement this subchapter.

23           Sec. 151.464. CONFIDENTIALITY. [~~(e)~~] Except as provided  
24 by Section 111.006, information contained in a report required to  
25 be filed by this subchapter [~~section~~] is confidential and not  
26 subject to disclosure under Chapter 552, Government Code.

27           Sec. 151.465. APPLICABILITY TO CERTAIN BREWERS. This

1 subchapter applies only to a brewer whose annual production of malt  
2 liquor in this state, together with the annual production of beer at  
3 the same premises by the holder of a manufacturer's license under  
4 Section 62.12, Alcoholic Beverage Code, does not exceed 75,000  
5 barrels.

6 Sec. 151.466. APPLICABILITY TO CERTAIN MANUFACTURERS. This  
7 subchapter applies only to a manufacturer whose annual production  
8 of beer in this state does not exceed 75,000 barrels.

9 Sec. 151.467. SUSPENSION OR CANCELLATION OF PERMIT.  
10 [~~(f)~~] If a person fails to file a report required by this  
11 subchapter [~~section~~] or fails to file a complete report, the  
12 comptroller may suspend or cancel one or more permits issued to the  
13 person under Section 151.203.

14 Sec. 151.468. CIVIL PENALTY; CRIMINAL PENALTY. (a) If a  
15 person fails to file a report required by this subchapter or fails  
16 to file a complete report, the comptroller [~~and~~] may impose a civil  
17 or criminal penalty, or both, under Section 151.7031 or 151.709.

18 (b) In addition to the penalties imposed under Subsection  
19 (a), a brewer, manufacturer, wholesaler, distributor, or package  
20 store local distributor shall pay the state a civil penalty of not  
21 less than \$25 or more than \$2,000 for each day a violation continues  
22 if the brewer, manufacturer, wholesaler, distributor, or package  
23 store local distributor:

24 (1) violates this subchapter; or  
25 (2) violates a rule adopted to administer or enforce  
26 this subchapter.

27 Sec. 151.469. ACTION BY TEXAS ALCOHOLIC BEVERAGE

1 COMMISSION. [~~(g)~~] If a person fails to file a report required by  
2 this subchapter [~~section~~] or fails to file a complete report, the  
3 comptroller may notify the Texas Alcoholic Beverage Commission of  
4 the failure and the commission may take administrative action  
5 against the person for the failure under the Alcoholic Beverage  
6 Code.

7 Sec. 151.470. AUDIT; INSPECTION. The comptroller may  
8 audit, inspect, or otherwise verify a brewer's, manufacturer's,  
9 wholesaler's, distributor's, or package store local distributor's  
10 compliance with this subchapter.

11 Sec. 151.471. ACTION BY ATTORNEY GENERAL; VENUE; ATTORNEY'S  
12 FEES. (a) The comptroller may bring an action to enforce this  
13 subchapter and obtain any civil remedy authorized by this  
14 subchapter or any other law for the violation of this subchapter.  
15 The attorney general shall prosecute the action on the  
16 comptroller's behalf.

17 (b) Venue for and jurisdiction of an action under this  
18 section is exclusively conferred on the district courts in Travis  
19 County.

20 (c) If the comptroller prevails in an action under this  
21 section, the comptroller and attorney general are entitled to  
22 recover court costs and reasonable attorney's fees incurred in  
23 bringing the action.

24 SECTION 18.04. Subchapter I-1, Chapter 151, Tax Code, as  
25 added by this article, applies only to a report due on or after the  
26 effective date of this article. A report due before the effective  
27 date of this article is governed by the law as it existed on the date

1 the report was due, and the former law is continued in effect for  
2 that purpose.

3 ARTICLE 19. AUTHORIZED USES FOR CERTAIN DEDICATED PERMANENT FUNDS

4 SECTION 19.01. Section 403.105, Government Code, is amended  
5 by amending Subsection (b) and adding Subsection (b-1) to read as  
6 follows:

7 (b) Except as provided by Subsections (b-1), (c), (e), (f),  
8 and (h), money in the fund may not be appropriated for any purpose.

9 (b-1) Notwithstanding the limitations and requirements of  
10 Section 403.1068, the legislature may appropriate money in the  
11 fund, including the corpus and available earnings of the fund  
12 determined under Section 403.1068, to pay the principal of or  
13 interest on a bond issued for the purposes of Section 67, Article  
14 III, Texas Constitution. This subsection does not authorize the  
15 appropriation under this subsection of money subject to a  
16 limitation or requirement as described by Subsection (e) that is  
17 not consistent with the use of the money in accordance with this  
18 subsection.

19 SECTION 19.02. Section 403.1055, Government Code, is  
20 amended by amending Subsection (b) and adding Subsection (b-1) to  
21 read as follows:

22 (b) Except as provided by Subsections (b-1), (c), (e), (f),  
23 and (h), money in the fund may not be appropriated for any purpose.

24 (b-1) Notwithstanding the limitations and requirements of  
25 Section 403.1068, the legislature may appropriate money in the  
26 fund, including the corpus and available earnings of the fund  
27 determined under Section 403.1068, to pay the principal of or

1 interest on a bond issued for the purposes of Section 67, Article  
2 III, Texas Constitution. This subsection does not authorize the  
3 appropriation under this subsection of money subject to a  
4 limitation or requirement as described by Subsection (e) that is  
5 not consistent with the use of the money in accordance with this  
6 subsection.

7 SECTION 19.03. Section 403.106, Government Code, is amended  
8 by amending Subsection (b) and adding Subsection (b-1) to read as  
9 follows:

10 (b) Except as provided by Subsections (b-1), (c), (e), (f),  
11 and (h), money in the fund may not be appropriated for any purpose.

12 (b-1) Notwithstanding the limitations and requirements of  
13 Section 403.1068, the legislature may appropriate money in the  
14 fund, including the corpus and available earnings of the fund  
15 determined under Section 403.1068, to pay the principal of or  
16 interest on a bond issued for the purposes of Section 67, Article  
17 III, Texas Constitution. This subsection does not authorize the  
18 appropriation under this subsection of money subject to a  
19 limitation or requirement as described by Subsection (e) that is  
20 not consistent with the use of the money in accordance with this  
21 subsection.

22 SECTION 19.04. This article takes effect immediately if  
23 this Act receives a vote of two-thirds of all the members elected to  
24 each house, as provided by Section 39, Article III, Texas  
25 Constitution. If this Act does not receive the vote necessary for  
26 immediate effect, this article takes effect September 1, 2011.

1 ARTICLE 20. EMPLOYER ENROLLMENT FEE FOR PARTICIPATION IN CERTAIN  
2 HEALTH BENEFIT PLANS

3 SECTION 20.01. Subchapter G, Chapter 1551, Insurance Code,  
4 is amended by adding Section 1551.3076 to read as follows:

5 Sec. 1551.3076. EMPLOYER ENROLLMENT FEE. (a) The board of  
6 trustees shall assess each employer whose employees participate in  
7 the group benefits program an employer enrollment fee in an amount  
8 not to exceed a percentage of the employer's total payroll, as  
9 determined by the General Appropriations Act.

10 (b) The board of trustees shall deposit the enrollment fees  
11 to the credit of the employees life, accident, and health insurance  
12 and benefits fund to be used for the purposes specified by Section  
13 1551.401.

14 ARTICLE 21. LEGISLATIVE BUDGET BOARD MEETINGS

15 SECTION 21.01. Section 322.003, Government Code, is amended  
16 by adding Subsection (f) to read as follows:

17 (f) The board shall hold a public hearing in November of  
18 each state fiscal year to hear a report from the comptroller and  
19 receive public testimony regarding the financial condition of this  
20 state. The report from the comptroller must:

21 (1) specify for each revenue source included in  
22 determining the estimate of anticipated revenue for purposes of the  
23 most recent statement required by Section 49a, Article III, Texas  
24 Constitution, the total net revenue actually collected from that  
25 source for the state fiscal year as of the end of the most recent  
26 state fiscal quarter;

27 (2) compare for the period described by Subdivision

1 (1) the total net revenue collected from each revenue source  
2 required to be specified under that subdivision with the  
3 anticipated revenue from that source that was included for purposes  
4 of determining the estimate of anticipated revenue in the statement  
5 required by Section 49a, Article III, Texas Constitution;

6 (3) specify for each state revenue source resulting  
7 from a law taking effect after the comptroller submitted the most  
8 recent statement required by Section 49a, Article III, Texas  
9 Constitution, the estimated total net revenue collected from that  
10 source for the state fiscal year as of the end of the most recent  
11 state fiscal quarter;

12 (4) summarize indicators of state economic trends  
13 experienced since the most recent statement required by Section  
14 49a, Article III, Texas Constitution; and

15 (5) summarize anticipated state economic trends and  
16 the anticipated effect of the trends on state revenue collections.

17 SECTION 21.02. Section 322.008, Government Code, is amended  
18 by adding Subsection (b-1) to read as follows:

19 (b-1) For each state fee the amount of which is proposed or  
20 authorized to be increased by a provision of the general  
21 appropriations bill, the general appropriations bill must set out  
22 in a separate section of the bill:

- 23 (1) the statutory authority for the fee;  
24 (2) the amount of the fee increase;  
25 (3) each purpose for which the fee revenue is to be  
26 used; and  
27 (4) into which fund the fee revenue will be deposited.

1 SECTION 21.03. Chapter 322, Government Code, is amended by  
2 adding Section 322.022 to read as follows:

3 Sec. 322.022. PUBLIC HEARING ON INTERIM BUDGET REDUCTION  
4 REQUEST. (a) In this section:

5 (1) "Interim budget reduction request" means a request  
6 communicated in any manner for a state agency to make adjustments to  
7 the strategies, methods of finance, performance measures, or riders  
8 applicable to the agency through the state budget in effect on the  
9 date the request is communicated that, if implemented, would reduce  
10 the agency's total expenditures for the current state fiscal  
11 biennium to an amount less than the total amount that otherwise  
12 would be permissible based on the appropriations made to the agency  
13 in the budget.

14 (2) "State agency" means an office, department, board,  
15 commission, institution, or other entity to which a legislative  
16 appropriation is made.

17 (b) A state agency shall provide to the board a detailed  
18 report of any expenditure reduction plan that:

19 (1) the agency develops in response to an interim  
20 budget reduction request made by the governor, the lieutenant  
21 governor, or a member of the legislature, or any combination of  
22 those persons; and

23 (2) if implemented, would reduce the agency's total  
24 expenditures for the current state fiscal biennium to an amount  
25 less than the total amount that otherwise would be permissible  
26 based on the appropriations made to the agency in the state budget  
27 for the biennium.



1       (c) The board shall hold a public hearing to solicit  
2 testimony on an expenditure reduction plan a state agency reports  
3 to the board as required by Subsection (b) as soon as practicable  
4 after receiving the report. The agency may not implement any  
5 element of the plan until the conclusion of the hearing.

6       (d) This section does not apply to an expenditure reduction  
7 a state agency desires to make that does not directly or indirectly  
8 result from an interim budget reduction request made by the  
9 governor, the lieutenant governor, or a member of the legislature,  
10 or any combination of those persons.

11       SECTION 21.04. Subchapter B, Chapter 403, Government Code,  
12 is amended by adding Section 403.0145 to read as follows:

13       Sec. 403.0145. PUBLICATION OF FEES SCHEDULE. As soon as  
14 practicable after the end of each state fiscal year, the  
15 comptroller shall publish a schedule of all revenue to the state  
16 from fees authorized by statute. For each fee, the schedule must  
17 specify:

18               (1) the purpose for which the fee revenue is to be  
19 used;

20               (2) if the fee has been increased during the most  
21 recent legislative session, the amount of the increase;

22               (3) into which fund the fee revenue will be deposited;  
23 and

24               (4) the amount of the fee revenue that will be  
25 considered available for general governmental purposes and  
26 accordingly considered available for the purpose of certification  
27 under Section 403.121.

1 SECTION 21.05. Section 404.124, Government Code, is amended  
2 by amending Subsections (a) and (b) and adding Subsection (b-1) to  
3 read as follows:

4 (a) Before issuing notes the comptroller shall submit to the  
5 committee a general revenue cash flow shortfall forecast, based on  
6 the comptroller's most recent anticipated revenue estimate. The  
7 forecast must contain a detailed report of estimated revenues and  
8 expenditures for each month and each major revenue and expenditure  
9 category and must demonstrate the maximum general revenue cash flow  
10 shortfall that may be predicted. The committee shall hold a public  
11 hearing to solicit testimony on the forecast, including testimony  
12 on this state's overall economic condition, as soon as practicable  
13 after receiving the forecast.

14 (b) Based on the forecast and testimony provided at the  
15 hearing required by Subsection (a), the committee may approve the  
16 issuance of notes, subject to Subsections (b-1) and (c), and the  
17 maximum outstanding balance of notes in any fiscal year. The  
18 outstanding balance may not exceed the maximum temporary cash  
19 shortfall forecast by the comptroller for any period in the fiscal  
20 year. The comptroller may not issue notes in excess of the amount  
21 approved.

22 (b-1) The committee's approval of the issuance of notes  
23 granted under Subsection (b) expires on the 91st day after the date  
24 the hearing conducted under Subsection (a) concludes. The  
25 comptroller may not issue notes on or after the 91st day unless the  
26 comptroller submits another general revenue cash flow shortfall  
27 forecast to the committee and the committee subsequently grants

1 approval for the issuance of the notes in accordance with the  
2 procedure required by Subsections (a) and (b). Each subsequent  
3 approval expires on the 61st day after the date the hearing on which  
4 the approval was based concludes.

5 ARTICLE 22. ECONOMIC AND WORKFORCE DEVELOPMENT PROGRAMS

6 SECTION 22.01. Section 481.078, Government Code, is amended  
7 by adding Subsection (m) to read as follows:

8 (m) Notwithstanding Subsections (e) and (e-1), during the  
9 state fiscal biennium that begins on September 1, 2011, the  
10 governor shall transfer \$30 million from the fund to the Texas  
11 Workforce Commission to fund the Texas Back to Work Program  
12 established under Chapter 313, Labor Code, and \$15 million from the  
13 fund to the skills development fund established under Section  
14 303.003, Labor Code. The governor shall begin transferring money  
15 as required by this subsection as soon as possible after  
16 September 1, 2011, and may make more than one transfer if necessary  
17 to satisfy the requirements of this subsection.

18 SECTION 22.02. Section 303.003, Labor Code, is amended by  
19 adding Subsection (b-2) to read as follows:

20 (b-2) From money available to the skills development fund  
21 program, the commission shall allocate not less than \$5 million  
22 each state fiscal biennium for businesses with fewer than 100  
23 employees that partner with one of the entities under Subsection  
24 (b) to provide job-training skills to the business's employees. A  
25 business that receives money for job-training purposes under this  
26 subsection may not receive more than:

27 (1) \$1,450 per new employee for training costs

1 associated with that employee; and

2 (2) \$725 per retained employee for training costs  
3 associated with retaining that employee.

4 SECTION 22.03. Subtitle B, Title 4, Labor Code, is amended  
5 by adding Chapter 313 to read as follows:

6 CHAPTER 313. TEXAS BACK TO WORK PROGRAM

7 Sec. 313.001. DEFINITION. In this chapter, "qualified  
8 applicant" means a person who made less than \$40 per hour at the  
9 person's last employment before becoming unemployed.

10 Sec. 313.002. INITIATIVE ESTABLISHED. (a) The Texas Back  
11 to Work Program is established within the commission.

12 (b) The purpose of the program is to establish  
13 public-private partnerships with employers to transition residents  
14 of this state from receiving unemployment compensation to becoming  
15 employed as members of the workforce.

16 (c) An employer that participates in the initiative may  
17 receive a wage subsidy for hiring one or more qualified applicants  
18 who are unemployed at the time of hire.

19 Sec. 313.003. RULES. The commission may adopt rules as  
20 necessary to implement this chapter.

21 ARTICLE 23. EFFECTIVE DATE

22 SECTION 23.01. Except as otherwise provided by this Act,  
23 this Act takes effect September 1, 2011.