

BILL ANALYSIS

Senate Research Center
77R9613 DAK-F

H.B. 2914
By: Bonnen (Duncan)
Finance
5/8/2001
Engrossed

DIGEST AND PURPOSE

Each legislative session, the comptroller of public accounts (comptroller) makes recommendations to the legislature to streamline and enhance the agency's administration of the state's fiscal matters. H.B. 2914 makes technical and policy changes to several statutes relating to the state's fiscal management and the comptroller's powers and duties to administer those laws.

RULEMAKING AUTHORITY

Rulemaking authority is expressly delegated to the state energy conservation office in Section 447.002, Government Code, and to the comptroller of public accounts in Section 659.308, 2113.205, 2251.026, 2252.903, , and 2305.011, Government Code).

SECTION BY SECTION ANALYSIS

Amends various statutes relating to electronic records and signatures used or accepted by the comptroller; rulemaking about the rollback tax rate limit; the intellectual property of the comptroller; the collection of delinquent taxes and debts to the state; state property accounting; advisory committees; determining the fiscal year to charge for certain state expenditures; financial reporting by state agencies; administration of the energy management center; longevity pay; hazardous duty pay; temporary reassignments of state employees; automatic payment of interest to vendors; the applicability and collection of 9-1-1 fees and surcharges; the payment of credit interest on local revenue funds; the deadline of governmental entities to claim refund of the state hotel occupancy tax; and reports about the franchise tax credit for after school care. The affected statutes are as follows:

Section 1.01(4), Chapter 793, Acts of the 73rd Legislature, Regular Session, 1993 (Article 4413(47f), V.T.C.S.);

Chapter 43, Business & Commerce Code;

Section 42.2522(e), Education Code;

Section 57.48, Education Code;

Sections 231.007(i) and (j), Family Code;

Section 15.407, Finance Code;

Section 403.013(b), Government Code;

Section 403.013, Government Code;

Section 403.027, Government Code;

Chapter 403B, Government Code;

Section 403.055, Government Code;
Section 403.0552(b), Government Code;
Section 403.0915, Government Code;
Section 403.273, Government Code;
Section 403.274, Government Code;
Section 403.276, Government Code;
Section 404.058, Government Code;
Chapter 447, Government Code;
Chapter 659C, Government Code;
Section 659.044, Government Code;
Section 659.046, Government Code;
Section 659.254(c), Government Code;
Sections 659.260(b) and (e), Government Code;
Chapter 659, Government Code;
Section 660.203(a), Government Code;
Chapter 666, Government Code;
Sections 2101.011(a), (b), and (c), Government Code;
Chapter 2101B, Government Code;
Section 2101.012(b), Government Code;
Section 2103.004, Government Code;
Section 2107.008, Government Code;
Section 2110.001, Government Code;
Chapter 2110, Government Code;
Section 2110.002, Government Code;
Section 2110.003(a), Government Code;
Section 2110.005, Government Code;
Section 2110.006, Government Code;
Section 2110.007, Government Code;

Section 2110.008, Government Code;
Section 2113.001, Government Code;
Section 2113.013(b), Government Code;
Section 2113.205, Government Code;
Section 2155.004, Government Code;
Section 2155.448(c), Government Code;
Section 2166.402, Government Code;
Section 2251.001, Government Code;
Section 2251.002(a), Government Code;
Section 2251.003, Government Code;
Section 2251.021, Government Code;
Section 2251.025, Government Code;
Section 2251.026, Government Code;
Section 2251.027(c), Government Code;
Section 2251.030(d), Government Code;
Chapter 2252Z, Government Code;
Section 2305.002(3), Government Code;
Section 2305.011, Government Code;
Section 2305.022, Government Code;
Section 533.0351(g), Health and Safety Code;
Section 771.071(e), Health and Safety Code;
Sections 771.0711(b), (c), and (f), Health and Safety Code;
Sections 771.072(b), (c), and (f), Health and Safety Code;
Sections 771.073(b) and (c), Health and Safety Code;
Section 771.074, Health and Safety Code;
Section 771.076(a), Health and Safety Code;
Section 771.077, Health and Safety Code;
Section 1701.156(c), Occupations Code;

Section 111.064, Tax Code;

Section 156.154(c), Tax Code;

Chapter 171R, Tax Code;

Chapter 56D, Utilities Code;

The following laws are repealed:

- (1) Article 2.45, Texas Business Corporation Act;
 - (2) Section 403.055(h), Government Code, as added by Chapter 583, Acts of the 76th Legislature, Regular Session, 1999;
 - (3) Sections 659.062 and 659.063, Government Code;
 - (4) Section 2251.002(c), Government Code;
 - (5) Section 48(e), Chapter 268, Acts of the 73rd Legislature, Regular Session, 1993; and
 - (6) Section 2(b), Chapter 57, Acts of the 70th Legislature, 2nd Called Session, 1987.
- (a) Provides that the energy management center established under Chapter 447, Government Code, as it existed immediately before the effective date of Section 18 of this Act, is consolidated into the state energy conservation office established under Chapter 2305, Government Code.
- (b) Provides that all functions and activities performed by the General Services Commission that relate to energy conservation under Chapter 447 or 2305, Government Code, are transferred to the comptroller.
- (c) Provides that all employees of the General Services Commission who primarily perform duties related to energy conservation under Chapter 447 or 2305, Government Code, are employees of the comptroller.
- (d) Provides that any rule, standard, or form adopted by the General Services Commission that relates to energy conservation under Chapter 447 or 2305, Government Code, is a rule, standard, or form of the comptroller and remains in effect until altered by the comptroller.
- (e) Provides that a reference to the General Services Commission in a statute or rule that relates to energy conservation under Chapter 447 or 2305, Government Code, means the comptroller.
- (f) Provides that any proceeding involving the General Services Commission that is related to energy conservation under Chapter 447 or 2305, Government Code, is transferred without change in status to the comptroller. Provides that the comptroller assumes without change in status the position of the General Services Commission in any proceeding relating to energy conservation to which the General Services Commission is a party.
- (g) Provides that all money, contracts, leases, rights, and obligations of the General Services Commission related to energy conservation under Chapter 447 or 2305, Government Code, are transferred to the comptroller.
- (h) Provides that all property, including records, in the custody of the General Services Commission related to energy conservation under Chapter 447 or 2305, Government Code, is

transferred to the comptroller.

(i) Provides that all funds appropriated to the General Services Commission for purposes related to energy conservation under Chapter 447 or 2305, Government Code, are transferred to the comptroller.

Provides the changes in law made to the applicable Sections of this Act apply only to longevity pay or hazardous duty pay that is earned on or after September 1, 2001. Provides that longevity pay or hazardous duty pay that is earned before that date is governed by the law in effect on the date the pay is earned, and the prior law is continued in effect for that purpose.

Provides that to the extent of conflict and regardless of their relative dates of enactment, the changes in law made by another bill enacted by the 77th Legislature, Regular Session, to Section 659.044(a), Government Code, prevail over the changes made to Section 659.044, Government Code, by Section 20 of this Act.

Provides that changes in law by this Act apply only to a temporary assignment that takes effect on or after September 1, 2001. Provides that a temporary assignment that takes effect before that date is governed by the law in effect on the date the temporary assignment takes effect, and the prior law is continued in effect for that purpose.

Provides that to the extent of conflict and regardless of their relative dates of enactment, the changes made to the hazardous duty pay rate by H.B. No. 657, H.B. No. 2427, S.B. No. 435, or another bill enacted by the 77th Legislature, Regular Session, prevail over Chapter 659L, Government Code, as added by Section 24 of this Act. Defines "hazardous duty pay rate."

Provides that to the extent of conflict with Section 659.302(a)(2), Government Code, as added by of this Act, a change in law made by any other bill enacted by the 77th Legislature, Regular Session, does not take effect. Provides that this subsection applies regardless of the relative dates of enactment of this Act and the change in law made by the other bill. Provides that for purposes of this subsection, the existence of a conflict is determined without regard to the relative effective dates of Section 659.302(a)(2), Government Code, and the change in law made by the other bill.

Provides that the changes to Section 660.203, Government Code, apply only to a meal or lodging expense incurred on or after September 1, 2001. Provides that a meal or lodging expense incurred before that date is governed by the law in effect on the date the meal or lodging expense is incurred, and the prior law is continued in effect for that purpose.

Provides that the changes in law made by this Act apply only to a payment that becomes overdue under Chapter 2251, Government Code, on or after the effective date of those sections. Provides that a payment that becomes overdue under Chapter 2251, Government Code, before that date is governed by Sections 2251.021 and 2251.025, Government Code, as they exist on the date the payment becomes overdue, and the prior law is continued in effect for that purpose.

Provides that the changes in law made by this Act apply only to a payment whose distribution date is at least one day after the effective date of those changes. Provides that a payment whose distribution date is on or before the effective date of those changes is governed by the law in effect on the date the payment becomes overdue under Chapter 2251, Government Code, and the prior law is continued in effect for that purpose.

Provides that the changes in law made by Section 53 of this Act apply only to a payment whose distribution date is at least one day after the effective date of those changes. Provides that a payment whose distribution date is on or before the effective date of those changes is governed by the law in effect on the date the payment becomes overdue under Chapter 2251, Government Code, and the prior law is continued in effect for that purpose.

Defines “payment” and “distribution date.”

Effective date: (a) Provides that except as provided by Subsections (b)-(g) of this section:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

(b) Provides that this subsection and Chapter 43 Business & Commerce Code of this Act take effect on the date the Uniform Electronic Transactions Act takes effect, if that Act is codified in Chapter 43, Business & Commerce Code, and becomes law under S.B. No. 393, H.B. No. 1201, or another bill enacted by the 77th Legislature, Regular Session. This subsection and Chapter 43, Business & Commerce Code do not take effect if the Uniform Electronic Transactions Act is not codified or does not become law as described in this subsection.

(c) Provides that various sections of this Act take effect September 1, 2001.

(d) Provides that this subsection and Section 111.064, Tax Code, take effect October 1, 2001.

(e) Provides that various Sections of this Act take effect January 1, 2002.

(f) and (g) Provides the effective dates for various other Sections of this Act.