

## **BILL ANALYSIS**

Senate Research Center  
78S10554 ESH-D

C.S.H.B. 5  
By: McCall (Bivins)  
Finance  
7/16/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

With the enactment of H.B. 2425 (78th, Regular Session), the comptroller of public accounts (comptroller) is allowed to borrow from funds outside the state treasury. C.S.H.B. 5 provides an appropriation for repayment of such borrowing.

For the 2004-05 biennium, this bill would appropriate to the comptroller from the General Revenue Fund 0001 the amount necessary to return any available cash that was transferred to Fund 0001 from a fund outside the state treasury and to maintain the equity of the fund from which the transfer of available cash was made.

### **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. Provides that for the fiscal biennium beginning September 1, 2003, the comptroller of public accounts (comptroller) is appropriated from the general revenue fund the amount needed to return any available cash that was transferred to that fund from a fund outside the state treasury and to maintain the equity of the fund from which the transfer was made, as required by Section 403.092 (Temporary Transfer of Surplus and Other Cash), Government Code, as amended by Section 19, H.B. No. 2425, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 2. Establishes that not more than \$5,000,000 of the appropriation made by Section 1 of this Act may be used to allocate earned interest to a fund outside the state treasury under Section 403.092(a), Government Code.

SECTION 3. Requires the comptroller, during the state fiscal biennium beginning September 1, 2003, to return the available cash that has been transferred from a fund outside the state treasury to a fund within the state treasury under Section 403.092(a), Government Code, together with the earned interest on the transferred amount, to the fund from which the available cash was transferred within 14 days after the date on which the available cash was transferred.

SECTION 4. Provides that the change made to Section 42.259, Education Code, by Section 4, H.B. No. 2425, Acts of the 78th Legislature, Regular Session, 2003, effectively transferring certain payments to school districts from August of a state fiscal year to September of the following fiscal year, apply only to a payment from the foundation school fund that is made on or after January 1, 2004. Establishes that a payment to a school district from the foundation school fund that is made before that date is governed by Section 42.259, Education Code, as it existed on June 1, 2003, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: upon passage or the 91st day after the last day of the legislative session.