

CHAPTER 3

H.B. No. 62

AN ACT

relating to the issuance date of warrants to pay the salaries of state officers and employees and to the payment date of those salaries.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 4359, Revised Statutes, is amended to read as follows:

Art. 4359. PAY WARRANTS REGISTER. The Comptroller shall provide a pay warrant register. When a pay warrant is prepared, it shall be registered in the pay warrant register; and such registry shall consist of an entry of the amount of the warrant, name of the payee, appropriation to which charged, and such other information as may be deemed advisable by the Comptroller. *Pay warrants prepared under this article shall be considered for all purposes to be issued on the due date of the claim.* After a warrant has been prepared and registered as herein provided it shall be passed to the Comptroller for his authorization or signature, except as provided by Article 4359a, Revised Civil Statutes of Texas, 1925, as added, or for the signature of such person as may be authorized by law to sign the same in his stead; and such warrant together with a copy of the warrant register shall then be passed to the State Treasury and registered in the Treasury, and authorized or signed, except as provided by Article 4359a, Revised Civil Statutes of Texas, 1925, as added, by the State Treasurer or some person authorized by law to sign for him, and returned to the Comptroller's Department. Such warrant shall then be delivered by the Comptroller to the person entitled to receive it, and the Comptroller shall at his option take a receipt therefor and file the receipt in his office. The Comptroller shall also keep a "warrants cancelled register" in which shall be entered the details of all warrants cancelled.

It is hereby provided that a department, court, school, or other state agency may prepare and present payroll claims to the Comptroller prior to the end of the payroll period, which said payroll claims shall be verified as to services theretofore actually performed within such payroll period prior to the date of such payroll claims; and such payroll claims need not be verified as to ~~...~~ services to be performed during such payroll period subsequent to the date of such payroll claims. Such claims when so presented shall be prepared and approved as otherwise provided below. The Comptroller shall accept such payroll claims when presented and prepare warrants in payment thereof prior to date such claims become due and payable, and hold such warrants for delivery until the claims become due and payable. Such warrants shall be dated as of the due date of the claim and shall not be delivered to the claimant until the *due date* ~~[end of the pay period]~~. The Treasurer is hereby authorized to countersign such warrants and to make such entry as to properly take them into account. In order that such warrants may be ready for delivery *on the due date*, ~~[at the end of the pay period]~~ the Comptroller is authorized to make such rules and regulations as may be necessary *to administer this article* ~~[for filing payroll claims in advance of the pay period, and for the preparation and writing of warrants in payment thereof to adequately and properly achieve such purpose]~~.

One person shall be designated by the Comptroller as Chief of the Claims Division, and such person shall prepare or be responsible for the preparation of all pay warrants, and shall be accountable to the Comptroller for warrants coming into his possession.

SECTION 2. Article 4344b(3), Revised Statutes, is amended to read as follows:

(3) Notwithstanding the provisions of any other statute, the Comptroller of Public Accounts may establish and operate an electronic funds transfer system to transfer directly into their accounts in financial institutions only: (i) employees' gross state salaries less deductions specifically authorized by state or federal law or reimbursement for travel

and subsistence of employees, (ii) payments to annuitants by the Employees Retirement System of Texas or the Teacher Retirement System of Texas under either system's administrative jurisdiction, (iii) recurring payments to governmental entities, and (iv) payments to vendors designated by the Comptroller. An authorized payee must request in writing to participate in any electronic funds transfer system established and operated by the Comptroller of Public Accounts. A single transfer may contain payments to multiple payees without the necessity of issuing individual warrants for each payee. The Comptroller shall establish procedures for administering the system and may use the services of financial institutions, automated clearinghouses, and the federal government. The use of electronic funds transfer or any other payment means does not create any rights that would not have been created had an individual state warrant been used as the payment medium. The State Treasurer may not make payment of a state employee's salary before the first [last] working day of the month following the payroll period.

SECTION 3. Article 6826, Revised Statutes, is amended by adding Section 3 to read as follows:

Sec. 3. (a) Except as provided by Subsection (b) of this section, the Treasurer may not pay the salary of a state officer or employee before the first working day of the month following the payroll period.

(b) An employee paid twice a month under Section 2 of this article shall be paid on:

(1) the first working day of the month following the payroll period that covers the last half of the preceding month; and

(2) the 15th day of the month or the first working day after the 15th for the payroll period that covers the first half of the month.

SECTION 4. This Act takes effect December 20, 1986.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on August 20, 1986, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 62 on September 3, 1986, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 62 on September 4, 1986, by a non-record vote. Passed by the Senate, with amendments, on September 2, 1986, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 62 on September 4, 1986, by a viva-voce vote.

Approved Sept. 7, 1986.

Effective Dec. 20, 1986.