

By: Lozano

H.B. No. 3142

A BILL TO BE ENTITLED

AN ACT

relating to Department of Agriculture fiscal matters; making appropriations.

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

SECTION 1. PAYMENT OF COSTS FROM AVAILABLE SOURCES.

Section 12.0144, Agriculture Code, is amended to read as follows:

Sec. 12.0144. FEE SCHEDULE; PAYMENT OF COSTS. (a) The department shall by rule adopt a schedule for all fees set by the department under this code.

(b) Except for those activities exempted in the General Appropriations Act, the department shall set fees in an amount which offsets, when feasible, the direct and indirect state costs of administering its regulatory activities.

(c) If it is not feasible to set fees as provided by Subsection (b), the commissioner may use revenue from any other available source to pay the difference in the amount of fees collected and the costs of administering the department's regulatory activities.

SECTION 2. DEDICATION OF ADMINISTRATIVE PENALTY REVENUE.

Section 12.020(r), Agriculture Code, is amended to read as follows:

(r) A penalty collected under this section shall be deposited in a dedicated account in ~~[the state treasury to the credit of]~~ the General Revenue Fund and may be appropriated only to the department.

1 SECTION 3. GIFTS HELD IN TRUST ACCOUNT. Section 12.022,
2 Agriculture Code, is amended to read as follows:

3 Sec. 12.022. AUTHORITY TO SOLICIT AND ACCEPT GIFTS, GRANTS,
4 AND DONATIONS. (a) The department may solicit and accept gifts,
5 grants, and donations of money, services, or property from any
6 person.

7 (b) Money received by the department under this section
8 shall be deposited in the Department of Agriculture donations fund,
9 which is a trust fund outside the state treasury with the
10 comptroller and administered by the commissioner. Interest earned
11 on money in the fund shall be deposited to the credit of the fund.
12 The commissioner may spend or distribute money from the fund
13 without appropriation [~~be expended or distributed~~] for any public
14 purpose related to the department's duties.

15 SECTION 4. APPROPRIATION OF ADMINISTRATIVE PENALTIES. The
16 amount of any penalty collected under Section 12.020, Agriculture
17 Code, during the state fiscal biennium beginning September 1, 2015,
18 is appropriated to the Department of Agriculture for the purpose of
19 enforcement of laws.

20 SECTION 5. AUTHORITY TO TRANSFER APPROPRIATIONS.
21 Notwithstanding any limitations on appropriations transfers
22 contained in a General Appropriations Act of the 84th Legislature,
23 the Department of Agriculture is authorized to direct agency
24 resources and transfer amounts appropriated for a specific purpose
25 to another purpose at the direction of the commissioner of
26 agriculture.

27 SECTION 6. APPROPRIATION OF UNEXPENDED BALANCES. (a) Any

1 unobligated and unexpended balances remaining as of August 31,
2 2015, from appropriations made to the Department of Agriculture by
3 an Act of the 83rd Legislature or the 84th Legislature are
4 appropriated to the Department of Agriculture for the same purposes
5 for the biennium beginning September 1, 2015.

6 (b) Any unobligated and unexpended balances remaining as of
7 August 31, 2016, from appropriations made to the Department of
8 Agriculture by an Act of the 84th Legislature are appropriated to
9 the Department of Agriculture for the same purposes for the fiscal
10 year beginning September 1, 2016.

11 SECTION 7. EFFECTIVE DATE. This Act takes effect September
12 1, 2015.