

BILL ANALYSIS

Senate Research Center
2001S0314/1 01/29/01

S.B. 736
By: Duncan
Finance
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As Filed

DIGEST AND PURPOSE

During the 76th Legislature a self-directed semi-independent pilot project was established in which the State Board of Accountants, the State Board of Architects, and the State Board of Engineers were allowed greater budget flexibility, freedom from various state agency requirements, and general autonomy in the operation of their respective agencies. During the interim, these agencies were precluded from commencing the pilot because allowances had not been made for agency funds to be held outside the state treasury and they were, therefore, required to comply with all provisions of Article IX of the General Appropriations Act. As proposed, S.B. 736 clarifies that the fees and funds collected by the agency reside outside the state treasury and, because the project was intended to be in progress for four years prior to a sunset review, moves the sunset date of the project to 2005 rather than 2003.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 4(c), Article 8930, Revised Statutes, to provide that, unless continued in existence as provided by Chapter 325 (Texas Sunset Act), Government Code, this Act expires September 1, 2005 (rather than 2003).

SECTION 2. Amends Section 14, Article 8930, Revised Statutes, as follows:

Sec. 14. New heading: FEES AND DISPOSITION OF FUNDS. Requires that all fees and funds collected by a project agency during the pilot project and any funds appropriated to the project agency be deposited in interest-bearing deposit accounts in the Texas Treasury Safekeeping Trust Company. Requires the comptroller to contract with the project agency for the maintenance of the deposit accounts under terms comparable to a contract between a commercial banking institution and its customers.

SECTION 3. Amends Section 15(b), Article 8930, Revised Statutes, to require that if a state agency no longer has status under this Act as a self-directed semi-independent project agency either because of the expiration of this act or for any other reason, unexpended fees in a deposit account in the Texas Treasury Safekeeping Trust Company are to be transferred to the state.

SECTION 4. Amends Section 901.006, Occupations Code, to make a conforming change.

SECTION 5. Amends Section 3a, The Texas Engineering Practice Act (Article 3271a, V.T.C.S.), to make a conforming change.

SECTION 6. Amends Section 2a, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, V.T.C.S.), to make a conforming change.

SECTION 7. (a) Effective date: September 1, 2001.

- (b) Provides that, to provide a reasonable period for each project agency under Article 8930, Revised Statutes, as amended by this Act, to establish itself as self-directed semi-independent after the conclusion of fiscal year 2001, each agency is appropriated an amount equal to 50 percent of that agency's appropriated amount for fiscal year 2001. Authorizes this appropriation to be spent as the project agency directs and requires it to be paid to the general revenue fund by the agency as funds become available.
- (c) Requires examination fees collected prior to September 1, 2001, for examinations conducted after September 1, 2001, to be made available to the project agency to be spent as the agency directs.