

**PART 1. GENERAL PROVISIONS LEGISLATIVE INTENT**

**Sec. 1.01. Limitations.** The provisions of this Article and all other Articles of this Act are limitations on the appropriations made by this Act. It is the purpose of the Legislature in enacting this bill only to appropriate funds and to restrict and limit by its provisions the amount and conditions under which the appropriations can be expended.

**PART 2. PROVISIONS RELATING TO THE POSITION CLASSIFICATION PLAN**

**Sec. 2.01. Position Classification Plan.** Except as otherwise specifically provided in this Act, expenditures of appropriations for the salaries of employees, in classified positions in all affected agencies appropriated funds by this Act, other than institutions of higher education, university system offices, and the Texas Higher Education Coordinating Board, are governed by Chapter 654, Government Code (the Position Classification Act), Chapter 659, Government Code, and this section, including the following lists of position classification numbers, position titles, salary group allocations, and rates of pay in classification salary schedules as provided by this Article.

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**

<b>Class Number</b>	<b>Class Title</b>	<b>Salary Group</b>
0006	Receptionist	A06
0053	Clerk I	A05
0055	Clerk II	A07
0057	Clerk III	A09
0059	Clerk IV	A11
0130	Customer Service Representative I	A09
0132	Customer Service Representative II	A11
0134	Customer Service Representative III	A13
0136	Customer Service Representative IV	A15
0138	Customer Service Representative V	A17
0150	Administrative Assistant I	A09
0152	Administrative Assistant II	A11
0154	Administrative Assistant III	A13
0156	Administrative Assistant IV	A15
0158	Administrative Assistant V	A17
0160	Executive Assistant I	B17
0162	Executive Assistant II	B19
0164	Executive Assistant III	B21
0170	License and Permit Specialist I	A12
0171	License and Permit Specialist II	A14
0172	License and Permit Specialist III	A16
0173	License and Permit Specialist IV	A18
0174	License and Permit Specialist V	A20
0203	Data Entry Operator I	A06
0205	Data Entry Operator II	A08
0207	Data Entry Operator III	A10
0210	Data Base Administrator I	B18
0211	Data Base Administrator II	B20
0212	Data Base Administrator III	B22
0213	Data Base Administrator IV	B24
0214	Data Base Administrator V	B26
0215	Data Base Administrator VI	B28
0220	Computer Operations Technician	A10
0228	Systems Support Specialist I	B13
0229	Systems Support Specialist II	B15
0230	Systems Support Specialist III	B17
0231	Systems Support Specialist IV	B19
0260	Computer Operations Specialist I	B12
0261	Computer Operations Specialist II	B14
0262	Computer Operations Specialist III	B16

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

0263	Computer Operations Specialist IV	B18
0264	Computer Operations Specialist V	B20
0265	Computer Operations Specialist VI	B22
0240	Programmer I	B17
0241	Programmer II	B19
0242	Programmer III	B21
0243	Programmer IV	B23
0244	Programmer V	B25
0245	Programmer VI	B27
0250	Information Technology Security Analyst I	B23
0251	Information Technology Security Analyst II	B25
0252	Information Technology Auditor I	B23
0253	Information Technology Auditor II	B25
0254	Systems Analyst I	B16
0255	Systems Analyst II	B18
0256	Systems Analyst III	B20
0257	Systems Analyst IV	B22
0258	Systems Analyst V	B24
0259	Systems Analyst VI	B26
0270	Geographic Information Specialist I	B18
0271	Geographic Information Specialist II	B20
0272	Geographic Information Specialist III	B22
0273	Geographic Information Specialist IV	B24
0274	Geographic Information Specialist V	B26
0281	Telecommunications Specialist I	B16
0282	Telecommunications Specialist II	B18
0283	Telecommunications Specialist III	B20
0284	Telecommunications Specialist IV	B22
0285	Telecommunications Specialist V	B24
0287	Network Specialist I	B16
0288	Network Specialist II	B18
0289	Network Specialist III	B20
0290	Network Specialist IV	B22
0291	Network Specialist V	B24
0292	Network Specialist VI	B26
0294	Business Continuity Coordinator I	B25
0295	Business Continuity Coordinator II	B26
0300	Web Administrator I	B18
0301	Web Administrator II	B20
0302	Web Administrator III	B22
0303	Web Administrator IV	B24
0304	Web Administrator V	B26
0331	Printing Services Technician I	A09
0332	Printing Services Technician II	A11
0333	Printing Services Technician III	A13
0334	Printing Services Technician IV	A15
0335	Printing Services Technician V	A17
0351	Micrographics Technician I	A09
0352	Micrographics Technician II	A11
0354	Micrographics Technician III	A13
0356	Micrographics Technician IV	A15
0367	Photographer I	B16
0368	Photographer II	B18
0516	Planner I	B17
0517	Planner II	B19
0518	Planner III	B21
0519	Planner IV	B23
0520	Planner V	B25
0590	Research and Statistics Technician I	A11
0592	Research and Statistics Technician II	A13
0600	Research Specialist I	B15
0602	Research Specialist II	B17
0604	Research Specialist III	B19
0606	Research Specialist IV	B21

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

0608	Research Specialist V	B23
0624	Statistician I	B16
0626	Statistician II	B18
0628	Statistician III	B20
0630	Statistician IV	B22
0640	Economist I	B18
0642	Economist II	B20
0644	Economist III	B22
0646	Economist IV	B24
0812	Teacher Aide I	A09
0813	Teacher Aide II	A11
0814	Teacher Aide III	A13
1000	Accounting Technician I	A11
1002	Accounting Technician II	A13
1012	Accountant I	B14
1014	Accountant II	B15
1016	Accountant III	B17
1018	Accountant IV	B19
1020	Accountant V	B21
1022	Accountant VI	B23
1024	Accountant VII	B25
1042	Auditor I	B15
1044	Auditor II	B17
1046	Auditor III	B19
1048	Auditor IV	B21
1050	Auditor V	B23
1052	Auditor VI	B25
1059	Taxpayer Compliance Officer I	B11
1060	Taxpayer Compliance Officer II	B13
1061	Taxpayer Compliance Officer III	B15
1062	Taxpayer Compliance Officer IV	B17
1063	Taxpayer Compliance Officer V	B19
1073	Accounts Examiner I	B13
1074	Accounts Examiner II	B15
1075	Accounts Examiner III	B17
1076	Accounts Examiner IV	B19
1077	Accounts Examiner V	B21
1080	Financial Analyst I	B19
1082	Financial Analyst II	B21
1084	Financial Analyst III	B23
1085	Financial Analyst IV	B25
1100	Financial Examiner I	B17
1102	Financial Examiner II	B19
1104	Financial Examiner III	B21
1106	Financial Examiner IV	B23
1108	Financial Examiner V	B25
1110	Financial Examiner VI	B26
1112	Financial Examiner VII	B27
1130	Investment Analyst I	B22
1131	Investment Analyst II	B24
1132	Investment Analyst III	B26
1133	Investment Analyst IV	B28
1150	Portfolio Manager I	B27
1151	Portfolio Manager II	B29
1152	Portfolio Manager III	B31
1153	Portfolio Manager IV	B33
1155	Budget Analyst I	B17
1156	Budget Analyst II	B19
1157	Budget Analyst III	B21
1158	Budget Analyst IV	B23
1159	Budget Analyst V	B25
1161	Trader I	B25
1162	Trader II	B28
1165	Chief Investment Officer	B33

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

1175	Chief Trader I	B31
1176	Chief Trader II	B33
1242	Reimbursement Officer I	A11
1244	Reimbursement Officer II	A13
1246	Reimbursement Officer III	A15
1248	Reimbursement Officer IV	A17
1260	Loan Specialist I	B17
1261	Loan Specialist II	B19
1262	Loan Specialist III	B21
1263	Loan Specialist IV	B23
1315	Boiler Inspector I	B20
1316	Boiler Inspector II	B21
1317	Boiler Inspector III	B22
1320	Inspector I	B10
1321	Inspector II	B11
1322	Inspector III	B13
1323	Inspector IV	B15
1324	Inspector V	B17
1325	Inspector VI	B19
1326	Inspector VII	B21
1350	Investigator I	B12
1351	Investigator II	B14
1352	Investigator III	B16
1353	Investigator IV	B18
1354	Investigator V	B20
1355	Investigator VI	B22
1356	Investigator VII	B24
1550	Staff Services Officer I	B17
1551	Staff Services Officer II	B18
1552	Staff Services Officer III	B19
1553	Staff Services Officer IV	B20
1554	Staff Services Officer V	B21
1560	Project Manager I	B24
1561	Project Manager II	B26
1570	Program Specialist I	B17
1571	Program Specialist II	B18
1572	Program Specialist III	B19
1573	Program Specialist IV	B20
1574	Program Specialist V	B21
1575	Program Specialist VI	B23
1576	Program Specialist VII	B25
1580	Program Supervisor I	B17
1582	Program Supervisor II	B19
1584	Program Supervisor III	B21
1586	Program Supervisor IV	B23
1588	Program Supervisor V	B25
1600	Manager I	B22
1601	Manager II	B23
1602	Manager III	B24
1603	Manager IV	B25
1604	Manager V	B26
1620	Director I	B26
1621	Director II	B27
1622	Director III	B28
1623	Director IV	B29
1624	Director V	B31
1626	Division Director	B32
1630	Deputy Director	B33
1640	Deputy Comptroller	B33
1727	Human Resources Assistant	B11
1729	Human Resources Specialist I	B13
1731	Human Resources Specialist II	B15
1733	Human Resources Specialist III	B17
1735	Human Resources Specialist IV	B19

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

1737	Human Resources Specialist V	B21
1739	Human Resources Specialist VI	B23
1780	Training Assistant	B11
1781	Training Specialist I	B13
1782	Training Specialist II	B15
1783	Training Specialist III	B17
1784	Training Specialist IV	B19
1785	Training Specialist V	B21
1786	Training Specialist VI	B23
1822	Marketing Specialist I	B15
1823	Marketing Specialist II	B17
1824	Marketing Specialist III	B19
1825	Marketing Specialist IV	B21
1826	Marketing Specialist V	B23
1830	Information Specialist I	B15
1831	Information Specialist II	B17
1832	Information Specialist III	B19
1833	Information Specialist IV	B21
1834	Information Specialist V	B23
1840	Audio/Visual Technician I	A10
1841	Audio/Visual Technician II	A12
1842	Audio/Visual Technician III	A14
1843	Audio/Visual Technician IV	A16
1860	Management Analyst I	B18
1862	Management Analyst II	B20
1864	Management Analyst III	B22
1866	Management Analyst IV	B24
1870	Technical Writer I	B17
1871	Technical Writer II	B19
1872	Technical Writer III	B21
1875	Editor I	B17
1876	Editor II	B19
1877	Editor III	B21
1880	Governor's Advisor I	B21
1881	Governor's Advisor II	B23
1882	Governor's Advisor III	B25
1883	Governor's Advisor IV	B27
1884	Governor's Advisor V	B29
1890	Government Relations Specialist I	B23
1892	Government Relations Specialist II	B25
1894	Government Relations Specialist III	B27
1911	Inventory and Store Specialist I	A10
1912	Inventory and Store Specialist II	A12
1913	Inventory and Store Specialist III	A14
1914	Inventory and Store Specialist IV	A16
1920	Grant Coordinator I	B18
1921	Grant Coordinator II	B20
1922	Grant Coordinator III	B22
1930	Purchaser I	B12
1931	Purchaser II	B14
1932	Purchaser III	B16
1933	Purchaser IV	B18
1934	Purchaser V	B20
1935	Purchaser VI	B22
1960	Contract Administration Manager I	B25
1962	Contract Administration Manager II	B27
1970	Contract Technician I	A09
1972	Contract Technician II	A11
1974	Contract Technician III	A13
1976	Contract Specialist I	B15
1980	Contract Specialist II	B17
1982	Contract Specialist III	B19
1984	Contract Specialist IV	B21
1986	Contract Specialist V	B23

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

1990	Property Manager I	B17
1992	Property Manager II	B19
1994	Property Manager III	B21
2050	Land Surveyor I	B19
2054	Land Surveyor II	B21
2056	Land Surveyor III	B23
2058	Land Surveyor IV	B25
2062	Appraiser I	B17
2064	Appraiser II	B19
2065	Appraiser III	B21
2080	Right of Way Agent I	B13
2082	Right of Way Agent II	B15
2084	Right of Way Agent III	B17
2086	Right of Way Agent IV	B19
2088	Right of Way Agent V	B21
2093	Utility Specialist I	B20
2094	Utility Specialist II	B22
2095	Utility Specialist III	B24
2119	Engineering Aide	A09
2122	Engineering Technician I	A11
2123	Engineering Technician II	A13
2124	Engineering Technician III	A15
2125	Engineering Technician IV	A17
2127	Engineering Specialist I	B17
2128	Engineering Specialist II	B18
2129	Engineering Specialist III	B19
2130	Engineering Specialist IV	B20
2131	Engineering Specialist V	B21
2132	Engineering Specialist VI	B22
2151	Engineer I	B21
2152	Engineer II	B22
2153	Engineer III	B23
2154	Engineer IV	B24
2155	Engineer V	B25
2156	Engineer VI	B26
2157	Engineer VII	B27
2161	District Engineer	B33
2167	Graphic Designer I	B16
2168	Graphic Designer II	B18
2169	Graphic Designer III	B20
2181	Drafting Technician I	A17
2182	Drafting Technician II	A19
2255	Project Design Assistant	B17
2260	Architect I	B21
2264	Architect II	B23
2266	Architect III	B25
2268	Architect IV	B27
2350	Earth Science Technician	B16
2356	Geoscientist I	B17
2360	Geoscientist II	B19
2364	Geoscientist III	B21
2365	Geoscientist IV	B23
2366	Geoscientist V	B25
2456	Hydrologist I	B17
2460	Hydrologist II	B19
2464	Hydrologist III	B21
2465	Hydrologist IV	B23
2466	Hydrologist V	B25
2472	Chemist I	B16
2473	Chemist II	B18
2474	Chemist III	B20
2475	Chemist IV	B22
2476	Chemist V	B24
2583	Sanitarian I	B17

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

2584	Sanitarian II	B19
2585	Sanitarian III	B21
2590	Biologist I	B14
2591	Biologist II	B16
2592	Biologist III	B18
2593	Biologist IV	B20
2594	Biologist V	B22
2640	Park Specialist I	B14
2641	Park Specialist II	B16
2642	Park Specialist III	B18
2643	Park Specialist IV	B20
2644	Park Specialist V	B22
2651	Environmental Specialist I	B16
2652	Environmental Specialist II	B18
2653	Environmental Specialist III	B20
2654	Environmental Specialist IV	B22
2655	Environmental Specialist V	B24
2660	Toxicologist I	B20
2661	Toxicologist II	B22
2662	Toxicologist III	B24
2682	Natural Resources Specialist I	B15
2683	Natural Resources Specialist II	B17
2684	Natural Resources Specialist III	B19
2685	Natural Resources Specialist IV	B21
2686	Natural Resources Specialist V	B23
2692	Fish and Wildlife Technician I	A13
2693	Fish and Wildlife Technician II	A15
2694	Fish and Wildlife Technician III	A17
2695	Park Ranger I	A07
2696	Park Ranger II	A09
2697	Park Ranger III	A11
2698	Park Ranger IV	A13
2699	Park Ranger V	A15
2720	Lifeguard	A03
2730	Safety Officer I	B15
2731	Safety Officer II	B17
2732	Safety Officer III	B19
2733	Safety Officer IV	B21
2734	Safety Officer V	B23
2740	Risk Management Specialist I	B14
2741	Risk Management Specialist II	B16
2742	Risk Management Specialist III	B18
2743	Risk Management Specialist IV	B20
2744	Risk Management Specialist V	B22
2761	Rescue Specialist I	B17
2762	Rescue Specialist II	B19
2763	Rescue Specialist III	B21
2802	Actuary I	B21
2803	Actuary II	B23
2804	Actuary III	B25
2805	Actuary IV	B27
2806	Actuary V	B31
2808	Chief Actuary	B33
2824	Insurance Technician	A10
2841	Insurance Specialist I	B12
2842	Insurance Specialist II	B14
2843	Insurance Specialist III	B16
2844	Insurance Specialist IV	B18
2845	Insurance Specialist V	B20
2911	Retirement System Benefits Specialist I	B12
2912	Retirement System Benefits Specialist II	B14
2913	Retirement System Benefits Specialist III	B16
2914	Retirement System Benefits Specialist IV	B18
2915	Retirement System Benefits Specialist V	B20

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

2920	Claims Assistant	A12
2921	Claims Examiner I	B14
2922	Claims Examiner II	B16
2923	Claims Examiner III	B18
2924	Claims Examiner IV	B20
3020	Workforce Development Specialist I	B11
3021	Workforce Development Specialist II	B12
3023	Workforce Development Specialist III	B14
3025	Workforce Development Specialist IV	B16
3026	Workforce Development Specialist V	B18
3151	Unemployment Insurance Claims Examiner I	B11
3153	Unemployment Insurance Claims Examiner II	B13
3154	Unemployment Insurance Claims Examiner III	B15
3171	Unemployment Insurance Specialist I	B16
3173	Unemployment Insurance Specialist II	B18
3501	Attorney I	B20
3502	Attorney II	B21
3503	Attorney III	B23
3504	Attorney IV	B25
3505	Attorney V	B27
3506	Attorney VI	B29
3510	Assistant Attorney General I	B20
3511	Assistant Attorney General II	B21
3512	Assistant Attorney General III	B23
3513	Assistant Attorney General IV	B25
3514	Assistant Attorney General V	B27
3515	Assistant Attorney General VI	B29
3516	Assistant Attorney General VII	B31
3517	First Assistant Attorney General	B33
3520	General Counsel I	B23
3521	General Counsel II	B25
3522	General Counsel III	B27
3523	General Counsel IV	B29
3524	General Counsel V	B31
3559	Hearings Reporter	B20
3565	Legal Secretary I	A10
3566	Legal Secretary II	A12
3567	Legal Secretary III	A14
3568	Legal Secretary IV	A16
3569	Legal Secretary V	A18
3572	Legal Assistant I	B15
3574	Legal Assistant II	B17
3576	Legal Assistant III	B19
3578	Legal Assistant IV	B21
3604	Law Clerk	B13
3610	Court Law Clerk I	B18
3611	Court Law Clerk II	B20
3620	Deputy Clerk I	A10
3622	Deputy Clerk II	A12
3624	Deputy Clerk III	A14
3626	Deputy Clerk IV	A16
3630	Chief Deputy Clerk	B21
3635	Clerk of the Court	B28
3637	Court Coordinator	B17
3640	Administrative Law Judge I	B25
3642	Administrative Law Judge II	B26
3644	Administrative Law Judge III	B27
3646	Master Administrative Law Judge I	B29
3648	Master Administrative Law Judge II	B31
3652	Associate Judge	B28
3659	Associate Ombudsman	B15
3660	Ombudsman I	B17
3662	Ombudsman II	B19
3663	Ombudsman III	B21



**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

3665	Ombudsman IV	B23
3672	Benefit Review Officer	B21
3637	Court Coordinator	B17
4001	Dietetic Technician I	A08
4002	Dietetic Technician II	A10
4016	Dietetic and Nutrition Specialist I	B17
4017	Dietetic and Nutrition Specialist II	B19
4018	Dietetic and Nutrition Specialist III	B21
4072	Public Health Technician I	B14
4074	Public Health Technician II	B16
4076	Public Health Technician III	B18
4078	Public Health Technician IV	B20
4082	Epidemiologist I	B19
4083	Epidemiologist II	B21
4084	Epidemiologist III	B23
4125	Veterinarian I	B23
4127	Veterinarian II	B25
4129	Veterinarian III	B27
4142	Laboratory Technician I	A10
4144	Laboratory Technician II	A12
4146	Laboratory Technician III	A14
4148	Laboratory Technician IV	A16
4221	Microbiologist I	B15
4222	Microbiologist II	B17
4223	Microbiologist III	B19
4224	Microbiologist IV	B21
4225	Microbiologist V	B23
4292	Radiological Technologist I	B14
4293	Radiological Technologist II	B16
4294	Radiological Technologist III	B18
4342	Orthopedic Equipment Technician I	A09
4344	Orthopedic Equipment Technician II	A11
4346	Orthopedic Equipment Technician III	A13
4360	Registered Therapist Assistant	A17
4362	Registered Therapist I	B17
4363	Registered Therapist II	B19
4364	Registered Therapist III	B21
4365	Registered Therapist IV	B23
4366	Registered Therapist V	B25
4374	Medical Aide I	A04
4376	Medical Aide II	A06
4385	Medical Technician I	A09
4386	Medical Technician II	A11
4387	Medical Technician III	A13
4390	Health Physicist I	B22
4392	Health Physicist II	B24
4394	Health Physicist III	B26
4401	Medical Technologist I	B13
4402	Medical Technologist II	B15
4403	Medical Technologist III	B17
4404	Medical Technologist IV	B19
4405	Medical Technologist V	B21
4410	Nurse I	B17
4411	Nurse II	B19
4412	Nurse III	B21
4413	Nurse IV	B23
4414	Nurse V	B25
4416	Public Health Nurse I	B19
4417	Public Health Nurse II	B21
4418	Public Health Nurse III	B23
4420	Licensed Vocational Nurse I	A10
4421	Licensed Vocational Nurse II	A12
4422	Licensed Vocational Nurse III	A14
4423	Licensed Vocational Nurse IV	A16

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

4428	Respiratory Care Practitioner	A17
4435	Resident Physician	B19
4436	Physician I	B31
4437	Physician II	B32
4438	Physician III	B33
4440	Physician Assistant	B26
4451	Nurse Practitioner	B26
4453	Medical Research Specialist	B24
4455	Dentist I	B27
4457	Dentist II	B29
4459	Dentist III	B32
4462	Psychologist I	B22
4464	Psychologist II	B24
4465	Psychologist III	B26
4466	Psychological Assistant	B13
4468	Associate Psychologist I	B16
4469	Associate Psychologist II	B17
4470	Associate Psychologist III	B18
4471	Associate Psychologist IV	B19
4472	Associate Psychologist V	B20
4476	Psychiatrist I	B31
4477	Psychiatrist II	B32
4478	Psychiatrist III	B33
4482	Dental Assistant I	A09
4483	Dental Assistant II	A11
4489	Dental Hygienist	B19
4492	Pharmacist I	B26
4493	Pharmacist II	B28
4494	Pharmacist III	B30
4498	Pharmacy Technician I	A09
4499	Pharmacy Technician II	A11
4501	Correctional Officer I	A09
4502	Correctional Officer II	A11
4503	Correctional Officer III	A13
4504	Correctional Officer IV	A14
4505	Correctional Officer V	A16
4510	Sergeant of Correctional Officers	B17
4511	Lieutenant of Correctional Officers	B18
4512	Captain of Correctional Officers	B19
4513	Major of Correctional Officers	B20
4520	Juvenile Correctional Officer I	A09
4521	Juvenile Correctional Officer II	A11
4522	Juvenile Correctional Officer III	A13
4523	Juvenile Correctional Officer IV	A14
4524	Juvenile Correctional Officer V	A16
4525	Juvenile Correctional Officer VI	A18
4526	Dorm Supervisor	B19
4540	Parole Officer I	B14
4541	Parole Officer II	B15
4542	Parole Officer III	B16
4543	Parole Officer IV	B18
4544	Parole Officer V	B20
4550	Assistant Warden	B23
4551	Warden I	B25
4552	Warden II	B26
4560	Counsel Substitute I	A13
4561	Counsel Substitute II	A15
4562	Counsel Substitute III	A17
4571	Correctional Transportation Officer	A14
4646	Industrial Specialist I	A13
4647	Industrial Specialist II	A14
4648	Industrial Specialist III	A15
4649	Industrial Specialist IV	A16
4650	Industrial Specialist V	A17

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

4651	Industrial Specialist VI	A18
4671	Agriculture Specialist I	A13
4672	Agriculture Specialist II	A14
4673	Agriculture Specialist III	A15
4674	Agriculture Specialist IV	A16
4675	Agriculture Specialist V	A17
4676	Agriculture Specialist VI	A18
5002	Adult Protective Services Specialist I	B14
5003	Adult Protective Services Specialist II	B15
5004	Adult Protective Services Specialist III	B16
5005	Adult Protective Services Specialist IV	B17
5006	Adult Protective Services Specialist V	B18
5010	Family Services Specialist I	B19
5011	Family Services Specialist II	B20
5016	Family and Protective Services Supervisor I	B18
5017	Family and Protective Services Supervisor II	B20
5018	Family and Protective Services Supervisor III	B22
5023	Child Protective Services Specialist I	B14
5024	Child Protective Services Specialist II	B15
5025	Child Protective Services Specialist III	B16
5026	Child Protective Services Specialist IV	B17
5027	Child Protective Services Specialist V	B18
5050	Rehabilitation Therapy Technician I	A06
5051	Rehabilitation Therapy Technician II	A08
5052	Rehabilitation Therapy Technician III	A10
5053	Rehabilitation Therapy Technician IV	A12
5054	Rehabilitation Therapy Technician V	A14
5062	Vocational Rehabilitation Counselor I	B16
5063	Vocational Rehabilitation Counselor II	B17
5064	Vocational Rehabilitation Counselor III	B18
5065	Vocational Rehabilitation Counselor IV	B19
5079	Chaplaincy Services Assistant	A13
5081	Chaplain I	B17
5082	Chaplain II	B19
5083	Chaplain III	B21
5090	Rehabilitation Teacher I	B11
5091	Rehabilitation Teacher II	B13
5092	Rehabilitation Teacher III	B15
5104	Veterans Service Representative I	B13
5105	Veterans Service Representative II	B14
5106	Veterans Service Representative III	B15
5107	Veterans Service Representative IV	B16
5108	Veterans Service Representative V	B18
5109	Veterans Service Representative VI	B20
5111	Substance Abuse Counselor I	B13
5112	Substance Abuse Counselor II	B14
5113	Substance Abuse Counselor III	B15
5121	Mental Retardation Assistant I	A07
5122	Mental Retardation Assistant II	A09
5123	Mental Retardation Assistant III	A11
5124	Mental Retardation Assistant IV	A13
5131	Qualified Mental Retardation Professional I	B15
5132	Qualified Mental Retardation Professional II	B16
5133	Qualified Mental Retardation Professional III	B17
5134	Qualified Mental Retardation Professional IV	B18
5140	Recreation Program Specialist I	B11
5142	Recreation Program Specialist II	B13
5144	Recreation Program Specialist III	B15
5151	Psychiatric Nursing Assistant I	A07
5152	Psychiatric Nursing Assistant II	A09
5153	Psychiatric Nursing Assistant III	A11
5154	Psychiatric Nursing Assistant IV	A13
5201	Resident Specialist I	A07
5203	Resident Specialist II	A09

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

5205	Resident Specialist III	A11
5207	Resident Specialist IV	A13
5209	Resident Specialist V	A15
5226	Case Manager I	B11
5227	Case Manager II	B13
5228	Case Manager III	B15
5229	Case Manager IV	B17
5232	Volunteer Services Coordinator I	B13
5233	Volunteer Services Coordinator II	B15
5234	Volunteer Services Coordinator III	B17
5235	Volunteer Services Coordinator IV	B19
5300	Health and Human Services Program Coordinator I	B18
5302	Health and Human Services Program Coordinator II	B20
5304	Health and Human Services Program Coordinator III	B22
5400	Social Worker I	B15
5402	Social Worker II	B17
5404	Social Worker III	B19
5406	Social Worker IV	B21
5408	Social Worker V	B23
5503	Human Services Technician I	A06
5504	Human Services Technician II	A08
5505	Human Services Technician III	A10
5506	Human Services Technician IV	A12
5526	Quality Assurance Specialist I	B17
5527	Quality Assurance Specialist II	B18
5528	Quality Assurance Specialist III	B20
5529	Quality Assurance Specialist IV	B22
5540	Child Support Officer I	B11
5541	Child Support Officer II	B13
5542	Child Support Officer III	B15
5543	Child Support Officer IV	B17
5550	Child Support Technician I	A09
5551	Child Support Technician II	A11
5552	Child Support Technician III	A13
5616	Interpreter I	B16
5618	Interpreter II	B18
5700	Human Services Specialist I	B11
5701	Human Services Specialist II	B12
5702	Human Services Specialist III	B13
5703	Human Services Specialist IV	B14
5704	Human Services Specialist V	B15
5705	Human Services Specialist VI	B16
5706	Human Services Specialist VII	B17
6052	Forensic Scientist I	B19
6053	Forensic Scientist II	B20
6054	Forensic Scientist III	B21
6055	Forensic Scientist IV	B22
6056	Forensic Scientist V	B23
6057	Forensic Scientist VI	B24
6084	Forensic Photographer I	B19
6086	Forensic Photographer II	B20
6095	Police Communications Operator I	A12
6096	Police Communications Operator II	A13
6097	Police Communications Operator III	A14
6098	Police Communications Operator IV	A15
6115	Fingerprint Technician I	A12
6116	Fingerprint Technician II	A14
6117	Fingerprint Technician III	A16
6120	Crime Laboratory Specialist I	B15
6121	Crime Laboratory Specialist II	B16
6122	Crime Laboratory Specialist III	B17
6154	Combined DNA Index System Analyst	B21
6221	Public Safety Records Technician I	A10
6222	Public Safety Records Technician II	A11

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

6229	Security Officer I	A07
6230	Security Officer II	A09
6232	Security Officer III	A11
6234	Security Officer IV	A13
7306	Archeologist I	B18
7308	Archeologist II	B20
7310	Archeologist III	B22
7315	Historian I	B14
7317	Historian II	B16
7319	Historian III	B18
7350	Library Assistant I	A09
7352	Library Assistant II	A11
7354	Library Assistant III	A13
7401	Librarian I	B14
7402	Librarian II	B16
7403	Librarian III	B18
7404	Librarian IV	B20
7407	Archivist I	B16
7409	Archivist II	B18
7462	Exhibit Technician I	B12
7464	Exhibit Technician II	B14
7466	Curator I	B16
7468	Curator II	B18
8003	Custodian I	A04
8005	Custodian II	A06
8007	Custodian III	A08
8021	Custodial Manager I	A11
8023	Custodial Manager II	A13
8025	Custodial Manager III	A15
8031	Groundskeeper I	A04
8032	Groundskeeper II	A06
8033	Groundskeeper III	A08
8103	Food Service Worker I	A04
8104	Food Service Worker II	A06
8108	Food Service Manager I	A12
8109	Food Service Manager II	A14
8110	Food Service Manager III	A16
8111	Food Service Manager IV	A18
8116	Cook I	A04
8117	Cook II	A05
8118	Cook III	A07
8119	Cook IV	A09
8252	Laundry/Sewing Room Worker I	A04
8253	Laundry/Sewing Room Worker II	A06
8254	Laundry/Sewing Room Worker III	A08
8260	Laundry Manager I	A12
8261	Laundry Manager II	A14
8262	Laundry Manager III	A16
8263	Laundry Manager IV	A18
8302	Barber/ Cosmetologist	A07
9004	Maintenance Assistant	A06
9034	Air Conditioning and Boiler Operator I	A11
9035	Air Conditioning and Boiler Operator II	A13
9036	Air Conditioning and Boiler Operator III	A15
9037	Air Conditioning and Boiler Operator IV	A17
9041	Maintenance Technician I	A08
9042	Maintenance Technician II	A10
9043	Maintenance Technician III	A11
9044	Maintenance Technician IV	A13
9045	Maintenance Technician V	A15
9052	Maintenance Supervisor I	A14
9053	Maintenance Supervisor II	A15
9054	Maintenance Supervisor III	A16
9055	Maintenance Supervisor IV	A17

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

9056	Maintenance Supervisor V	A19
9060	Electronics Technician I	A15
9062	Electronic Technician II	A17
9305	Transportation Maintenance Specialist I	A14
9306	Transportation Maintenance Specialist II	A15
9307	Transportation Maintenance Specialist III	A16
9308	Transportation Maintenance Specialist IV	A17
9309	Transportation Maintenance Specialist V	A18
9322	Vehicle Driver I	A07
9323	Vehicle Driver II	A09
9324	Vehicle Driver III	A11
9416	Motor Vehicle Technician I	A09
9417	Motor Vehicle Technician II	A11
9418	Motor Vehicle Technician III	A13
9419	Motor Vehicle Technician IV	A15
9420	Motor Vehicle Technician V	A17
9512	Machinist I	A13
9514	Machinist II	A15
9624	Aircraft Pilot I	B19
9626	Aircraft Pilot II	B21
9628	Aircraft Pilot III	B23
9636	Aircraft Mechanic	A20
9700	Radio Communications Technician I	A10
9704	Radio Communications Technician II	A12
9706	Radio Communications Technician III	A14
9733	Equipment Maintenance Technician I	A14
9734	Equipment Maintenance Technician II	A16
9802	Electrician I	A14
9804	Electrician II	A16
9806	Electrician III	A18
9808	Electrician IV	A20
9812	HVAC Mechanic I	A14
9814	HVAC Mechanic II	A16
9816	HVAC Mechanic III	A18
9830	Ferryboat Specialist I	B20
9832	Ferryboat Specialist II	B21
9834	Ferryboat Specialist III	B22
9901	Public Safety Inspector I	C05
9902	Public Safety Inspector II	C06
9905	Pilot Investigator I	C04
9906	Pilot Investigator II	C05
9907	Pilot Investigator III	C06
9908	Pilot Investigator IV	C07
9920	Trooper Trainee	C01
9922	Probationary Trooper	C02
9928	Trooper	C03
9935	Corporal	C03
9940	Sergeant, Public Safety	C04
9941	Lieutenant, Public Safety	C05
9942	Captain, Public Safety	C06
9943	Assistant Commander, Public Safety	C07
9944	Commander, Public Safety	C08
9945	Major, Public Safety	C08
9950	Agent Trainee	C02
9956	Agent	C03
9960	Sergeant, Alcoholic Beverage	C04
9961	Lieutenant, Alcoholic Beverage	C05
9962	Captain, Alcoholic Beverage	C06
9963	Major, Alcoholic Beverage	C08
9965	Investigator Trainee - Office of the Inspector General	C01
9971	Investigator - Office of the Inspector General	C03
9972	Regional Supervisor - Office of the Inspector General	C04
9973	Regional Manager - Office of the Inspector General	C05
9974	Multi-Regional Administrator - Office of the Inspector General	C06

**CLASSIFIED POSITIONS FOR THE 2010-11 BIENNIUM**  
(Continued)

9975	Chief Inspector - Office of the Inspector General (less than 12 years service)	C07
9976	Chief Inspector - Office of the Inspector General (more than 12 years service)	C08
9980	Game Warden Trainee	C01
9981	Probationary Game Warden	C02
9987	Game Warden	C03
9990	Sergeant, Game Warden	C04
9991	Lieutenant, Game Warden	C05
9992	Captain, Game Warden	C06
9993	Assistant Commander, Game Warden	C07
9994	Commander, Game Warden	C08
9995	Major, Game Warden	C08

**SCHEDULE A CLASSIFICATION SALARY SCHEDULE**

For the Fiscal Years Beginning September 1, 2009, and September 1, 2010

<b>Group</b>	<b>Minimum</b>	<b>Maximum</b>
A3	\$16,850	\$24,433
A4	\$17,693	\$25,654
A5	\$18,577	\$26,937
A6	\$19,506	\$28,284
A7	\$20,481	\$29,698
A8	\$21,505	\$31,183
A9	\$22,581	\$32,742
A10	\$23,710	\$34,379
A11	\$25,132	\$38,955
A12	\$26,640	\$41,292
A13	\$28,239	\$43,770
A14	\$29,933	\$46,396
A15	\$31,729	\$49,180
A16	\$33,633	\$52,130
A17	\$35,651	\$55,258
A18	\$38,146	\$61,034
A19	\$40,816	\$65,306
A20	\$43,673	\$69,878

**SCHEDULE B CLASSIFICATION SALARY SCHEDULE**

For the Fiscal Years Beginning September 1, 2009, and September 1, 2010

<b>Salary Group</b>	<b>Minimum</b>	<b>Maximum</b>
B10	\$23,710	\$34,379
B11	\$25,132	\$38,955
B12	\$26,640	\$41,292
B13	\$28,239	\$43,770
B14	\$29,933	\$46,396
B15	\$31,729	\$49,180
B16	\$33,633	\$52,130
B17	\$35,651	\$55,258
B18	\$38,146	\$61,034
B19	\$40,816	\$65,306
B20	\$43,673	\$69,878
B21	\$46,731	\$74,769
B22	\$50,002	\$80,003
B23	\$53,502	\$85,603
B24	\$57,247	\$91,595
B25	\$61,254	\$98,007
B26	\$67,380	\$111,176
B27	\$74,118	\$122,294
B28	\$81,529	\$134,524

**SCHEDULE B CLASSIFICATION SALARY SCHEDULE**  
(Continued)

B29	\$89,682	\$147,976
B30	\$98,651	\$162,773
B31	\$108,516	\$179,051
B32	\$119,367	\$196,956
B33	\$131,304	\$216,652
B34	\$144,434	\$238,317
B35	\$158,878	\$262,148

**SCHEDULE C CLASSIFICATION SALARY SCHEDULE**

**For the Fiscal Years Beginning September 1, 2009, and September 1, 2010**

**Salary Rates**

Group	< 4 Years of Service	≥ 4 Years of Service	≥ 8 Years of Service	≥ 12 Years of Service	≥ 16 Years of Service	≥ 20 Years of Service
C1	35,787					
C2	39,097					
C3	47,221	50,988	54,860	57,504	60,307	61,793
C4		57,578	61,677	64,402	67,377	69,043
C5		64,489	68,859	71,682	74,848	76,714
C6		71,470	76,077	79,001	82,359	84,427
C7		87,719	88,529	88,939	88,939	88,939
C8		91,200	91,935	92,394	92,394	92,394

**PART 3. SALARY ADMINISTRATION AND EMPLOYMENT PROVISIONS**

**Sec. 3.01. Salary Rates.**

- (a) For each fiscal year of the biennium beginning September 1, 2009, annual salary rates for classified positions are as provided by the Classification Salary Schedules of § 2.01.
- (b) In addition to the limits under this Article, the State Classification Office shall review new exempt positions created during the interim and provide recommendations on the appropriate class title and salary group for these positions to the Legislature during the appropriations process.
- (c) There is no authority to grant salary increases as part of the conversion of employees to Salary Schedules A, B, and C, except in the cases of:
  - (1) across-the-board salary increases authorized in this Act; or
  - (2) employees whose positions are reallocated or reclassified in accordance with § § 654.0155, 654.0156, or 659.254, Government Code.
- (d) An employee hired by the State on or after September 1, 2009, including interagency transfers, must be paid at a salary rate that falls within the salary range of the applicable salary group.
- (e) Notwithstanding other provisions in this Act, the Department of Public Safety of the State of Texas may pay its employees classified as Corporal I, II, III, IV, or V, Traffic Law Enforcement, at rates that exceed the maximum rates designated in Salary Schedule C by up to \$600 per fiscal year.
- (f) Employees within the Principals, Teachers, Supervisors, and Coaches title at the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, and Texas Youth Commission are not subject to the salary administration provisions in Part 3 of this Article.
- (g) Notwithstanding other provisions in this Act, the Department of Public Safety, Department of Criminal Justice, Parks and Wildlife Department, and the Alcoholic Beverage Commission of Texas shall pay its employees classified as commissioned peace officers in Salary Schedule C,



## SALARY ADMINISTRATION AND EMPLOYMENT PROVISIONS

(Continued)

salary stipends at rates that exceed the maximum rates designated in Salary Schedule C. Salary stipends shall be paid to commissioned peace officers who achieve certain levels of skill or certifications as approved by the departments. Such skills and certifications shall include:

- (1) Education Level: \$50 per month for an associate degree, \$100 per month for a bachelor degree, and \$150 per month for a masters degree.
- (2) Commission on Law Enforcement Officer Standards and Education Certification Level: \$50 per month for intermediate, \$100 per month for advanced, and \$150 per month for masters.
- (3) Bilingual Capabilities: \$50 per month for the ability to speak a language other than English.

Commissioned peace officers may receive a stipend for education level or certification level, but not both. The agencies shall work with the Comptroller to establish an efficient salary reporting and payment system.

**Sec. 3.02. Salary Supplementation.** Funds appropriated by this Act to a state agency or to an institution of higher education may not be expended for payment of salary to a person whose classified or exempt salary is being supplemented from other than appropriated funds until a report showing the amount and sources of salary being paid from other sources has been reported to the Secretary of State and Comptroller.

**Sec. 3.03. Classified Salary Rates.** An agency subject to Part 2 or Part 3 of this Article shall make employments of personnel as provided by the Position Classification Plan including paying salaries at rates within the salary schedules provided by this Article IX.

**Sec. 3.04. Salary Limits.** For the biennium beginning September 1, 2009, the rate for determining the expenditure limitations for merit salary increases and promotions under § 659.261, Government Code, is not limited by this Act as a percentage of the total amount spent by the agency in the preceding fiscal year for classified salaries.

**Sec. 3.05. Scheduled Exempt Positions.**

- (a) Except for the positions listed under Subsection (b)(3) or (c)(6), a position listed following an agency's appropriation in the agency's "Schedule of Exempt Positions" shall receive compensation at a rate not to exceed the amount indicated in that agency's "Schedule of Exempt Positions."
- (b) (1) Notwithstanding the rate listed in an agency's "Schedule of Exempt Positions," a position listed in Subsection (b)(3) may receive compensation at a rate set by the Governor in an amount not to exceed the "Maximum Salary" but not less than the "Minimum Salary" for the appropriate group as listed in Subsection (b)(2).
- (2) An exempt position listed in Subsection (b)(3) or (c)(6), for which the term "Group," followed by an Arabic numeral, is indicated, may receive compensation at a rate within the range indicated below for the respective salary group indicated.

### Scheduled Exempt Position Salary Rates

Group	Minimum Salary	Maximum Salary
1	\$70,000	\$110,000
2	80,500	126,600
3	92,600	145,600
4	106,500	167,500
5	122,500	192,600
6	140,900	221,500
7	162,000	254,700
8	186,300	292,500

## SALARY ADMINISTRATION AND EMPLOYMENT PROVISIONS

(Continued)

(3) Agency	Position	Salary Group
(A) Fire Fighters' Pension Commissioner:	Commissioner	Group 1;
(B) Secretary of State:	Secretary of State	Group 5;
(C) Office of State-Federal Relations:	Executive Director	Group 3;
(D) Health and Human Services Commission:	Executive Commissioner	Group 8;
(E) Texas Education Agency:	Commissioner of Education	Group 8;
(F) Adjutant General's Department:	Adjutant General	Group 5;
(G) Texas Department of Criminal Justice:	Presiding Officer, Board of Pardons and Paroles	Group 4;
(H) Texas Department of Criminal Justice:	Parole Board Members (6)	Group 3;
(I) Texas Commission on Environmental Quality:	Commissioners (3)	Group 6;
(J) Texas Department of Housing and Community Affairs:	Executive Director	Group 5;
(K) Texas Workforce Commission:	Commissioners (2)	Group 5;
(L) Texas Workforce Commission:	Commission Chair	Group 6;
(M) State Office of Administrative Hearings:	Chief Administrative Law Judge	Group 5;
(N) Texas Department of Insurance:	Commissioner of Insurance	Group 6;
(O) Office of Public Insurance Counsel:	Public Counsel	Group 4;
(P) Public Utility Commission of Texas:	Commissioners (3)	Group 6;
(Q) Office of Public Utility Counsel:	Public Counsel	Group 4;
(R) Bond Review Board: and	Executive Director	Group 3;
(S) Texas Department of Insurance:	Commissioner of Workers' Compensation	Group 5.

(c) (1) Notwithstanding the rate listed in an agency's "Schedule of Exempt Positions," an agency whose exempt position listed following the agency's appropriations in the "Schedule of Exempt of Positions" is listed in Subsection (c)(6) may request to set the rate of compensation provided for the agency's respective exempt position at an amount not to exceed the "Maximum Salary" but not less than the "Minimum Salary" for the appropriate group as listed in Subsection (b)(2).

(2) The request submitted by the governing board of the state agency shall include at a minimum:

- (A) The date on which the board approved the request;
- (B) A statement justifying the need to exceed the limitation; and
- (C) The source of funds to be used to pay the additional salary amount.

(3) The governing board may make a request under subsection (c)(1) a maximum of once per fiscal year or upon a vacancy in an exempt position listed in subsection (c)(6).

(4) A proposed rate increase shall be considered to be approved if neither the Legislative Budget Board nor the Governor issues a written disapproval of the proposal not later than:

- (A) the tenth business day after the date the staff of the Legislative Budget Board concludes its review of the proposed rate increase and forwards its review to the Chair of the House Committee on Appropriations, Chair of the Senate Committee on Finance, Speaker of the House, and Lieutenant Governor; and
- (B) the tenth business day after the receipt of the proposed transfer by the Governor.

(5) If a proposed rate increase is approved, the Legislative Budget Board shall notify the affected agency, the Governor's Office, and the Comptroller.

(6) Agency	Position	Salary Group
(A) Department of State Health Services	Commissioner	Group 7;
(B) Department of Family and Protective Services	Commissioner	Group 7;
(C) Higher Education Coordinating Board	Commissioner	Group 8;
(D) Department of Aging and Disability Services	Commissioner	Group 7;

## SALARY ADMINISTRATION AND EMPLOYMENT PROVISIONS

(Continued)

- |   |                    |          |
|---|--------------------|----------|
| (E) Department of Information Resources                 | Executive Director | Group 6; |
| (F) Department of Assistive and Rehabilitative Services | Commissioner       | Group 7; |
| (G) Texas Lottery Commission; and                       | Executive Director | Group 6; |
| (H) Texas Youth Commission.                             | Executive Director | Group 6; |
| (I) Preservation Board                                  | Executive Director | Group 4. |
- (d) In addition to all other requirements, any salary increase from appropriated funds within the limits provided by this section and salary increases within the limit established under an agency's bill pattern, must be:
- (1) in writing;
  - (2) signed by the presiding officer of the governing board;
  - (3) submitted to the Governor, the Legislative Budget Board and the Comptroller; and
  - (4) approved by the governing board in a public meeting.
- (e) (1) Each title listed in a "Schedule of Exempt Positions" following an agency's appropriation authorizes one position for the agency unless the title is followed by an Arabic numeral indicating the number of positions authorized.
- (2) The number of authorized positions for a title listed in a "Schedule of Exempt Positions" may be exceeded only:
- (A) for the purpose of hiring a replacement in a key management position as certified by the chief administrator of the agency;
  - (B) if the current incumbent of the position has formally resigned or otherwise announced irrevocable plans to vacate the position;
  - (C) for a period of time not to exceed the equivalent of one month's salary per fiscal year per terminating incumbent (excluding time spent on the payroll for the purpose of exhausting accrued annual leave or state compensatory time); and
  - (D) if exceptions are reported as prescribed for payroll reporting procedures.

**Sec. 3.06. Evening, Night, Weekend Shift Pay: Registered Nurses and Licensed Vocational Nurses.** A state agency may pay an additional evening shift or night shift differential not to exceed 15 percent of the monthly pay rate to registered nurses or licensed vocational nurses who work the 3:00 p.m. to 11:00 p.m. shift, or its equivalent, or who work the 11:00 p.m. to 7:00 a.m. shift, or its equivalent. An additional weekend shift salary differential not to exceed five percent of the monthly pay rate may be paid to registered nurses and licensed vocational nurses. The weekend shift salary differential may be paid to an eligible individual in addition to the evening shift or night shift salary differential.

**Sec. 3.07. Recruitment and Retention Bonuses.** A state agency may pay a bonus to an individual as provided by § 659.262, Government Code.

### **Sec. 3.08. Equity Adjustments.**

- (a) A state agency is authorized to adjust the salary rate of an employee whose position is classified under the position classification plan to any rate within the employee's salary group range as necessary to maintain desirable salary relationships:
  - (1) between and among employees of the agency; or
  - (2) between employees of the agency and employees who hold similar positions in the relevant labor market.
- (b) In determining desirable salary relationships under Subsection (a), a state agency shall consider the education, skills, related work experience, length of service, and job performance of agency employees and similar employees in the relevant labor market.

## SALARY ADMINISTRATION AND EMPLOYMENT PROVISIONS

(Continued)

- (c) A state agency may award an equity adjustment to an employee under this section only if:
  - (1) the employee has worked in the employee's current position for not less than six months while maintaining at least a satisfactory level of job performance; and
  - (2) the adjustment does not take effect during the same fiscal year as another equity adjustment made to the employee's salary under this section.
- (d) A state agency shall adopt internal written rules relating to making equity adjustments under this section. The rules shall include procedures under which the agency will review and analyze the salary relationships between agency employees who receive salaries under the same job classification and perform the same type and level of work to determine if inequities exist.

**Sec. 3.09. Classification Study on Scheduled Exempt Positions.** The State Auditor's Office is directed to conduct a study similar to the annual study on the state's classification plan that reviews the compensation of exempt positions in the General Appropriations Act. The study should compare exempt positions from different agencies and take into account the size of an agency's annual appropriations, FTE level, market average compensation for similar executive positions, the exempt position salary as compared to classified positions within the agency, and other objective criteria the Auditor's Office deems appropriate. The study shall be submitted to all members of the Legislature and the director of the Legislative Budget Board no later than September 1, 2010.

**Sec. 3.10. Method of Salary Payments.** All annual salaries appropriated by this Act are for full-time employment unless specifically designated as part-time. This section may not be construed to prevent the chief administrator of an agency from paying less than the maximum salary rate specified in this Act for a position, or the employment of a part-time employee to fill a regular position provided for in this Act, so long as the salary rate for such part-time employee is proportional to the regular rate for full-time employment.

**Sec. 3.11. Exception - Contracts Less Than 12 Months.** Facilities of the Texas Youth Commission in Article V or institutions of higher education or the schools for the blind or deaf in Article III of this Act that make contracts for less than a twelve-month period may pay salaries in equal monthly payments for the period of the contract.

**Sec. 3.12. Matching Retirement and Certain Insurance.** In each instance in which an operating fund or account is created and named by statute, the responsible officials of the state may transfer into the operating fund or account sufficient monies from treasury funds, local, institutional, or federal funds to pay proportionally the costs of matching state employees' retirement contributions and the state's share of Old Age and Survivors Insurance.

### PART 4. GRANT-MAKING PROVISIONS

**Sec. 4.01. Emergency and Deficiency Grants Out of Special Funds.** For the purposes of §§ 401.061 and 403.075, Government Code, appropriations to the Office of the Governor from "special funds" include excess revenues from General Revenue Fund-Dedicated accounts that were previously special funds above those estimated by the Comptroller in certifying this Act.

**Sec. 4.02. Grant Restriction.** Funds appropriated by this Act may not be expended for a grant to a law enforcement agency regulated by Chapter 1701, Occupations Code, unless:

- (1) the law enforcement agency requesting the grant is in compliance with all rules developed by the Commission on Law Enforcement Officer Standards and Education; or
- (2) the Commission on Law Enforcement Officer Standards and Education certifies that the requesting agency is in the process of achieving compliance with such rules.

**Sec. 4.03. Grants.**

- (a) Funds appropriated by this Act for grants of money to be made by state agencies, including the agencies in the legislative branch, are appropriated for the statutory purposes as the grantor agency may specify. A state agency shall distribute grants on a reimbursement or as needed basis unless otherwise provided by statute or otherwise determined by the grantor agency to be necessary for the purposes of the grant.

## GRANT-MAKING PROVISIONS

(Continued)

- (b) Funds appropriated by this Act for grants to be made by a state agency for a particular fiscal year may be distributed in subsequent fiscal years so long as the grant has been awarded and treated as a binding encumbrance by the grantor agency prior to the end of the appropriation year of the funds appropriated for grant purposes. Distribution of the grant funds is subject to § 403.071, Government Code.

**Sec. 4.04. Grants for Political Polling Prohibited.** None of the funds appropriated by the Act may be granted to or expended by any entity which performs political polling. This prohibition regarding political polling does not apply to a poll conducted by an academic institution as a part of the institution's academic mission that is not conducted for the benefit of a particular candidate or party.

### **Sec. 4.05. Limitation on Grants to Units of Local Government.**

- (a) The funds appropriated by this Act may not be expended in the form of a grant to, or a contract with, a unit of local government unless the terms of the grant or contract require that the funds received under the grant or contract will be expended subject to limitations and reporting requirements similar to those provided by:
  - (1) Parts 2 and 3 of this Article (except there is no requirement for increased salaries for local government employees);
  - (2) § § 556.004, 556.005, and 556.006, Government Code;
  - (3) § § 2113.012 and 2113.101, Government Code;
  - (4) § 6.13 of this Article (Performance Rewards and Penalties);
  - (5) § 7.01 of this Article (Budgeting and Reporting);
  - (6) § 7.02 of this Article (Annual Reports and Inventories); and
  - (7) § 2102.0091, Government Code.
- (b) In this section, "unit of local government" means:
  - (1) a council of governments, a regional planning commission, or a similar regional planning agency created under Chapter 391, Local Government Code;
  - (2) a local workforce development board; or
  - (3) a MHMR community center.

## **PART 5. TRAVEL REGULATIONS**

**Sec. 5.01. Travel Definitions.** The definitions established by § 660.002, Government Code, apply to Part 5 of this Article, unless another meaning is clearly provided. In Part 5 of this Article:

- (1) "Council of governments" includes:
  - (A) a council of governments created under Chapter 391, Local Government Code;
  - (B) a regional planning commission created under Chapter 391, Local Government Code; or
  - (C) a regional planning agency created under Chapter 391, Local Government Code.
- (2) "State agency" includes the entities within the definition of § 660.002(19), Government Code, and also includes a council of governments, a local workforce development board, or a MHMR community center, that uses funds appropriated by this Act to pay for the transportation, meals, lodging, or other travel expenses of its employees.

**Sec. 5.02. General Travel Provisions.** The funds appropriated by this Act to a state agency for the payment of transportation, meals, lodging, or incidental expenses is the maximum amount that may be

## **TRAVEL REGULATIONS**

(Continued)

expended by the agency. The funds appropriated by this Act may not be expended for those expenses unless the travel and the resulting requests for payment or reimbursement comply with the conditions and limitations in this Act, Chapter 660, Government Code, and the Comptroller's Rules.

### **Sec. 5.03. Failure to Comply.**

- (a) If the State Auditor determines that the travel for which payment was made out of appropriated funds is not in compliance with Chapter 660, Government Code, the State Auditor shall so certify to the Comptroller. The Comptroller shall reduce the appropriation of the state agency that paid the travel expenses by an amount equal to the entire amount paid by the state agency for that individual for that travel occurrence.
- (b) The Comptroller shall prepare an annual report indicating the appropriation reductions, by state agency, made pursuant to this section for the previous fiscal year. The Comptroller shall submit the report to the Legislative Budget Board not later than December 1.

**Sec. 5.04. Transportation Expenses.** For a state employee's use of a personally owned or leased motor vehicle, the mileage reimbursement rate for travel equals the maximum fixed mileage allowance specified in the revenue rulings issued by the Internal Revenue Service under the federal income tax regulations as announced by the Comptroller.

### **Sec. 5.05. Transportation in Personally Owned or Leased Aircraft.**

- (a) The rate of reimbursement to be paid to a key official, member of a board, commission, or a member of the Legislature for travel in the person's personally owned or leased aircraft, either within or without the boundaries of this state, is the maximum fixed mileage allowance specified in the revenue rulings issued by the Internal Revenue Service under the federal income tax regulations or alternatively as determined by the Comptroller the rates adopted by the United States Administrator of General Services as announced by the Comptroller.
- (b) The rate of reimbursement for a state employee when the employee travels in the employee's personally owned or leased aircraft, either within or without the boundaries of this state, is:
  - (1) 40 cents per highway mile when traveling in single-engine aircraft; or
  - (2) 50 cents per highway mile when traveling in twin-engine, turbine-powered, or other aircraft.

### **Sec. 5.06. Travel Meals and Lodging Expenses.**

- (a) A state employee who travels within the continental United States shall be reimbursed for the actual cost of lodging and meals. However, the reimbursements may not exceed the maximum meals and lodging rates based on the federal travel regulations, issued by the Comptroller; unless the agency head or designee of the agency head determines that local conditions necessitate a change in the lodging rate for a particular location. If an employee travels to a location where an allowance has not been set by the Comptroller, the Comptroller shall establish a rate for that location.
- (b) At the discretion of each chief administrator of a state agency, a state employee whose duties require the employee to travel outside the employee's designated headquarters without an overnight stay away from the employee's headquarters may be reimbursed for the actual cost of the employee's meals not to exceed \$36.
- (c) A state employee may receive reimbursements for the employee's actual expenses for meals and lodging when traveling outside the continental United States.
- (d) A state agency or institution may reimburse a state employee for a meal expense the employee incurs while traveling outside the employee's designated headquarters for less than six consecutive hours if the reimbursement:
  - (1) receives the written approval by the chief administrator of the state agency or institution;
  - (2) meets the rules adopted by the Comptroller regarding reimbursement for traveling outside the employee's designated headquarters for less than six consecutive hours; and

## TRAVEL REGULATIONS

(Continued)

- (3) complies with § 660.206, Government Code.

**Sec. 5.07. Special Provisions Regarding Travel Expenses.** Reimbursement for meals and lodging as authorized by Subchapter H, Chapter 660, Government Code, on an "actual expenses" or "actual amount of" basis may not exceed twice the maximum rates specified in § 5.06 of this Article.

**Sec. 5.08. Limitation on Travel Expenditures.**

- (a) In this section "travel" refers only to travel outside the state of Texas, except as provided by Subsection (k) of this section.
- (b) (1) None of the funds appropriated by this Act may be expended, without the prior approval of the Legislative Budget Board, for travel purposes if such expenditure would cause the agency's or institution's travel expenditures for that fiscal year to exceed the greatest of:
- (A) 125 percent of that agency's or institution's fiscal year 2000 amount of travel expenditures; or
  - (B) 100 percent of that agency's or institution's fiscal year 2000 amount of travel expenditures plus \$10,000; or
  - (C) 100 percent of that agency's or institution's fiscal year 2000 amount of travel expenditures plus any excess travel expenditure amounts approved by waiver.
- (2) The general limitations provided by this subsection apply in addition to the limits of any additional agency specific limitation.
- (3) In the event that a state agency or institution had, as determined by the Comptroller, no expenditures for travel outside the state of Texas during fiscal year 2000, the general limitations provided by Subsection (b)(1) shall not apply, but out-of-state travel spending may not exceed in either year of the biennium the amount spent for that purpose in the last state fiscal year in which out-of-state travel occurred.
- (c) The Legislative Budget Board may consider requests from agencies which demonstrate circumstances which would make such reductions in actual travel impractical or inefficient in accomplishing the goals and strategies contained in their appropriations pattern. Such circumstances may include: new or expanded programs, law enforcement, tax collection activities, statutorily mandated travel, or other pressing public purposes.
- (d) The Comptroller shall prescribe accounting procedures and reporting requirements to administer this section and to ensure that expenditures for travel by all state agencies and institutions of higher education are properly reported and monitored.
- (e) (1) Upon notification by the Comptroller that a state agency or institution of higher education has exceeded the travel cap limit as specified in Subsection (b) of this section for two consecutive fiscal years without the written approval of the Legislative Budget Board, the state agency or institution of higher education may not pay or reimburse with funds appropriated by this Act, a travel expense for travel to conventions, conferences, or seminars except as provided by this Subsection (e).
- (2) The Comptroller may allow a state agency or institution of higher education to reimburse or pay a travel expense incurred by an employee on or after the date the agency or institution receives notice of its exceeding the limits if:
- (A) the expense is incurred while the employee is returning to the employee's designated headquarters;
  - (B) the reimbursement or payment is necessary to prevent unreasonable hardship to the employee; or
  - (C) the expense is incurred while the employee is completing official state business that the agency or institution deems critical to fulfillment of the agency's or institution's constitutional or statutory duties.

## TRAVEL REGULATIONS

(Continued)

- (3) The Comptroller shall notify the Legislative Budget Board if the Comptroller allows such a payment or reimbursement. The notification must include the reason that the payment or reimbursement is allowed. The Legislative Budget Board may then direct the Comptroller to reduce the agency's or institution's appropriation by the amount of the payment or reimbursement if in the Legislative Budget Board's opinion the payment was the result of an agency failing to comply with the notification by the Comptroller.
- (f) All documents filed by an appointed officer under this section are public information. In this section, the term "public information" has the meaning provided by Chapter 552, Government Code.
- (g) In this section "appointed officer" includes all persons included under the definition provided by Chapter 572, Government Code, except that for the purposes of the definition of "appointed officer," the term "state agency" also includes a council of governments, a local workforce development board, or a mental health mental retardation community center that uses funds appropriated by this Act to pay for the transportation, meals, lodging, or other travel expenses of its employees or officials. For the purpose of this provision, the term "council of governments" shall include a council of governments, a regional planning commission, or similar regional planning agency created under Chapter 391, Local Government Code.
- (h) An appointed officer may not receive reimbursement from funds appropriated by this Act for expenses related to travel before filing with the Texas Ethics Commission copies of all documents that will be submitted to the Comptroller and Legislative Budget Board in support of the travel expense claim.
- (i) Funds appropriated by this Act may not be used to pay expenses for a trip to foreign countries, except for Canada or Mexico, unless the board or commission of each state agency and institution of higher education has approved the travel before departure. A copy of the approval must be attached to each travel voucher submitted to the Comptroller. By October 1 of each year, each agency and institution of higher education must submit a report on all foreign travel with required approvals to the Governor and the Legislative Budget Board.
- (j) In implementing this rider, state agencies shall review their travel policies in order to ensure that travel which is critical to the delivery of services consistent with the mission of the agency is not affected.
- (k) Travel expenses incurred within the Washington, D.C. area by the Office of State-Federal Relations (OSFR) and by state agencies and institutions of higher education that are represented by their employees in the Washington, D.C. office of OSFR shall be considered in-state travel for the purpose of calculating the agencies' compliance with out-of-state travel limitation provisions.

### **Sec. 5.09. Travel and Per Diem of Board or Commission Members.**

- (a) As authorized by § 659.032, Government Code, the per diem of state board and commission members consists of:
  - (1) compensatory per diem, if specifically authorized by law, at \$30 per day; and
  - (2) at the rates provided by this Act for state employees, expense per diem, which includes:
    - (A) reimbursement of actual expenses for meals, at the rates provided by this Act for state employees;
    - (B) lodging at the rates provided by this Act for state employees;
    - (C) transportation at the rates provided by this Act for state employees; and
    - (D) incidental expenses.
- (b) If a law enacted after former Article 6813f, VTCS, (September 1, 1983), authorizes per diem for members of a particular state board or commission, but does not specify the amount of the per diem, then the amount of the per diem is the amount provided by Subsection (a).



## TRAVEL REGULATIONS

(Continued)

- (c) A full-time employee paid from funds appropriated by this Act may not be paid both a salary and compensatory per diem for concurrent service as a state employee and as a board or commission member.

### **Sec. 5.10. Travel of Advisory Committee Members.**

- (a) For the purpose of this section, the term "advisory committee" has the meaning assigned by § 2110.001, Government Code.
- (b) In addition to the limits placed on reimbursement of advisory committee member expenses by this section and to the extent not otherwise limited by this Act or other law, a member of a state agency advisory committee may be reimbursed, at the rates specified in this Act for a state employee, for actual expenses for meals, lodging, transportation, and incidental expenses.
- (c) The funds appropriated by this Act may not be expended to reimburse a member of a state agency advisory committee for expenses associated with conducting committee business, including travel expenses, unless the expenditures for an advisory committee are within the limits provided by this section and other law and are:
  - (1) specifically authorized by this Act; or
  - (2) approved by the Governor and the Legislative Budget Board subsequent to the effective date of this Act.
- (d) The limitations provided by this section do not apply to an advisory committee established by the governing board of a retirement system trust fund.
- (e) The limitations provided by this section apply only to an advisory committee that is subject to Chapter 2110, Government Code.
- (f) Unless otherwise specifically provided for in this Act or by the written authorization of the Legislative Budget Board and Governor, and pursuant to Government Code, § 2110.004, total amounts expended in each fiscal year of the biennium for reimbursement of expenses for an advisory committee authorized to be reimbursed elsewhere in this Act by agencies and institutions, out of funds appropriated to those entities, may not exceed one hundred and twenty-five percent (125%) of total expenditures for reimbursement of the same advisory committee by the agency or institution in fiscal year 2003.

## **PART 6. GENERAL LIMITATIONS ON EXPENDITURES**

**Sec. 6.01. Definitions.** In this Act "unexpended balance" or the abbreviation "UB" means the unobligated balance remaining in an appropriation, i.e., only that part of an appropriation, if any, that has not been set apart by the incurring of an obligation, commitment, or indebtedness by the state agency authorized to spend the appropriation. A reference in this Act to "unexpended balance" or "UB" is a reference to the unobligated balance of an amount appropriated by this Act for the fiscal year ending August 31, 2010, unless another meaning is clearly indicated.

**Sec. 6.02. Interpretation of Estimates.** In the event the amounts of federal funds, local funds, or funds other than appropriations from the General Revenue Fund, have been estimated in this Act in sums greater than are actually received by the respective agencies of the state, this Act may not be construed as appropriating additional funds from General Revenue to make up such differences. Wherever the language of this Act appropriates all receipts or balances from a specified source but uses an estimated amount to inform the Legislature and the public, the estimated figure is not to be construed as a limitation on the amount appropriated.

### **Sec. 6.03. Excess Obligations Prohibited.**

- (a) An agency specified in this Act may not incur an obligation in excess of the amounts appropriated to it for the respective objects or purposes named.
- (b) As a specific exception to Subsection (a) the Comptroller of Public Accounts may determine that a proposed installment purchase arrangement is cost effective and certify this finding in response to an agency request.

## GENERAL LIMITATIONS ON EXPENDITURES

(Continued)

- (c) A determination made by the Comptroller of Public Accounts under Subsection (b) may be made for obligations incurred for the purchase or lease of automated information system equipment only if the agency has on file with the Legislative Budget Board a Biennial Operating Plan, including any amendments to the Biennial Operating Plan, and the plan has been approved by the Legislative Budget Board.
- (d) If this section is violated, the State Auditor shall certify the fact of the violation and the amount of over-obligation to the Comptroller, and the Comptroller shall deduct an amount equivalent to the over-obligation from the salary or other compensation due the responsible disbursing or requisitioning officer or employee, and apply the amount to the payment of the obligation.
- (e) This provision is specified pursuant to § 10, Article XVI, Texas Constitution.

**Sec. 6.04. Interpretation of Legislative Intent.** Funds appropriated by this Act shall be expended, as nearly as practicable, for the purposes for which appropriated. In the event an agency cannot determine legislative purpose from the pattern of appropriations, the agency shall seek to determine that purpose from the proceedings of the legislative committees responsible for proposing appropriations for this state.

**Sec. 6.05. Comptroller's Duty to Pay.** The Comptroller may not refuse to pass for payment a legal claim, factually justified, for which a valid appropriation has been made.

### **Sec. 6.06. Last Quarter Expenditures.**

- (a) A state agency or other governmental unit using funds appropriated by this Act may not expend during the last quarter of a fiscal year more than one-third of the funds appropriated for that fiscal year.
- (b) Specifically exempted from Subsection (a) are:
  - (1) expenditures contracted for in previous quarters;
  - (2) funds required by statute, rule or regulation to be expended on a different time frame;
  - (3) seasonal employment of personnel;
  - (4) construction contracts;
  - (5) contracts dealing with purchases of food, medicines, or drugs;
  - (6) expenditures related to the Children with Special Health Care Needs program operated by the Department of State Health Services; and
  - (7) expenditures occasioned by disaster or other Act of God.
- (c) The funds exempted, under Subsection (b) may not be considered in the computation of the total funds appropriated in a fiscal year for the purpose of applying Subsection (a).

### **Sec. 6.07. Employee Benefit and Debt Service Items.**

- (a) Funds appropriated in the various Articles of this Act for "Employees Retirement System," "Social Security State Match," "Benefit Replacement Pay," "Texas Public Finance Authority-G.O. Bond Debt Service Payments," and "Lease-Payments to the Texas Public Finance Authority" may be transferred between Articles to a like appropriation item without limitation as to the amount of such transfer.
- (b) An agency to which an appropriation listed under Subsection (a) is made may pool such appropriations, made in the various Articles for a common purpose, into a single cost pool for the purpose of administering the appropriation.

### **Sec. 6.08. Benefits Paid Proportional by Fund.**

- (a) Unless otherwise provided, in order to maximize balances in the General Revenue Fund, payment for benefits paid from appropriated funds, including "local funds" and "education and general funds" as defined in § 51.009 (a) and (c), Education Code, shall be proportional to the source of funds except for public community or junior colleges.

## GENERAL LIMITATIONS ON EXPENDITURES

(Continued)

- (b) Unless otherwise specifically authorized by this Act, the funds appropriated by this Act out of the General Revenue Fund may not be expended for employee benefit costs, or other indirect costs, associated with the payment of salaries or wages, if the salaries or wages are paid from a source other than the General Revenue Fund except for public community or junior colleges. For purposes of this Act, a public community or junior college may expend funds appropriated for employee benefit costs for any employee if the employee is: (1) otherwise eligible to participate in the group benefits program; and (2) an instructional or administrative employee whose salary may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether the salary is actually paid from appropriated funds. Payments for employee benefit costs for salaries and wages paid from sources, including payments received pursuant to interagency agreements or as contract receipts, other than the General Revenue Fund shall be made in proportion to the source of funds from which the respective salary or wage is paid or, if the Comptroller determines that achieving proportionality at the time the payment is made would be impractical or inefficient, then the General Revenue Fund shall be reimbursed for any such payment made out of the General Revenue Fund.
- (c) The Comptroller, after consulting with the Legislative Budget Board and the State Auditor's Office, shall develop and maintain rules to provide for the administration of this section.
- (d) Each agency or institution of higher education (excluding a community or junior college) having General Revenue Fund appropriations and other sources of financing shall file with the Comptroller and the State Auditor a report demonstrating proportionality. The report shall be filed before November 20th following the close of the fiscal year for the salaries, wages, and benefits of the preceding year ended August 31. The report shall be in a format prescribed by the Comptroller in collaboration with the Legislative Budget Board and the State Auditor's Office. The State Auditor shall at least biennially review agency and institution (excluding a community or junior college) compliance with the requirements of this section if the agency or institution (excluding a community or junior college) receives funds appropriated under Articles II, III, or VI of this Act. The Comptroller, on receipt of notification from the State Auditor of amounts disproportionately paid from General Revenue Fund appropriations, shall reduce current year General Revenue Fund appropriations of the agency or institution until such time as such amounts are repaid from sources other than the General Revenue Fund.

**Sec. 6.09. Appropriations from Special Funds.** Notwithstanding other provisions of this Act, appropriation amounts from special funds or special accounts in the General Revenue Fund are specifically limited to amounts not to exceed the actual balances and revenues available to each such fund or account.

**Sec. 6.10. Limitation on State Employment Levels.**

- (a) Without the written approval of the Governor and the Legislative Budget Board, a state agency or institution of higher education may not use funds appropriated by this Act to pay all or part of the salaries or benefits of a number of employees which would cause the number of full-time equivalent employees (FTEs) paid from funds appropriated by this Act by the state agency or institution of higher education for a fiscal quarter to exceed the figure indicated by this Act for that state agency or institution.
- (b) A request by a state agency or institution of higher education to exceed or reduce the FTE limitations established by this section must be submitted by the governing board of the state agency or institution of higher education and must include at a minimum:
  - (1) the date on which the board approved the request;
  - (2) a statement justifying the need to exceed or reduce the limitation;
  - (3) the source of funds to be used to pay any additional salaries; and
  - (4) an explanation as to why the functions of any proposed additional FTEs cannot be performed within current staffing levels.
- (c) For the purpose of Subsection (a), the number of FTEs employed by a state agency (not including an institution of higher education or an affiliated entity, the State Preservation Board, Parks and Wildlife Department, Texas School for the Blind and Visually Impaired, Texas School for the Deaf, and Texas Commission on Environmental Quality) for a fiscal quarter:

## GENERAL LIMITATIONS ON EXPENDITURES

(Continued)

- (1) shall be determined in accordance with the report filed pursuant to § 2052.103, Government Code;
  - (2) shall include only employees paid with funds appropriated through this Act;
  - (3) shall not include overtime hours; and
  - (4) shall include a position filled by temporary or contract workers for more than half of the work days of the year preceding the final day of the reporting period. Temporary or contract workers shall include workers employed under contract to fill specific positions customarily filled by state employees. The State Auditor is authorized to provide interpretations of this provision.
- (d) For the purpose of Subsection (a), the number of FTEs employed by the State Preservation Board, Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, or an institution of higher education or an affiliated entity, for a fiscal year:
- (1) shall be determined in accordance with the reports filed pursuant to § 2052.103, Government Code;
  - (2) shall be an average of the four reports filed for that fiscal year;
  - (3) shall include only employees paid with funds appropriated through this Act;
  - (4) shall not include overtime hours; and
  - (5) shall include a position filled by temporary or contract workers for more than half of the work days of the year preceding the final day of the reporting period. Temporary or contract workers shall include workers employed under contract to fill specific positions customarily filled by state employees. The State Auditor is authorized to provide interpretations of this provision.
- (e) This section shall not apply to appropriations made by this Act to the:
- (1) Office of the Governor; or
  - (2) Comptroller when that agency has determined by a cost/benefit analysis that an outsourcing or contracting arrangement provides savings to this State.
- (f) The limitations on FTEs under this section do not apply to a state agency or institution in instances of employment, including employment of temporary or contract workers, directly associated with events declared disasters by the Governor. Each state agency or institution shall annually notify the State Auditor, Comptroller, Legislative Budget Board, and Governor of FTEs exempted under this section.
- (g) (1) The limitations on FTEs under this section do not apply to a state agency or institution in an instance of employment, including employment of a temporary or contract worker, if the FTEs associated with that project are not included in the number of FTEs allowed in the agency's bill pattern and the employees are associated with:
- (A) implementation of a new, unanticipated project that is 100 percent federally funded; or
  - (B) the unanticipated expansion of an existing project that is 100 percent federally funded.
- (2) With regard to the exemption from the FTE limitations provided by this Subsection (g), a state agency or institution is exempt from the FTE limitations only for the duration of the federal funding for the employment related to the project and all salaries, benefits, and other expenses incurred related to employment must be paid from federal funds.

## GENERAL LIMITATIONS ON EXPENDITURES

(Continued)

- (3) This Subsection (g) does not exempt any employees associated with existing projects that are 100 percent federally funded and included in the number of FTEs allowed in the agency's bill pattern.
- (4) Each state agency or institution shall notify the State Auditor, Comptroller, Legislative Budget Board, and Governor of FTEs exempted under this Subsection (g).
- (h) If a program is transferred from a state agency or institution of higher education, then at any time during the biennium, the Legislative Budget Board and the Governor may agree to reduce the number of FTEs paid from funds appropriated by this Act by the state agency or institution of higher education for one or more fiscal quarters to a figure below that indicated by this Act for that agency or institution.

### Sec. 6.11. Purchases of Postage.

- (a) If the expenditures for postage by an agency, other than the Legislature or an institution of higher education, exceed \$4,000 for a fiscal year, the agency shall purchase postage only in accordance with § 2113.103(c), Government Code.
- (b) The amount received by an agency as a refund of postage used by the agency shall be deposited in the fund to the credit of the appropriation from which postage for the agency is paid and is hereby appropriated to the agency for postage use.

### Sec. 6.12. Expenditures for State-Federal Relations.

- (a) Funds appropriated by this Act may not be spent by a state agency to carry on functions for which funds have been appropriated to the Office of State-Federal Relations to perform except when an interagency contract has been executed between the Office of State-Federal Relations and the state agency.
- (b) Prior to travel to the Washington, D.C. area, including any trip with a destination to the Reagan-National, Dulles, or Baltimore Washington International airports, state agency personnel shall inform the Office of State-Federal Relations regarding:
  - (1) the timing of the trip;
  - (2) the purpose of the trip; and
  - (3) the name of a contact person for additional information.
- (c) Under Subsection (b) the term "travel" is limited to only activities:
  - (1) involving obtaining or spending federal funds; or
  - (2) impacting federal policies.

### Sec. 6.13. Performance Rewards and Penalties.

- (a) It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of each state agency and institution. In order to achieve the objectives and service standards established by this Act, agencies and institutions shall make every effort to attain the designated key performance target levels associated with each item of appropriation.
- (b) To support and encourage the achievement and maintenance of these appropriated annual performance levels, continued expenditure of any appropriations in this Act shall be contingent upon compliance with the following provisions:
  - (1) Agencies and institutions, in coordination with the Legislative Budget Board, shall establish performance milestones for achieving targets within each annual budget and performance period; time frames for these milestones and the related performance reporting schedule shall be under guidelines developed and maintained by the Legislative Budget Board.
  - (2) Agencies and institutions shall provide testimony as to the reasons for any performance variances to the Senate Finance Committee and the House Appropriations Committee, as

## GENERAL LIMITATIONS ON EXPENDITURES

(Continued)

determined to be necessary by those committees; assessments of agency and institution performance shall be provided to the committees under guidelines and procedures developed and maintained by the Legislative Budget Board.

- (c) Upon a finding that an agency or institution has successfully met or exceeded performance expectations, or has failed to achieve expected performance levels, the Legislative Budget Board, and the Governor, may adopt a budget execution order, which may include but is not limited to, one or more of the following:
  - (1) Positive Incentives/Rewards - Increased funding, exemption from reporting requirements, increased funding transferability, formalized recognition or accolade, awards or bonuses, expanded responsibility, or expanded contracting authority; or
  - (2) Negative Incentives/Redirection - Evaluation of outcome variances for remedial plan, reduction of funding, elimination of funding, restriction of funding, withholding of funding, reduction of funding transferability, transfer of functional responsibility to other entity, recommendation for placement in conservatorship, direction that a management audit be conducted or direction that other remedial or corrective actions be implemented.
  - (3) The Legislative Budget Board may develop and maintain rules and procedures for the implementation of the above provisions.
  - (4) The Legislative Budget Board may request comments from the State Auditor's Office regarding performance penalties and rewards.
  
- (d) To further foster, support, and reward outstanding performance, ongoing productivity improvements and innovative improvement programs, and to retain key high performing employees, qualified state agencies and institutions may expend amounts necessary from funds appropriated in this Act for the purposes of enhancing compensation for employees who directly contributed to such improvements. Only classified employees (including classified employees of institutions of higher education) are eligible for the form of enhanced compensation authorized by this section, and this award shall not exceed 6.8 percent of an employee's annual base pay. To be eligible for this provision, an agency or institution must:
  - (1) Achieve or exceed targets for 80 percent of the established key performance measures:
    - (A) For fiscal year 2010, eligibility shall be determined by the Legislative Budget Board based on performance reported to the Automated Budgeting and Evaluation System of Texas (ABEST) for fiscal year 2009;
    - (B) For fiscal year 2011, eligibility shall be determined by the Legislative Budget Board based on performance reported to ABEST for fiscal year 2010; and
  - (2) Have an unqualified certification for at least 70 percent of its performance measures as shown by its most recent certification review by the State Auditor's Office; and
  - (3) File a report with the Comptroller, Legislative Budget Board, Governor, House Appropriations Committee, and Senate Finance Committee describing the success of the innovative program and criteria used to assess the improvements; and
  - (4) Sixty days prior to implementation file a report with the Comptroller, Legislative Budget Board, Governor, House Appropriations Committee, and Senate Finance Committee describing in detail how the agency intends to use this flexibility to further the goals of this section.

**Sec. 6.14. Bookkeeping Entries.** Should clerical or bookkeeping errors result in any monies being expended, transferred, or deposited into incorrect funds in or with the state treasury or any monies being cleared from a trust and suspense fund to other than the proper fund, such erroneously expended, transferred, deposited, or cleared monies may be transferred to the correct funds or accounts or trust and suspense account within the state treasury on request of the administering department with the concurrence of the Comptroller, and so much as is necessary for said transfer is hereby appropriated.

## GENERAL LIMITATIONS ON EXPENDITURES

(Continued)

### Sec. 6.15. Accounting for State Expenditures.

- (a) Notwithstanding the various patterns of appropriation established in this Act, the Comptroller shall account for the expenditure of funds appropriated by this Act in a manner that allows for the reporting of expenditures attributable to each strategy in each agency's respective Strategic Planning and Budget Structure as approved by the Governor and the Legislative Budget Board. The information shall be recorded and maintained systematically in the state accounting system in a manner that provides for the integration of the state's budget data and the state's accounting data and to facilitate the state's budget development process.
- (b) This section does not require the deposit into and subsequent disbursement of funds from the state treasury that relate to Texas Public Education Grants, Skiles Act Debt Service, or "local funds" defined in § 51.009, Education Code, except for tuition and lab fees.

**Sec. 6.16. Fee Increase Notification.** None of the funds appropriated by this Act may be expended by an agency which increases the rate of a fee assessed by that agency unless the agency provides a notice to the payer of the fee that the fee rate was set by the agency or its governing board and not mandated by the Legislature.

**Sec. 6.17. Consolidated Funds.** Contingent on the enactment of legislation relating to the dedication of funds, the Comptroller, on approval of the Legislative Budget Board, may change an applicable agency's method of financing source name as provided in this Act to reflect changes made by the other legislation that affects the status of the funding source. No change in the amount of the appropriation would be affected by this change.

**Sec. 6.18. Demographic and Statistical Studies.** Before expending funds appropriated by the Act for the purpose of contracting for a consultant or other private assistance in performing a study required by the Legislature that includes statistical or demographic analysis of data, the agency conducting the study shall determine if the resources of the Texas Legislative Council or the Office of the State Demographer and the Texas State Data Center at The University of Texas at San Antonio are available to assist the agency in designing or conducting that component of the study.

**Sec. 6.19. Cost Allocations.** For the purpose of more effective and efficient identification and allocation of costs, and to effect timely payments to employees and vendors, agencies may temporarily charge salary and/or operating costs to appropriations most applicable for the expense being incurred. Upon receipt of more specific information such as personnel-time allocation information for payrolls, or allocation of office supplies or other goods and services, agencies may reimburse the original paying appropriations by transfer from the appropriation to which the expenditure should have been charged. Such transfers must be accomplished within twelve months in a manner which records appropriate expenditures to the borrowing appropriation and negative expenditures to the lending appropriation. These transfers may be in summary amounts in a manner approved by the Comptroller. Each agency must maintain adequate detailed records to support summary transfer amounts.

### Sec. 6.20. Use of Appropriations to Contract for Audits.

- (a) Notwithstanding any other law, or other sections of this Act, none of the funds appropriated in this Act shall be used by the agencies or institutions of higher education to enter into a contract with an independent audit entity for audit services, except as specified by this section.
- (b) An agency or institution appropriated funds in this Act may use funds appropriated in this Act to:
  - (1) Enter into an interagency contract with the State Auditor's Office (SAO) for the SAO to provide audit services to the agency or institution. At the discretion of the State Auditor and the Legislative Audit Committee, the SAO may conduct the audit or the SAO may enter into a contract with an independent audit entity to conduct the audit; or
  - (2) Enter into a contract with an independent audit entity for the provision of audit services pursuant to § 321.020, Government Code, if:
    - (A) the SAO has reviewed the scope of the proposed audit and has issued a written approval for the scope of the proposed audit, and

## GENERAL LIMITATIONS ON EXPENDITURES

(Continued)

- (B) the SAO has delegated the authority to enter into the proposed audit to the agency or institution, in the event the agency or institution does not have a specific statutory delegation of authority to enter into a contract for audit services.

**Sec. 6.21. Limitations on Use of Appropriated Funds.** Funds appropriated by this Act, other than those appropriated to an institution of higher education, may be expended only for items set out in the expenditure classifications of the Comptroller's Manual of Accounts insofar that an agency expending the appropriated funds has existing statutory authority for making the expenditures and the expenditures are not otherwise limited or prohibited in this Act.

**Sec. 6.22. Definition, Appropriation, Reporting and Audit of Earned Federal Funds.**

- (a) Definition. Earned Federal Funds are defined as all monies received in connection with each entitlement period of a federally funded contract, grant or program, excluding reimbursements under § 8.02(c) of this Article which are not required by the governing agreement to be distributed thereon. Typically, EFF arise from recoveries of costs previously paid from a nonfederal fund source, indirect cost allocations, interest earned on federal funds, and minor sources such as the sale of fixed assets purchased with federal funds. These funds are received in connection with a federally funded program but are not required by the governing agreement to be distributed on that program. For state accounting purposes, EFF are defined as revenues collected and deposited into the state General Revenue Fund as Comptroller revenue object codes 3602, 3702, 3726, 3851, 3965, 3971 and 3972.
- (b) Collected Revenue. General Revenue in the amounts specified by year below is appropriated in agency bill patterns elsewhere in this Act and is contingent on collection of EFF revenues by the following agencies:

	<u>2010</u>	<u>2011</u>
<b>Article I: General Government</b>		
Attorney General	\$7,586,894	\$7,727,079
Trusted Programs of the Governor	1,163,903	926,250
Library & Archives Commission	110,630	110,630
Veterans Commission	1,099,521	1,099,521
<b>Article II: Health and Human Services</b>		
Department of Aging and Disability Services	\$9,266,430	\$9,266,430
Department of Assistive and Rehabilitative Services	2,975,812	2,975,812
Department of Family and Protective Services	1,125,374	1,125,374
Department of State Health Services	4,500,000	4,500,000
Health and Human Services Commission	10,416,109	10,416,109
<b>Article III: Education</b>		
Texas Education Agency	\$2,400,000	\$2,400,000
Higher Education Coordinating Board	936,229	399,950
<b>Article V: Public Safety and Criminal Justice</b>		
Adjutant General's Department	\$107,900	\$107,900
Department of Public Safety	1,489,000	1,489,000
Youth Commission	85,000	85,000
<b>Article VI: Natural Resources</b>		
Department of Agriculture	\$3,721,101	\$3,721,101
Animal Health Commission	352,343	333,967
Commission on Environmental Quality	5,000,000	5,000,000
Parks and Wildlife Commission	225,000	225,000
Railroad Commission	903,112	903,112
Water Development Board	379,015	379,015
<b>Article VII: Business and Economic Development</b>		
Housing and Community Affairs	\$1,249,000	\$1,249,000
Office of Rural Community Affairs	242,517	242,517
Workforce Commission	475,000	475,000
<b>Article VIII: Regulatory</b>		
Department of Insurance	\$258,861	\$258,861
<b>Total, General Revenue in Lieu of Earned Federal Funds</b>	<b>\$56,068,751</b>	<b>\$55,416,628</b>

- (c) Reporting and Appropriation. On a quarterly basis, the Comptroller shall notify the Legislative Budget Board and Governor of the EFF amounts deposited by agency. In the event that an



## GENERAL LIMITATIONS ON EXPENDITURES

(Continued)

agency specified above collects and deposits more EFF than identified above in fiscal year 2010, the agency is hereby appropriated the additional amounts subject to the following conditions:

- (1) At least 30 days prior to budgeting or expending the EFF above the 2010 level above, the agency shall report the anticipated amounts and proposed use of these funds to the Legislative Budget Board.
  - (2) Notification shall include information regarding the need that will be served with the additional revenue.
  - (3) Notification shall also identify the impact on established performance targets, measures, capital budget authority, and full-time-equivalent positions.
- (d) Reporting and Appropriation. Subsection (c) authority and requirements shall also apply to fiscal year 2011.
- (e) No Unexpended Balance Authority from Fiscal Year 2009 for Agencies. The amounts of General Revenue above for all listed agencies exclude any unexpended balances of EFF that remain on August 31, 2009. It is assumed that any remaining balances of EFF on August 31, 2009, lapse to the General Revenue Fund.
- (f) Unexpended Balance Authority Between Years of the 2010-2011 Biennium. Any EFF balances in excess of the amounts identified in Subsection (b) or any balance remaining from the amounts identified in Subsection (b) on August 31, 2010 may be carried forward into fiscal year 2011.
- (g) Benefits Proportional if Used for Salaries. Revenues collected as EFF as authorized and generated by each of the agencies above cover, at a minimum, the cost of the General Revenue appropriations specified above and any associated employee benefits in the event that these revenues are used to pay salaries.
- (h) Federal Monies Collected for Post-retirement Health Care. Federal monies collected for post-retirement health care costs shall be deposited as unappropriated general revenue and are not eligible for appropriation by this provision.
- (i) Amounts Contingent on Collection. The yearly amounts by agency identified above are contingent on collection. In the event that actual and/or projected revenue collections are insufficient to offset the appropriations identified in this provision, the Comptroller shall reduce the General Revenue appropriations provided by this Act to be within the amount of EFF collections expected to be available.
- (j) Contingency Appropriation for Additional Agencies. In the event that an agency not identified above enters into an agreement with a federal agency which results in the receipt of EFF which are a new source of collections not anticipated for fiscal years 2010 and 2011, the affected agency shall furnish documentation of the new revenue to the Comptroller. If the Comptroller finds the information sufficient to support the revenue stream as a new collection, a finding of fact shall be issued and the additional EFF collections are hereby appropriated subject to the notification requirements in Subsections (c) and (d).
- (k) Audit. The depositing and classification practices of Earned Federal Funds by agencies referenced above shall be subject to audit by the State Auditor's Office.

## PART 7. REPORTING REQUIREMENTS

### Sec. 7.01. Budgeting and Reporting.

- (a) As a limitation and restriction upon appropriations made by this Act, agencies and institutions of higher education appropriated funds by this Act may expend funds only if there is compliance with the following provisions:

## REPORTING REQUIREMENTS

(Continued)

- (1) On or before December 1 of each fiscal year, an itemized budget covering the operation of that fiscal year shall be filed with the Governor, the Legislative Budget Board, the Comptroller, and the Legislative Reference Library in the format prescribed jointly by the Legislative Budget Board and the Governor.
  - (2) All subsequent amendments to the original budget shall be filed with the Governor and the Legislative Budget Board within 30 days of approval of such amendments unless such reporting requirement is waived.
  - (3) Under guidelines developed by the Legislative Budget Board, each agency shall file a report with the Legislative Budget Board, the Governor, the Legislative Reference Library, the state publications clearinghouse of the Texas State Library, State Auditor's Office, and the appropriate substantive committees of the House and Senate. The report shall analyze the agency's performance relative to the attainment of stated outcome, output and efficiency targets of each funded goal and strategy. The report shall be submitted at such intervals required by the Legislative Budget Board. The report shall contain a comparison of actual performance for the reporting period with targeted performance based on the level of funding appropriated. In developing guidelines for the submission of agency performance reports, the Legislative Budget Board (in consultation with the Governor) shall:
    - (A) specify the measures to be reported including the key performance measures established in this Act;
    - (B) approve the definitions of measures reported; and
    - (C) establish standards for and the reporting of variances between actual and targeted performance levels.
  - (4) The Legislative Budget Board (in consultation with the Governor) may adjust projected performance target levels, develop new measures, modify or omit existing measures and measure definitions, and/or transfer measures between agencies, goals or strategies to reflect appropriation changes made by riders or other legislation subsequent to passage of this Act, invocation of budget execution authority by the Governor and the Legislative Budget Board, or as unforeseen circumstances may warrant during the biennium.
  - (5) To ensure that the Program and Cost Accounting functions of the Uniform Statewide Accounting System (USAS) are maximized, it is the intent of the Legislature that the Legislative Budget Board and the Governor:
    - (A) determine the agencies, institutions, goals, strategies or other reporting units for which cost accounting data is required;
    - (B) approve the basis for calculating and allocating costs to selected functions, tasks or measures;
    - (C) determine the frequency of reporting cost accounting data needed; and
    - (D) provide for the integration of cost accounting data into the budget development and oversight process.
  - (6) The determinations to be made should be based upon due consideration of the relative benefits and cost-effectiveness of applying cost accounting requirements to a given state operation.
- (b) It is further the intent of the Legislature that the Comptroller develop and provide USAS training modules and support for state agencies and institutions to activate the cost accounting requirements addressed above.

### **Sec. 7.02. Annual Reports and Inventories.**

- (a) None of the monies appropriated by this Act may be expended after November 20th following the close of the fiscal year unless an annual financial report has been filed by the executive head of each agency specified in this Act in accordance with § 2101.011, Government Code.

## REPORTING REQUIREMENTS

(Continued)

- (b) The Comptroller shall withhold any appropriations for expense reimbursements for the heads of agencies or any employees of such agencies until delinquent reports have been filed with the Comptroller.
- (c) "Heads of agencies" as used in this section mean the elected and appointed officials, members of commissions, boards, etc., and the chief administrative officer of such department, board, commission, bureau, office, or agency of the state for which appropriations are made in this Act.

### **Sec. 7.03. Notification to Members of the Legislature.**

- (a) An agency may not use funds appropriated by this Act to close an agency's field office unless the agency provides notification to affected members of the Legislature prior to the public announcement of the closing of the field office.
- (b) It is the intent of the Legislature that at the time of announcing information to the news media concerning a matter of public safety, a state agency that receives funds appropriated under this Act shall make a reasonable attempt to contact each member of the Legislature whose district could be affected by the content of the press release and disclose to the member the content of the press release.

### **Sec. 7.04. Contract Notification: Amounts Greater than \$50,000.**

- (a) In this section "contract" includes a contract, agreement, or other written expression of terms of agreement or an amendment, modification, renewal, or extension of such for the purchase or sale of goods or services that was entered into or paid for, either in whole or in part, by a state agency or institution of higher education during a fiscal year.
- (b) In this section a contract does not include:
  - (1) a contract that has been reported to the Legislative Budget Board under §§ 2054.008, 2166.2551, 2254.006, or 2254.0301, Government Code;
  - (2) a purchase order;
  - (3) an interagency contract;
  - (4) an interlocal agreement;
  - (5) a contract with a value of less than or equal to \$50,000; or
  - (6) a contract paid only with funds not appropriated by this Act.
- (c) Before October 1 of each fiscal year, a state agency or an institution of higher education shall report to the Legislative Budget Board in the manner prescribed by Legislative Budget Board all contracts to which the agency or institution was a party during the prior fiscal year.

### **Sec. 7.05. Contract Notification: Amounts Greater than \$500,000.**

- (a) In this section "contract" includes:
  - (1) a contract, agreement, purchase order, interagency contract, interlocal agreement, or other written expression of terms of agreement or an amendment, modification, renewal, or extension of such for the purchase or sale of goods or services that was entered into or paid for, either in whole or in part, by a state agency or institution of higher education during a fiscal year, which has a value of more than \$500,000; or
  - (2) a series of contracts, agreements, purchase orders, interagency contracts, interlocal agreements, or other written expressions of terms of agreement, or amendments, modifications, renewals, or extensions of such for the purchase or sale of goods or services that was entered into or paid for, either in whole or in part, by a state agency or institution of higher education during a fiscal year which together total in value an amount greater than \$500,000 and involving both:
    - (A) a single entity or individual; and

## REPORTING REQUIREMENTS

(Continued)

- (B) a state agency or institution of higher education.
- (b) In this section a contract does not include a contract that has been reported to the Legislative Budget Board:
  - (1) under §§ 2054.008, 2166.2551, 2254.006, or 2254.0301, Government Code; or
  - (2) Sec. 7.04 of this Article.
- (c) Before October 1 of each fiscal year, a state agency or an institution of higher education shall report to the Legislative Budget Board in the manner prescribed by the Legislative Budget Board all contracts to which the agency or institution was a party during the prior fiscal year.

### **Sec. 7.06. Reports and References.**

- (a) All references in this Act to the "Governor," "Office of the Governor," and "Governor's Office of Budget, Planning and Policy" are changed to "the Governor's Office."
- (b) A state agency or institution shall submit to the Governor's Office all reports, approval processes, notifications, filings, documentation of expenditures, plans, addendums, or updates submitted to the Legislative Budget Board, under provisions contained in this Act.

### **Sec. 7.07. Reporting Fees, Fines, and Penalties.**

- (a) Before November 1 of each fiscal year, each state agency and institution of higher education (including a community or junior college) shall report to the Legislative Budget Board in the manner prescribed by the Legislative Budget Board all fees, fines, and penalties assessed and all fees, fines, and penalties assessed but not collected by the agency or institution during the prior fiscal year.
- (b) Each report made under this section shall detail the effort made by the reporting state agency or institution of higher education to collect fees, fines, and penalties that are more than ninety days past due.

### **Sec. 7.08. Reporting of Federal Homeland Security Funding.** All state agencies and institutions of higher education shall include in their operating budget reports to the Legislative Budget Board:

- (1) an estimated amount of federal homeland security funding received by the agency or institution of higher education and used for the operation and administration of state homeland security programs; and
- (2) the amount of federal homeland security funding received by the agency or institution of higher education and passed through to other agencies, institutions, or local units of government.

### **Sec. 7.09. Reporting of Historically Underutilized Business (HUB) Key Measures.** In accordance with Government Code §2161.127 relating to the reporting of HUB key performance measures, the Legislative Budget Board hereby reports information provided by agencies and Institutions of Higher Education in the legislative appropriations requests on the LBB website, which can be found at [http://www.lbb.state.tx.us/Bill\\_81/Art9HUBKeyMeasures.pdf](http://www.lbb.state.tx.us/Bill_81/Art9HUBKeyMeasures.pdf).

## **PART 8. OTHER APPROPRIATION AUTHORITY**

### **Sec. 8.01. Acceptance of Gifts of Money.**

- (a) A gift or bequest of money to a state agency named in this Act, including the legislative branch, that has specific authority to accept gifts is appropriated to the agency designated by the grantor and for the purpose the grantor may specify, subject to Subsections (b), (c), (d), and (e).
- (b) Unless exempted by specific statutory authority, a gift or bequest of money shall be:

## OTHER APPROPRIATION AUTHORITY

(Continued)

- (1) deposited into the state treasury, and
  - (2) expended in accordance with the provisions of this Act.
- (c) A gift or bequest to a state agency may not be transferred to a private or public development fund or foundation, unless written permission for the transfer is given by the donor of the gift or representative of the estate. An account of all such letters of written permission and transfers of gifts or bequests shall be kept by the agency and shall be reported to the State Auditor.
  - (d) An unexpended balance, from a gift or bequest, existing at the beginning of this biennium or at the end of a fiscal year of this biennium is hereby appropriated for use during this biennium for the purpose provided by the grantor.
  - (e) It is the intent of the Legislature that during the years subsequent to this biennium, to the extent allowed by law, the gift or bequest be used by the beneficiary agency for the purpose provided by the grantor.

### **Sec. 8.02. Federal Funds/Block Grants.**

- (a) Funds received from the United States government by a state agency or institution named in this Act are hereby appropriated to the agency or institution for the purposes for which the federal grant, allocation, aid, payment, or reimbursement was made subject to the provisions of this section.
- (b) Notwithstanding subsection (a) of this section, prior to the expenditure of any funds appropriated under this section in an amount in excess of \$10 million greater than the amount for which an agency was appropriated federal funds for the same purpose in this Act, each agency shall report to the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts, the amount of federal funds and the proposed use of the funds. If after the tenth business day after notification from the agency neither the Legislative Budget Board nor the Governor issues a written disapproval, the Comptroller of Public Accounts shall release the funds.
- (c) Except for an institution of higher education, federal funds:
  - (1) including unexpended balances, shall be deposited to and expended from the specific appropriation item identified in this Act; and
  - (2) may not be expended for a strategy or function other than a strategy or function that has been reviewed by the Eighty-first Legislature and authorized by specific language in this Act or encompassed by an agency's budget structure as established by this Act.
- (d) As applicable, federal reimbursements received for expenditures previously made or services performed on behalf of federal programs from state funds shall be credited by the Comptroller to the fund from which the expenditure was originally made. The credit shall be to the agency's current appropriation item or accounts from which the expenditures of like character were originally made and are hereby appropriated. Reimbursements received from employee benefits paid from General Revenue Fund appropriations of other administering agencies shall be deposited to the unappropriated General Revenue Fund.
- (e) A position created for administration of federal grant programs shall be phased out upon discontinuance of the particular federal grant for which it was authorized.
- (f)
  - (1) Semi-annual reports, of federal funds received and their intended usage comparing historical, appropriated, and agency expected amounts for those funds, shall be filed by the Governor with the Legislative Budget Board and the presiding officers of both houses of the Legislature for referral to appropriate standing committees for review.
  - (2) Before expending or obligating funds received under a federal grant or program, an agency must file the required information regarding application for federal funds and receipt of federal funds.
- (g) Agencies subject to Chapter 654, Government Code (the Position Classification Act) will make federal grant employment in accordance with the provisions of that Act in positions listed in, or otherwise authorized by, this Article.

## OTHER APPROPRIATION AUTHORITY

(Continued)

- (h) In order to maximize the amount of federal alcohol and drug abuse funds that might become available to the Department of State Health Services, state funds used by a state agency to provide alcohol and drug abuse services may be counted towards any required state matching contribution for such federal funds.
- (i) In the event that federal programs that authorize federal funds included in this Act are eliminated, consolidated, or replaced with new federal programs and funding authorization or block grants, or the federal funds appropriated to agencies are reduced, any reduction or reallocation of federal funds will be distributed across affected agencies and programs to pattern the strategies and programs included in this Act to the extent possible without restricting the state's ability to receive federal funds, in accordance with a plan adopted by the designated single state agency or otherwise by each affected agency. An agency shall provide a copy of the plan to the Legislative Budget Board and the Governor.

### **Sec. 8.03. Reimbursements and Payments.**

- (a) Except as provided in Subsection (f), any reimbursements received by an agency of the state for authorized services, including contractual agreements with a non-governmental source or any unit of government, including state, federal, or local government, refund of expenditures received by an agency of the state and any payments to an agency of the state government made in settlement of a claim for damages, are hereby appropriated to the agency of the state receiving such reimbursements and payments for use during the fiscal year in which they are received. Revenues specifically established by statute on a fee or service provided basis are not appropriated by this section and are available for expenditure by the collecting agency only if appropriated elsewhere in this Act.
- (b) Forfeited money, proceeds from the sale of forfeited property or similar monetary awards related to the agency's participation in the seizure of controlled substances or other contraband are hereby appropriated to the receiving state agency, unless distribution is otherwise provided by statute or specific provision of this Act.
- (c) Except as provided elsewhere in this Act, net amounts of money received by an agency as a result of tax seizures or other similar recoveries authorized by statute shall be deposited in the state treasury as unappropriated revenues to the funds or accounts authorized by statute.
- (d) The portion of proceeds representing recoveries of costs incurred in forfeitures under Subsection (b) or, seizures or similar recoveries under Subsection (c) are appropriated to the receiving agency. Such cost recoveries include court costs, attorney fees, rentals or storage fees, auction and sale costs, preparation costs to condition property for sale, and salaries, travel, and other overhead costs of the agency.
- (e) The reimbursements, refunds, and payments received under Subsection (a) shall be credited by the Comptroller to the agency's current appropriation items or accounts from which the expenditures of like character were originally made, or in the case of damage settlements to the appropriation items or accounts from which repairs or replacements are made; provided, however, that any refund of less than \$50 to an institution of higher education for postage, telephone service, returned books and materials, cylinder and container deposits, insurance premiums and like items, shall be deposited to the current fund account of the institution in the state treasury and such funds are hereby appropriated.
- (f) Fifty percent of the reimbursements, refunds, and payments of state funds received under Subsection (a) as a result of a recovery audit pursuant to Chapter 2115, Government Code, shall be credited by the Comptroller to the agency's current appropriation items or accounts from which the expenditures of like character were originally made and such funds are hereby appropriated to the agency in the fiscal year in which the funds are received. The remaining 50 percent shall be deposited in the state treasury as unappropriated revenues to the originating funds or accounts.
- (g) An unexpended balance received by an agency or institution from disaster related recoveries, reimbursements, refunds, or other payments that are existing at the end of a fiscal year are hereby appropriated for use during the following fiscal year.

**Sec. 8.04. Surplus Property.** Twenty-five percent of the receipts to a state agency specified in this Act received from the sale of surplus property, equipment, commodities, or salvage (including recycled

## OTHER APPROPRIATION AUTHORITY

(Continued)

products) pursuant to the provisions of Chapter 2175, Government Code, are hereby appropriated to the state agency for expenditure during the fiscal year in which the receipts are received. Receipts from such surplus equipment, commodities, or salvage (including recycled products) sales shall be expended from the appropriation item from which like property, equipment, or commodities would be purchased.

### **Sec. 8.05. Refunds of Deposits.**

- (a) Any money deposited into the state treasury which is subject to refund as provided by law shall be refunded from the fund into which the money was deposited, transferred, or otherwise credited, and so much as is necessary for said refunds is hereby appropriated.
- (b) Unless another law, or section of this Act, provides a period within which a particular refund claim must be made, funds appropriated by this Act may not be used to pay a refund claim made under this section after four years from the latest date on which the amount collected or received by the state was due, if the amount was required to be paid on or before a particular date. If the amount was not required to be paid on or before a particular date, a refund claim may not be made after four years from the date the amount was collected or received. A person who fails to make a refund claim within the period provided by law, or this provision, may not receive payment of a refund under this section.
- (c) Except as provided by Subsection (d), as a specific limitation to the amount of refunds paid from funds appropriated by this Act during the 2010-2011 biennium, the Comptroller may not approve claims or issue warrants for refunds in excess of the amount of revenue estimated to be available from the tax, fee, or other revenue source during the biennium according to the Biennial Revenue Estimate of the Comptroller used for certification of this Act. Any claim or portion of a claim that is in excess of this limitation shall be presented to the next Legislature for a specific appropriation in order for payment to be made. The limit provided by this subsection does not apply to any taxes or fees paid under protest.
- (d) Where the Biennial Revenue Estimate referenced in Subsection (c) provides that no revenues are estimated to be available from a tax, fee, or other revenue source, and where a special fund or dedicated account has been abolished or the law creating the special fund or dedicated account has been repealed or has expired, any balances which may have been transferred or credited to the General Revenue Fund because of such abolishment, repeal or expiration are appropriated from that fund to pay refunds that are otherwise payable under this section.

**Sec. 8.06. Vending Machines.** All receipts collected from vending machine operations pursuant to § 2203.005, Government Code, are hereby appropriated to the institution or agency for use as directed by the institution or agency authorizing the installation.

**Sec. 8.07. Pay Station Telephones.** All receipts collected from pay station telephone operations pursuant to § 2170.009, Government Code, are hereby appropriated for use by the agency as determined by the governing board or commission.

**Sec. 8.08. Appropriation of Collections for Seminars and Conferences.** All funds collected for the reimbursement of costs directly associated with the conducting of seminars, conferences, or clinics that directly relate to the legal responsibilities and duties of the agency and that are for the purposes of education, training, or informing employees or the general public are hereby appropriated for the necessary expenses incurred in conducting the seminar; provided, however, all applicable laws, and rules and regulations for the acquisition of goods and services for the state shall apply to the expenditures. Any unexpended balances remaining as of August 31, 2009, in an appropriation made by Article IX, § 8.08, of House Bill 1, Eightieth Legislature, Regular Session, 2007, are hereby appropriated for the same purpose.

**Sec. 8.09. Appropriation of Bond Proceeds.** The proceeds from the issuance and sale of bonds or other obligations pursuant to the provisions of Chapter 1232, Government Code, and Chapter 1401, Government Code or other law, are appropriated to the state agency to whose account the proceeds are deposited or credited. Proceeds include interest and investment income.

### **Sec. 8.10. CMIA Interest Payments.**

- (a) There is hereby appropriated to the Comptroller for the biennium ending August 31, 2011, sufficient general revenue monies for the payment of interest due the federal government under the federal Cash Management Improvement Act of 1990 (31 U.S.C. § 6501 et seq.).

## OTHER APPROPRIATION AUTHORITY

(Continued)

- (b) An amount equal to the amount of interest payments made from general revenue on behalf of special funds or accounts as a result of the federal Cash Management Improvement Act of 1990 is hereby appropriated from special funds. The Comptroller shall transfer from each special fund or account to general revenue, an amount equal to the amount of interest paid on behalf of each special fund or account.

**Sec. 8.11. Appropriation of Receipts: Credit, Charge, Debit Card, or Electronic Cost Recovery Service Fees.** Any fee amount assessed by an agency for the purpose of paying the costs associated with credit, charge, or debit card services is appropriated to that agency from the fund to which the fee was deposited. Any cost recovery fees assessed by an agency and approved by the Department of Information Resources as authorized under Chapter 2054, Government Code, for the purpose of paying the costs associated with implementing and maintaining electronic services, excluding subscription fees as defined in Subchapter I, Chapter 2054, Government Code, are hereby appropriated to the assessing agency from the fund to which the fee was deposited. Any unexpended balances from credit, charge, or debit card service or cost recovery fees remaining at the end of the fiscal biennium ending August 31, 2009, are reappropriated to the assessing agency from the fund to which the fee was deposited for the same purposes for the fiscal biennium beginning September 1, 2009.

## PART 9. INFORMATION RESOURCES PROVISIONS

### Sec. 9.01. Purchases of Information Resources Technologies.

- (a) In this section:
  - (1) "Information resources," "Information resources technologies," and "Major information technology project" have the meanings provided by § 2054.003, Government Code.
  - (2) "Quality Assurance Team" and "QAT" means the quality assurance team established under § 2054.158, Government Code.
- (b) A state agency may not request appropriations for information technology unless the information technology is in a plan approved by the Legislative Budget Board.
- (c) Prior to amending a contract for development of a major information technology project, when the amendment constitutes a 10 percent or greater change, the agency shall notify the Governor, Lieutenant Governor, Speaker of the House, Senate Finance Committee, House Appropriations Committee, and the QAT. For contracts having a total value in excess of \$1.0 million an amendment to the contract that changes the total value of the contract or any element of the contract by more than 10 percent of the total value of the contract is not valid without QAT approval.

### Sec. 9.02. Quality Assurance Review of Major Information Resources Projects.

- (a) In this section:
  - (1) "Major information resources project" has the meaning provided by § 2054.003, Government Code.
  - (2) "Quality Assurance Team" and "QAT" means the quality assurance team established under § 2054.158, Government Code.
- (b) A state agency may not expend appropriated funds for a major information resources project unless the project has been reviewed and approved by the Legislative Budget Board in the agency's biennial operating plan and the QAT. The QAT shall determine approval based on an analysis of the project's risk. The QAT may request any information necessary to determine a project's potential risk. The QAT may waive the project review requirements for a project.
- (c) The QAT may require independent project monitoring, project status reporting, project expenditure reporting, or any additional information necessary to assess a project's on-going potential for success. After a project has been completed, the QAT may also require an agency to submit a project post-implementation evaluation report to determine if the project met its planned objectives. The QAT may take any additional actions or request information as specified in § 2054.1181, Government Code.



## INFORMATION RESOURCES PROVISIONS

(Continued)

- (d) On request by the QAT, the State Auditor's Office shall provide audit and review of the projects and the information provided by the agencies.
- (e) The QAT may request the assistance of the Comptroller in regard to the accuracy of project expenditures and compliance with this Act.
- (f) The QAT shall provide an annual report to the Governor, Lieutenant Governor, Speaker of the House, the House Appropriations Committee, and Senate Finance Committee on the status of projects under its review by December 1.
- (g) The State Auditor's Office may:
  - (1) provide an independent evaluation of the post implementation evaluation review process to ensure the validity of its results; and
  - (2) send the evaluation to the Legislative Audit Committee.
- (h) The Legislative Budget Board may issue guidelines for software development, quality assurance, and the review of major information resources projects.
- (i) Unless waived by the Legislative Budget Board the QAT shall require each affected agency to:
  - (1) quantitatively define the expected outcomes and outputs for each major information resource project at the outset;
  - (2) monitor cost; and
  - (3) evaluate the final results to determine whether expectations have been met.

**Sec. 9.03. Biennial Operating Plan and Information Resources Strategic Plan Approval.** It is the intent of the Legislature that agencies and institutions of higher education receiving appropriated funds for the acquisition of information technology must have a current Information Resources Strategic Plan and a Biennial Operating Plan including any amendments as approved by the Legislative Budget Board prior to expending any funds for information technology. Information Technology items identified in the Capital Budget Rider must be included and approved in the Biennial Operating Plan or a subsequently approved amendment of the Biennial Operating Plan. The Legislative Budget Board may direct the Comptroller to deny the agency or institution of higher education access to information technology appropriations for non-compliance.

**Sec. 9.04. Information Technology Replacement.** It is the intent of the Legislature that agencies and institutions of higher education receiving appropriated funds for the acquisition of information technology perform a cost-benefit analysis of leasing versus purchasing information technology and develop and maintain a personal computer replacement schedule. Agencies and institutions of higher education should use the Department of Information Resources' (DIR) Guidelines for Lease versus Purchase of Information Technologies to evaluate costs and DIR's PC Life Cycles: Guidelines for Establishing Life Cycles for Personal Computers to prepare a replacement schedule.

**Sec. 9.05. TexasOnline Project: Occupational Licenses.** Each licensing entity not otherwise authorized to increase occupational license fees elsewhere in this Act is authorized to increase the occupational license or permit fees imposed on the licensing entity's licensees by an amount sufficient to cover the cost of the subscription fee charged by the TexasOnline Project to the licensing entity pursuant to Chapter 2054, Government Code. Each licensing entity provided by Chapter 2054, Government Code and not otherwise authorized to increase occupational license fees elsewhere in this Act is hereby appropriated the additional occupational license or permit fees in excess of the Comptroller's biennial revenue estimate 2010-11 for the sole purpose of payment to the TexasOnline contractor subscription fees for implementing and maintaining electronic services for the licensing entities. Each agency, upon completion of necessary actions to access or increase fees, shall furnish copies of board meeting minutes, an annual schedule of the number of license issuances or renewals and associated annual fee total, and any other supporting documentation to the Comptroller. If the Comptroller finds the information sufficient to support the projection of increased revenues, a notification letter will be issued and the contingent appropriation made available for the intended purposes.

**Sec. 9.06. TexasOnline Project: Cost Recovery Fees.** Any cost recovery fees, excluding subscription fees as defined in Subchapter I, Chapter 2054, Government Code, approved by the Department of

## INFORMATION RESOURCES PROVISIONS

(Continued)

Information Resources in relation to the TexasOnline Project as authorized under Chapter 2054, Government Code, are hereby appropriated to that agency from the fund to which the fee was deposited for the purpose of paying the costs associated with implementing and maintaining electronic services. Any unexpended balances remaining at the end of the fiscal biennium ending August 31, 2009, are reappropriated for the same purposes for the fiscal biennium beginning September 1, 2009.

### PART 10. HEALTH-RELATED PROVISIONS

**Sec. 10.01. Purchasing of Pharmaceuticals.** An agency appropriated funds for the purpose of the purchase of pharmaceutical products may establish a preference for the purchase of those pharmaceutical products from a manufacturer that voluntarily participates in the Department of State Health Services' Vendor Drug Rebate Program for the Children with Special Health Care Needs Program and the Kidney Health Care Program.

**Sec. 10.02. Full Application for Health Coverage.** To the fullest extent permitted by federal law and regulations, all state agencies that have children in their custody must apply for enrollment of all children in the Medicaid or the Children's Health Insurance Program, unless the children have otherwise been provided health insurance.

**Sec. 10.03. State Agency Communication with Employees Regarding the State Kids Insurance Program (SKIP).**

- (a) A state agency shall provide each employee with information regarding the State Kids Insurance Program (SKIP) and Medicaid. When offering insurance to employees, agencies must provide separate literature, including eligibility requirements and prices, for SKIP and Children's Medicaid. The outreach shall be performed at least annually during open enrollment and with any new state employee at the time of hiring.
- (b) The Health and Human Services Commission shall maintain an application and a brochure for state employees about SKIP and for Children's Medicaid. These documents shall be maintained with collaboration from the Employees Retirement System, the Health and Human Services Commission's internal Medicaid division, and the Health and Human Services Commission's Children's Health Insurance Program department. The brochure should include an eligibility chart, pricing information, and a telephone number to call the Health and Human Services Commission or the Employees Retirement System to answer questions. All of the aforementioned documents shall be easily reproduced by other state agencies, and shall be made available on each agency's website to download from the Internet. The information contained within these documents shall be updated annually.

**Sec. 10.04. Appropriation of Disproportionate Share Hospital Payments to State-Owned Hospitals.** Disproportionate Share Hospital Program payments from the Health and Human Services Commission to state-owned hospitals are appropriated to the receiving state agency/hospital as replacement funding for funds transferred to the Health and Human Services Commission and are subject to the accounting provisions as required by the Comptroller including deposits to the fund or account from which the original source of transfers to the Health and Human Services Commission was made.

**Sec. 10.05. Informational Listing - Health Care Appropriations.**<sup>1</sup> The following is an informational listing of amounts appropriated specifically for health care services in this Act and of certain amounts appropriated in HB 4586, 81<sup>st</sup> Legislature, Regular Session, and does not make appropriations. For purposes of this section, health care appropriations include programs identified as health care-related in this Act, and do not include health care appropriations made to institutions of higher education with non-appropriated funds.

For purposes of this informational listing, health care appropriations include, but are not limited to, appropriations for Medicaid, inpatient and outpatient services, health care premiums, medications, laboratory services, community care services, nursing facility and hospice payments, rehabilitation

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<sup>1</sup> Incorporates final appropriations. Appropriations related to HB 4586 are subject to the appropriation life stated therein and are not extended by inclusion in SB 1, 81<sup>st</sup> Legislature, 2009. In addition, unless expressly provided by HB 4586, such appropriations are not subject to General Provisions contained in Article IX of SB 1, 81<sup>st</sup> Legislature, 2009.

**HEALTH-RELATED PROVISIONS**  
(Continued)

services, alcohol and drug abuse treatment, mental retardation, and comprehensive therapies and related services for children with developmental delays. Certain non-health care-related costs which could not be broken out from other health care costs are also included in the listing below.

<b>Programs</b>	<b>All Funds (in millions) <u>2010</u></b>	<b>All Funds (in millions) <u>2011</u></b>
<b>Article I</b>		
Employees Retirement System - State Employee Group Health Insurance	\$1,150.5	\$1,251.3
Employee Children's Insurance Program (SKIP)	7.1	7.6
Workers' Compensation (State Office of Risk Management agencies)	48.6	49.6
<b>Article II</b>		
Health and Human Services Commission-Medicaid	15,391.8	15,682.0
Health and Human Services Commission-Children's Health Insurance Program	1,000.1	1,019.6
Department of Aging and Disability Services	6,297.4	6,360.4
Department of Assistive and Rehabilitative Services	445.6	451.4
Department of State Health Services	1,563.8	1,560.7
Article II Special Provisions	0.0	0.0
<b>Article III</b>		
Health-Related Higher Education Institutions	2,139.1	2,242.3
Higher Education Group Health Insurance	731.9	781.6
Higher Education Workers' Compensation		
Non-State Office of Risk Management	14.5	14.6
Teacher Retirement System-TRS Care	255.3	268.1
Texas Education Agency-Independent School District Employee Insurance	478.5	483.3
<b>Article V</b>		
Texas Department of Criminal Justice	596.8	601.5
Texas Youth Commission	26.7	26.0
<b>Article VII</b>		
Office of Rural Community Affairs	6.1	6.1
<b>Total*</b>	<b>\$30,153.6</b>	<b>\$30,806.0</b>
<b>Method of Finance</b>		
Total, General Revenue	\$13,270.3	\$13,593.0
Total, General Revenue-Dedicated	320.2	338.0
Total, Federal Funds	14,306.8	14,398.3
Total, Other Funds	2,256.3	2,476.7
<b>Total,* All Funds</b>	<b>\$30,153.6</b>	<b>\$30,806.0</b>

\*Totals may not add because of rounding.

**Sec. 10.06. Informational Listing on Use of Tobacco Settlement Receipts.**

- (a) The following is an informational list of the amounts (as shown in thousands) appropriated elsewhere in this Act to agencies from tobacco settlement receipts and estimated distributions from funds and endowments created by House Bill 1676 and House Bill 1945, Seventy-sixth Legislature and Senate Bill 126, Seventy-seventh Legislature for each fiscal year of the 2010-11 biennium and does not make appropriations:

	<u>2010</u>	<u>2011</u>
(1) Health and Human Services Commission		
B.1.4. Children and Medically Needy Risk Groups	236,093	227,410
C.1.1. Children's Health Insurance Program (CHIP)	156,660	158,850
C.1.2. Immigrant Children Health Insurance	4,543	5,454
C.1.3. School Employee Children Insurance	17,593	17,720
C.1.4. CHIP Perinatal Services	81,359	86,197
C.1.5 CHIP Vendor Drug Program	33,753	34,368
(2) Department of State Health Services		
A.1.1. Public Health Preparedness and Coordinated Services, estimated	4,869	4,869
B.2.6. Reduce Use of Tobacco Products	9,329	9,329
B.3.1. EMS and Trauma Care Systems, estimated	4,742	4,742
C.1.1. Texas Center for Infectious Disease, estimated	1,196	1,196

**HEALTH-RELATED PROVISIONS**  
(Continued)

(3)	Office of Rural Community Affairs		
	B.1.1. Health Care Access Programs, estimated	208	208
	B.2.1. Health Facility Capital Improvements, estimated	2,037	2,037
(4)	Texas Higher Education Coordinating Board		
	G.1.1. Earnings-Minority Health, estimated	1,125	1,125
	G.1.2. Earnings-Nursing, Allied Health, estimated	2,025	2,025
	G.2.1. Earnings-Baylor College of Medicine, estimated	1,125	1,125
	G.2.2. Tobacco-Permanent Health Fund, estimated	1,916	1,916
(5)	University of Texas Southwestern Medical Center at Dallas		
	E.1.1. Tobacco Earnings-UT SWMC Dallas, estimated	2,250	2,250
	E.1.2. Tobacco-Permanent Health Fund, estimated	2,079	2,079
(6)	University of Texas Medical Branch at Galveston		
	F.1.1. Tobacco Earnings-UTMB Galveston, estimated	1,125	1,125
	F.1.2. Tobacco-Permanent Health Fund, estimated	1,912	1,912
(7)	University of Texas Health Science Center at Houston		
	F.1.1. Tobacco Earnings-UTHSC Houston, estimated	1,125	1,125
	F.1.2. Tobacco-Permanent Health Fund, estimated	1,713	1,713
(8)	University of Texas Health Science Center at San Antonio		
	F.1.1. Tobacco Earnings-UTHSC San Antonio, estimated	9,000	9,000
	F.1.2. Tobacco-Permanent Health Fund, estimated	1,571	1,571
(9)	University of Texas M.D. Anderson Cancer Center		
	F.1.1. Tobacco Earnings-UT MD Anderson, estimated	4,500	4,500
	F.1.2. Tobacco-Permanent Health Fund, estimated	1,656	1,656
(10)	University of Texas Health Science Center at Tyler		
	F.1.1. Tobacco Earnings-UTHC Tyler, estimated	1,125	1,125
	F.1.2. Tobacco-Permanent Health Fund, estimated	1,164	1,164
(11)	Texas A&M University System Health Science Center		
	F.1.1. Tobacco Earnings-TAMU System HSC, estimated	1,125	1,125
	F.1.2. Tobacco-Permanent Health Fund, estimated	1,185	1,185
(12)	University of North Texas Health Science Center at Fort Worth		
	E.1.1. Tobacco Earnings-UNT HSC Ft. Worth, estimated	1,125	1,125
	E.1.2. Tobacco-Permanent Health Fund, estimated	1,155	1,155
(13)	Texas Tech University Health Sciences Center		
	E.1.1. Tobacco Earnings-TX Tech HSC El Paso, estimated	1,125	1,125
	E.1.2. Tobacco Earnings-TX Tech HSC not El Paso, estimated	1,125	1,125
	E.1.3. Tobacco-Permanent Health Fund, estimated	1,399	1,399
(14)	University of Texas System		
	F.1.1. Tobacco Earnings-RAHC, estimated	1,102	1,102
(15)	University of Texas El Paso		
	E.1.1. Tobacco Earnings-UTEP, estimated	1,320	1,320

(b) Informational Listing - Permanent Funds and Endowments. The following is an informational list of the amounts used to capitalize Permanent Funds and Endowments created by House Bill 1676 and 1945, Seventy-sixth Legislature and by Senate Bill 126, Seventy-seventh Legislature, and does not make appropriations:

(1)	Permanent Health Fund for Higher Education, Fund No. 810	\$350,000,000
(2)	Permanent Fund for Children and Public Health, Fund No. 5045	100,000,000
(3)	Permanent Fund for Health and Tobacco Education and Enforcement, Fund No. 5044	200,000,000
(4)	The University of Texas Health Science Center at San Antonio Endowment, Fund No. 811	200,000,000
(5)	Permanent Fund for Emergency Medical Services and Trauma Care, Fund No. 5046	100,000,000
(6)	Permanent Fund for Rural Health Facility Capital Improvement (Rural Hospital Infrastructure), Fund No. 5047	50,000,000
(7)	The University of Texas M.D. Anderson Cancer Center Endowment, Fund No. 812	100,000,000
(8)	Texas Tech University Health Sciences Center Endowment (El Paso), Fund No. 820	25,000,000
(9)	The University of Texas Southwestern Medical Center at Dallas Endowment, Fund No. 813	50,000,000
(10)	Texas Tech University Health Sciences Center Endowment (Other than El Paso), Fund No. 821	25,000,000

## HEALTH-RELATED PROVISIONS

(Continued)

(11) The University of Texas Medical Branch at Galveston Endowment, Fund No. 814	25,000,000
(12) The University of Texas Health Science Center at Houston Endowment, Fund No. 815	25,000,000
(13) The University of Texas Health Center at Tyler Endowment, Fund No. 816	25,000,000
(14) Texas A&M University System Health Science Center Endowment, Fund No. 818	25,000,000
(15) University of North Texas Health Science Center at Fort Worth Endowment, Fund No. 819	25,000,000
(16) Permanent Endowment Fund for University of Texas Regional Academic Health Center, Fund No. 822	20,000,000
(17) The University of Texas at El Paso Endowment, Fund No. 817	25,000,000
(18) Baylor College of Medicine, Fund No. 823	25,000,000
(19) Permanent Fund for Higher Education Nursing, Allied Health and Other Health-related Programs, Fund No. 824	45,000,000
(20) Permanent Fund for Minority Health Research and Education, Fund No. 825	25,000,000
(21) Permanent Hospital Fund for Capital Improvements and the Texas Center for Infectious Disease, Fund No. 5048	25,000,000
(22) Permanent Endowment Fund for the Rural Communities Healthcare Investment Program, Fund No. 364	2,500,000

**Sec. 10.07. Informational Listing-Supplemental Medicaid Payments.** The following is an informational listing of estimated federal funds appropriated to the Health and Human Services Commission but not reflected by Article II of this Act to provide Medicaid supplemental payments to providers as authorized by the federal Disproportionate Share Hospital Program and the Upper Payment Limit (UPL) provision, and does not make appropriations.

<u>UPL Payments</u>	<u>Estimated Federal Funds</u>	
	<u>FY 2010</u>	<u>FY 2011</u>
Large Urban Public Hospitals	\$598,957,782	\$593,416,075
State-owned Hospitals	49,301,980	48,845,826
Rural Hospitals	44,374,765	43,964,199
Children's Hospitals	25,739,293	20,842,225
Private Hospitals	423,900,000	419,977,971
Hospital Physicians	89,638,869	61,399,165
(1) The University of Texas Health Science Center at San Antonio	6,078,936	4,163,837
(2) The University of Texas M.D. Anderson Cancer Center	5,892,373	4,036,048
(3) Texas Tech University Health Sciences Center at Amarillo	5,534,129	3,790,665
(4) Texas Tech University Health Sciences Center at El Paso	2,839,400	1,944,880
(5) The University of Texas Southwestern Medical Center at Dallas	34,750,085	23,802,467
(6) The University of Texas Medical Branch at Galveston	12,671,101	8,679,215
(7) The University of Texas Health Science Center at Houston	8,540,799	5,850,117
(8) The University of Texas Health Science Center at Tyler	2,512,943	1,721,269
(9) Texas Tech University Health Sciences Center at Lubbock	4,654,580	3,188,208
(10) University of North Texas Health Science Center at Fort Worth	2,943,577	2,016,237
(11) Texas Tech University Health Sciences Center at Odessa	3,220,945	2,206,223
<b>Total</b>	<b>\$1,231,912,689</b>	<b>\$1,188,445,460</b>

<u>DSH Payments</u>	<u>Estimated Federal Funds</u>	
	<u>FY 2010</u>	<u>FY 2011</u>
Non-State owned Hospitals	\$706,577,756	\$699,432,115
State-owned Hospitals	277,584,118	274,776,902
<b>Total</b>	<b>\$984,161,874</b>	<b>\$974,209,017</b>

**Sec. 10.08. Payment for Medical Errors.** The employees Retirement System, Teachers Retirement System, University of Texas System, and Texas A&M University System shall jointly study (1) the feasibility and cost effectiveness of including a provision to deny payment for the 28 National Quality Forum events and additional conditions identified by the Centers for Medicare and Medicaid Services in their next request for proposal for a third party administrator and (2) the potential impact of "balance

## HEALTH-RELATED PROVISIONS

(Continued)

billing" of clients and identify recommendations to address the impact, and provide a report on their recommendations to the Legislative Budget Board and the Governor no later than December 31, 2009.

**Sec. 10.09. Study on Directly Contracting with Medicare for Prescription Drug Coverage.** The Employees Retirement System, the Texas A&M University System, the Teacher Retirement System, and the University of Texas System shall each study directly contracting with Medicare for retiree prescription drug coverage to determine whether such contracting is cost-effective. The agencies shall comply with all applicable state and federal laws governing the confidentiality and privacy of the data used in the study. If an agency determines the direct contracting to be the most cost-effective means of retiree prescription drug coverage for that agency, the agency may begin applications and negotiations with Medicare to become an Employer Group Waiver Plan sponsor.

### PART 11. PROVISIONS RELATED TO REAL PROPERTY

#### Sec. 11.01. Limitation on Use of Funds for Personal Residences.

- (a) Out of appropriations made by this Act, expenditures exceeding an aggregate amount of \$25,000 for the biennium beginning on September 1, 2009, may not be made for purchasing, remodeling, or repairing of any one particular personal residence or living quarters unless the expenditures are:
  - (1) (A) required by court order;
  - (B) will result in increased safety, significant net cost savings, or prevention of substantial waste; or
  - (C) are specifically identified in a Capital Budget in this Act; and
  - (2) the Governor and Legislative Budget Board have approved the expenditure.
- (b) The Texas Facilities Commission shall report all expenditures exceeding an aggregate amount of \$25,000 for the biennium for purchasing, remodeling, or repairing any one particular personal residence or living quarters to the Legislative Budget Board.

#### Sec. 11.02. Statewide Capital Planning.

- (a) An agency or institution of higher education appropriated funds by this Act shall supply to the Bond Review Board capital planning information relating to projects subject to this section and financing options for the 2012-13 fiscal biennium in a format and according to guidelines developed by the Bond Review Board. Such information shall include:
  - (1) a description of the project or acquisition;
  - (2) the cost of the project;
  - (3) the anticipated useful life of the project;
  - (4) the timing of the capital need;
  - (5) a proposed source of funds (method of financing);
  - (6) a proposed type of financing; and
  - (7) any additional related information requested by the Bond Review Board.
- (b) The Bond Review Board shall compile a statewide capital expenditure plan for the 2012-13 fiscal biennium from the information submitted by agencies and institutions in accordance with the capital planning guidelines. Copies of the guidelines shall be filed with the Governor and the Legislative Budget Board no later than December 31, 2009. The Bond Review Board shall file copies of the capital expenditure plan for the period beginning September 1, 2011, with the Governor and the Legislative Budget Board no later than September 1, 2010.

## PROVISIONS RELATED TO REAL PROPERTY

(Continued)

- (c) The statewide capital plan required by this section shall identify the state's capital needs and alternatives to finance these needs. The Bond Review Board shall review input from all state agencies and institutions regarding the agencies' and institutions' current and future capital needs as part of the strategic planning process. The Bond Review Board shall inform the Legislature on the possible budget impact of the capital plan on the state's debt capacity.
- (d) This section applies to each anticipated state project requiring capital expenditures for:
  - (1) land acquisition;
  - (2) construction of building and other facilities;
  - (3) renovations of buildings and other facilities estimated to exceed \$1 million in the aggregate for a single state agency or institution of higher education; or
  - (4) major information resources projects estimated to exceed \$1 million.
- (e) The Higher Education Coordinating Board and the Bond Review Board shall eliminate redundant reporting by consolidating this report and the Higher Education Coordinating Board's Master Plan report, to the greatest extent possible.

**Sec. 11.03. Limitation on Expenditures for Leased Space.** Funds appropriated by this Act may not be expended for leased office or building space for operations that are moved into newly constructed, purchased, expanded, or renovated state owned facilities funded from Texas Public Finance Authority Revenue Bonds.

### **Sec. 11.04. Efficient Use of State Owned and Leased Space.**

- (a) In the event that an agency moves from leased space to state owned space subsequent to the passage of this Act, the Comptroller shall reduce funds appropriated to each affected agency, by an amount equal to the lease costs that would have been incurred for the remainder of the biennium had the agency remained in leased space, less the costs the agency incurs for moving and the agency's tenant finish-out expenses as defined by the Texas Facilities Commission. Required moving and tenant finish-out costs incurred by an agency moving from leased space to state owned space in fiscal year 2009 may be paid from fiscal year 2010 appropriations and costs incurred in 2010 may be paid from fiscal year 2011 appropriations as necessary to facilitate the move. The Comptroller shall transfer to the Texas Facilities Commission from the special funds or accounts, including dedicated General Revenue Fund accounts, of those agencies that move into a state facility funded from Texas Public Finance Authority revenue bond proceeds, each agency's proportional share of the lease payments made for the facility as determined by the Texas Facilities Commission. The Comptroller shall reduce the amounts appropriated to the Texas Facilities Commission out of the General Revenue Fund for Lease Payments, in the appropriate Article of this Act, by an amount equal to the sum of the transfers from the special funds or accounts. The funds so transferred are hereby appropriated to the Texas Facilities Commission for the purposes of making lease payments to the Texas Public Finance Authority.
- (b) In the event that an agency obtains a lease at a rate lower than existing lease amounts, subsequent to the passage of the Act, the Comptroller shall reduce funds appropriated to each affected agency by an amount equal to the lease costs that would have been incurred for the remainder of the 2010-11 biennium, as determined by the Comptroller. If obtaining a reduced lease rate requires the agency to move its location, the Comptroller shall reduce the agency's appropriations less costs the agency incurs for moving the agency's tenant finish-out expenses as defined by the Texas Facilities Commission. Required moving and tenant finish-out costs incurred by an agency moving from leased space in fiscal year 2010 may be paid from fiscal year 2011 appropriations as necessary to facilitate the move.

### **Sec. 11.05. State Owned Housing - Recover Housing Costs.**

- (a) It is the intent of the Legislature that the General Land Office (GLO) shall contract for the determination of the fair market rental value of all housing provided to state employees by agencies required to report their housing. The GLO shall provide, to each state agency providing housing to employees, information regarding the fair market rental values. The GLO shall also provide the statewide total and agency totals to the Legislative Budget Board, Governor, and Comptroller.

## PROVISIONS RELATED TO REAL PROPERTY

(Continued)

- (b) Each agency required to report employee housing to the General Land Office shall recover, from persons first employed by the agency before September 1, 1999, at least 20 percent of the established fair market rental value of its housing. Each agency required to report employee housing to the General Land Office shall recover, from persons first employed by the agency after August 31, 1999, at least 100 percent of the established fair market rental value of its housing. The recovered funds are hereby appropriated to the agency for its use.
- (c) Agencies that provide employee housing shall report to the Legislature annually all employees who receive agency housing, the fair market rental value of housing supplied by the agency, and the amount of revenue recovered to meet the mandated goals.
- (d) Unless specifically authorized by this Act, a person may not receive housing below the rate established by this section. Individuals authorized by this Act for reduced rate housing are absolutely critical to safe operation of a facility.
- (e) Funds may not be expended to construct additional employee housing.
- (f) When existing facilities are no longer suitable for employee housing, the agency should determine the feasibility of converting the use of housing or razing the structure before making repairs or updates.
- (g) A person may not receive additional compensation in lieu of state-owned housing.
- (h) An agency may withhold rent payments from the salary of an agency employee. The Comptroller may adopt rules related to withholding of rent payments from salaries.

**Sec. 11.06. State Agency Emergency Leases.** It is the intent of the Legislature that all emergency leases held by state agencies be eliminated. To assure for better planning on the part of state agencies and response from the Texas Facilities Commission Leasing Division, state agencies are directed to adhere to the following provisions:

- (a) A state agency that is in an emergency lease agreement on September 1, 2009 shall have its appropriation in each fiscal year in which it is in the emergency lease agreement reduced by the dollar amount charged to the agency in addition to its base level rent.
- (b) At least one year before an agency's lease expires, an agency must notify the Texas Facilities Commission in writing of its intent to renew its existing lease or relocate its offices.
- (c) If an agency fails to notify the Texas Facilities Commission in writing at least one year prior to a lease expiration, and is subsequently forced to initiate an emergency lease agreement, the agency shall have its appropriation in each fiscal year in which it is in an emergency lease agreement reduced by the dollar amount charged to the agency in addition to its base level rent.
- (d) If an agency notifies the Texas Facilities Commission in writing one year prior to a lease expiration in accordance with Chapter 2167, Government Code, and the Texas Facilities Commission fails to renew/initiate a lease agreement for the agency by the lease expiration date, and an agency is forced to initiate an emergency lease agreement, the Texas Facilities Commission shall have its appropriation reduced in each fiscal year in which the affected agency is in an emergency lease agreement by the dollar amount charged to the agency in addition to the agency's base level rent.
- (e) The Comptroller will make all necessary reductions established in this provision each month of an emergency lease agreement. Funds lapsed by agencies for violation of this provision shall be deposited into the fund in the State Treasury from which they were originally appropriated.
- (f) Additionally, the Texas Facilities Commission shall provide quarterly reports to the Legislative Budget Board and the Governor detailing the number of state agencies holding emergency leases, and providing the status on the progress of terminating the emergency lease agreement.
- (g) In addition to the requirements of this section, emergency leases for health and human services agencies are also governed by § 2167.004, Government Code.
- (h) The Department of Agriculture is exempted from the provisions of this section.



## PROVISIONS RELATED TO REAL PROPERTY

(Continued)

### Sec. 11.07. Prepayment of Annual Lease Costs.

- (a) In order to effectuate greater savings out of funds appropriated to state agencies for leased office or building space, the Texas Facilities Commission is hereby authorized to enter into an agreement, on behalf of a state agency, with a landlord for prepayment of the annual lease costs in exchange for an early payment discount.
- (b) A report regarding the amount of savings realized as a result of an early payment discount shall be provided to the Legislative Budget Board by the Texas Facilities Commission no later than 30 days subsequent to the date of the duly executed agreement with the landlord. After approval by the Legislative Budget Board, the Comptroller shall reduce the appropriations of the affected agency for each year of the biennium in an amount identified by the Texas Facilities Commission and submitted to the Comptroller.

### Sec. 11.08. Equipment Maintenance Cost Reductions.

- (a) It is the intent of the Legislature that all state agencies participate in a cooperative effort with the Comptroller of Public Accounts to reduce equipment maintenance costs. The Comptroller of Public Accounts may assist state agencies in reducing equipment maintenance costs by establishing consolidated volume contracts for maintenance services, by making the Comptroller of Public Accounts maintenance contracts available to other state agencies, or by assisting state agencies with restructuring or renegotiating their maintenance contracts. If the Comptroller of Public Accounts enters into a contract for consulting services related to reducing equipment maintenance costs, each state agency shall use the services provided under the contract to the greatest extent possible.
- (b) By October 1 of each fiscal year the Comptroller of Public Accounts shall report to the Legislative Budget Board and the Governor's Office any savings achieved by agencies or institutions of higher education through use of Comptroller of Public Accounts procurement services and maintenance services contracts.

**Sec. 11.09. Name of El Paso State Office Building.** Contingent on passage of a concurrent resolution by the House and Senate, the state office building in El Paso located at 401 East Franklin Avenue shall be known as the Paul Moreno State Office Building.

## PART 12. PROVISIONS RELATED TO PROPERTY

### Sec. 12.01. Aircraft.

- (a) Notwithstanding any other provision of this Act, the purchase of aircraft may not be made from appropriated funds except as authorized in this section.
- (b) Agencies authorized to expend appropriated funds for the maintenance and operation of state-owned aircraft or replacements authorized by Subsection (d) are:
  - (1) Texas A&M University System;
  - (2) Texas Department of Criminal Justice;
  - (3) Texas Department of Transportation;
  - (4) Parks and Wildlife Department;
  - (5) Department of Public Safety of the State of Texas;
  - (6) University of Texas System;
  - (7) Texas State Technical College; and
  - (8) Texas Forest Service.

## PROVISIONS RELATED TO PROPERTY

(Continued)

- (c) Notwithstanding any other provision of this Act, all state-owned aircraft (including aircraft forfeited to or seized by a particular agency) are subject to the authority of the Texas Department of Transportation.
- (d) Expenditure of appropriated funds for replacement of aircraft with aircraft of comparable quality may be made contingent upon approval of the Texas Department of Transportation and a finding of fact by the Governor that a report has been filed with the Governor showing that:
  - (1) the aircraft to be replaced has been destroyed or has deteriorated to an extent that continued operation presents a serious hazard or that the aircraft to be replaced can no longer meet the mission requirements of the principal user state agency; and
  - (2) other state-owned aircraft cannot be effectively utilized in lieu of a replacement aircraft.
- (e) Expenditures necessary to purchase liability insurance pursuant to § 2205.045(a), Government Code, shall be made on a pro rata basis, as determined by the Texas Department of Transportation, from appropriations authorized to each agency operating a state-owned aircraft. The Comptroller shall transfer such necessary amounts from agencies operating aircraft to the Texas Department of Transportation for the purchase of liability insurance and expenditure of such funds by the Department is hereby authorized.
- (f) Any reimbursements received by a state agency for authorized aircraft services rendered to another state agency are hereby appropriated to the agency receiving the reimbursements, and shall be credited to the agency's appropriation item from which the cost of aircraft operation is paid.

### **Sec. 12.02. Publication or Sale of Printed, Recorded, or Electronically Produced Matter or Records.**

- (a) Funds appropriated by this Act may not be used for the publication, recording, production, or distribution of any item or matter, including lists, notices, pamphlets, video tapes, audio tapes, microfiche, films or other electronically produced information or records unless such publication, recording, or production is:
  - (1) essential to accomplish or achieve a strategy or outcome target established by this Act; or
  - (2) required by law.
- (b) Any funds received and collected from any charges specifically authorized by statute for the productions, publications, or records are hereby appropriated to the agency issuing the productions, publications, or records for use during the year in which the receipts are collected. The Comptroller shall credit such receipts to the like appropriation item from which the original costs are paid.

**Sec. 12.03. Limitation on Expenditures for Purchases and Conversions of Alternative Fuel Vehicles.** A state agency, including an institution of higher education, that is required to meet the percentage requirements for vehicles capable of using alternative fuels under Chapter 2158, Government Code, may expend funds appropriated by this Act for the purpose of meeting the percentage requirements only if the agency purchases or converts a vehicle that uses the most cost-effective, fuel efficient and mechanically efficient alternative fuel source.

### **Sec. 12.04. Lost Property.**

- (a) A state agency or institution of higher education must annually report to the Legislative Budget Board and the Comptroller the value of property lost or missing from the possession of the agency or institution of higher education. The Legislative Budget Board and the Comptroller may prescribe forms and dates for reporting.
- (b) The Comptroller shall withhold from the General Revenue Funds, General Revenue-Dedicated Funds, or Other Funds appropriated to the state agency or institution of higher education by this Act an amount equal to 50 percent of the value of the lost property originally purchased with those funds provided that the loss falls outside the standards promulgated by the American Society for Testing and Materials. If a state agency or institution of higher education subsequently recovers or accounts for lost property to the satisfaction of the Comptroller, the

## **PROVISIONS RELATED TO PROPERTY**

(Continued)

Comptroller shall release to the state agency or institution of higher education a proportional amount of previously withheld General Revenue Funds, General Revenue-Dedicated Funds, or Other Funds.

- (c) This section applies to all state agency and institution of higher education property without regard to the source of funds or classification of funds used to acquire the property.

### **Sec. 12.05. Transfer of Master Lease Purchase Program Payments.**

- (a) The Texas Public Finance Authority is hereby authorized to transfer each agency's share of administrative fees and lease payments pursuant to the Master Lease Purchase Program from each agency's appropriations made elsewhere in this Act to the Texas Public Finance Authority Master Lease Purchase Program cost of issuance funds and the State Lease Fund Account, respectively. Transfers for administrative fees and lease payments may not be made earlier than 15 days prior to the date that debt service payment is required. The Texas Public Finance Authority may transfer funds necessary for Master Lease Purchase Program debt service payments from the State Lease Fund Account to the Texas Public Finance Authority Master Lease Purchase Program interest and sinking funds.
- (b) The Comptroller shall assist the Texas Public Finance Authority in the transfer of lease payments. State agencies participating in the Master Lease Purchase Program shall cooperate in the timely transfer of lease payments to the Texas Public Finance Authority. The absence of specific Master Lease payment appropriations, identified in an agency's capital budget, does not release an agency from lease payment obligations.

### **Sec. 12.06. Interoperability Communications Equipment: Federal Funding.**

- (a) It is the intent of the Legislature that contingent upon receipt of any federal funds for interoperability communications equipment by a state agency, the state agency receiving the federal funding shall expend those funds to establish an interoperable communications system. The interoperable communications equipment shall be subject to guidelines established by the United States Department of Homeland Security, Office of Domestic Preparedness.
- (b) This section applies to federal funds appropriated by this Act and received by:
  - (1) the Texas Parks and Wildlife Department;
  - (2) the Texas Department of Transportation;
  - (3) the Texas Youth Commission;
  - (4) the Texas Alcoholic Beverage Commission;
  - (5) the Department of Public Safety of the State of Texas;
  - (6) the Texas Department of Criminal Justice; and
  - (7) the Texas Forest Service.
- (c) Except as provided by Subsection (e) of this section, none of the federal funds received by an agency named under Subsection (b) of this section to establish an interoperable communications system may be used to purchase new agency radio equipment until equipment required to achieve system interoperability has been established at the agency. The interoperable communications equipment shall be subject to guidelines established by the United States Department of Homeland Security, Office of Domestic Preparedness.
- (d) Except as provided by Subsection (e) of this section, after the establishment of a interoperable communications system by all seven of the state agencies listed under Subsection (b) of this section, no federal communications interoperability grants or funds provided to the State of Texas for distribution to local, county, or municipal government agencies shall be spent by those local, county, or municipal government agencies for new radio equipment purchases unless such funds are first used for equipment to connect to an

## PROVISIONS RELATED TO PROPERTY

(Continued)

interoperable system established by the state agencies. The interoperable communications equipment shall be subject to guidelines established by the United States Department of Homeland Security, Office of Domestic Preparedness.

- (e) (1) A state or local entity may use any funds not otherwise restricted to replace broken or failing communications equipment and maintain an existing communications system until an interoperable system can be created.
- (2) This section is not a limitation on maintenance of an existing communications system or replacement of broken or failing communications equipment.
- (f) Quarterly, each agency named under Subsection (b) of this section to establish an interoperable communications system shall report to the Legislative Budget Board and the Governor regarding the agency's progress to achieve system interoperability and meet any interoperable communications equipment guidelines established by the United States Department of Homeland Security, Office of Domestic Preparedness.

### **Sec. 12.07. Interoperability Communications Equipment: All Appropriated Funding.**

- (a) It is the intent of the Legislature that except as provided by Subsection (c) of this section, none of the funds appropriated to a state agency listed under Subsection (b) of this section shall be expended by the state agency for the purchase of new radio equipment until the state agency has established an interoperable communications system. The interoperable communications equipment shall be subject to guidelines established by the United States Department of Homeland Security, Office of Domestic Preparedness.
- (b) This section applies to the following state agencies:
  - (1) the Texas Parks and Wildlife Department;
  - (2) the Texas Department of Transportation;
  - (3) the Texas Youth Commission;
  - (4) the Texas Alcoholic Beverage Commission;
  - (5) the Department of Public Safety of the State of Texas;
  - (6) the Texas Department of Criminal Justice; and
  - (7) the Texas Forest Service.
- (c) (1) A state agency may use any funds not otherwise restricted to replace broken or failing communications equipment and maintain an existing communications system until an interoperable system can be created.
- (2) This section is not a limitation on maintenance of an existing communications system or replacement of broken or failing communications equipment.
- (d) Quarterly, each agency named under Subsection (b) of this section to establish an interoperable communications system shall report to the Legislative Budget Board and the Governor regarding the agency's progress to achieve system interoperability and meet any interoperable communications equipment guidelines established by the United States Department of Homeland Security, Office of Domestic Preparedness.

## **PART 13. OTHER PROVISIONS**

**Sec. 13.01. Employee Meal Authorization.** State agencies providing institution-based services, including the Texas Department of Criminal Justice, the Department of Aging and Disability Services, the Department of State Health Services, the Texas Youth Commission, the Texas School for the Blind and Visually Impaired, and the Texas School for the Deaf, may provide meals to employees working in institutional settings and may charge an amount established by the agencies to reimburse the direct and indirect costs of preparation.

## OTHER PROVISIONS

(Continued)

**Sec. 13.02. Bank Fees and Charges.** From interest income appropriated by this Act, amounts may be used for the purpose of paying bank fees and charges as necessary.

**Sec. 13.03. Appropriation: Temporary Assistance for Needy Families (TANF) Federal Funds.**

- (a) For the biennium beginning September 1, 2009, in addition to sums appropriated elsewhere by this Act, the balance of all available TANF federal funds allocated to the State is hereby appropriated for the purposes for which the TANF block grant is made. In the event of an expenditure requirement related to fiscal penalties, caseload growth, or other program needs (such as meeting work participation targets or increasing the capacity to serve TANF recipients facing time-limited benefits), the funds appropriated by this provision and/or the balance of all available TANF federal funds appropriated elsewhere by this Act may be expended and/or transferred as appropriate by the Single State Agency for TANF, subject to the written prior approval of the Governor and the Legislative Budget Board.
- (b) The expenditure of TANF federal funds is hereby limited to those amounts specifically identified and appropriated by this Act, unless specific written approval is made by the Legislative Budget Board and Governor.

**Sec. 13.04. Appropriations from State Tax Revenue.** The appropriations from state tax revenue not dedicated by the Constitution for the 2010-11 biennium shall not exceed the Texas Constitution's Article VIII, § 22 limit of \$79,664,277,468 established by the Legislative Budget Board pursuant to § 316.002, Government Code. The limit on appropriations that can be made for the 2010-11 biennium is subject to adjustments resulting from revenue forecast revisions or subsequent appropriations certified by the Comptroller to the 2008-09 biennial appropriations from state tax revenue not dedicated by the Constitution. The Comptroller may adjust the composition of fund and account balances without any net change in balances or change in appropriations so as to ensure compliance with the limit set forth in Article VIII, § 22 of the Texas Constitution.

**Sec. 13.05. Contingency Rider.** It is the intent of the Legislature that appropriations made in this Act be expended only for purposes and programs specifically funded in the Act, and contingency appropriations made for legislation adopted by the Eighty-first Legislature be the sole source of funding for implementation of that legislation. No state agency or institution of higher education is required to reallocate or redistribute funds appropriated in this Act to provide funding for programs or legislation adopted by the Eightieth Legislature for which there is not specific appropriation or contingency provision identified in this Act.

**Sec. 13.06. Informational Items.** Object of expense (OOE) listings contained in this Act, and other informational listings are not appropriations, and are merely informational listings that are intended to qualify or direct the use of funds appropriated in agency strategies, or are incidental to the appropriation made in the agency strategies.

**Sec. 13.07. Appropriation of All Specialty License Plate Receipts and Unexpended Balances.**

- (a) (1) For the fiscal year beginning September 1, 2009, the amounts appropriated to an agency under Articles I-VIII of this Act include, regardless of whether or not the amounts may be shown under or limited by the bill pattern or riders of the agency or the special provisions applicable to the Article of this Act under which the agency's appropriation might be located:
  - (A) all estimated balances and revenue collected by an agency or held in a fund or an account by or on behalf of an agency before September 1, 2009, and that are associated with the sale of a Texas specialty license plate, as authorized by Subchapter G, Chapter 504, Transportation Code, or other applicable statute; and
  - (B) all estimated balances and revenue collected by an agency or held in a fund or an account by or on behalf of an agency on or after September 1, 2009, and that are associated with the sale of a Texas specialty license plate, as authorized by Subchapter G, Chapter 504, Transportation Code, or other applicable statute, during the 2010-11 biennium, including any new license plates that may be authorized or issued after September 1, 2009.
- (2) Amounts appropriated by this section shall be used for purposes consistent with this Act and all applicable statutes.

## OTHER PROVISIONS

(Continued)

- (b) Any unexpended balance as of August 31, 2010, associated with an appropriation made by Subsection (a) of this section is hereby appropriated for the same purpose for use during the fiscal year beginning September 1, 2010.
- (c) The following is an informational listing of estimated revenues and balances associated with certain Texas specialty license plates that are specifically referenced under Articles I-VIII of this Act. The Texas specialty license plates that are listed below are authorized by Subchapter G, Chapter 504, Transportation Code, or other applicable statute.

<u>Specialty License Plate</u>	<u>Fund or Account Number</u>	<u>Estimated Balance on 8/31/09</u>	<u>Estimated Revenue FY2010</u>	<u>Estimated Revenue FY2011</u>
<b>Article I</b>				
Commission on the Arts				
State of the Arts	0334 <sup>a</sup>	\$0	\$200,000	\$200,000
Office of the Attorney General				
Lone Star Proud for Kids (Volunteer Advocate)	5036	\$43,000	\$30,000	\$31,000
Cancer Prevention and Research Institute of Texas				
Texans Conquer Cancer	5136	\$18,000	\$12,000	\$12,000
Trusted Programs within the Office of the Governor				
Economic Development and Tourism	5110	\$64,000	\$8,000	\$8,000
Texas-It's Like a Whole Other Country	5053	\$34,000	\$21,000	\$21,000
Native Texan (Daughters of the Republic of Texas)	5115	\$18,000	\$67,000	\$67,000
Space Shuttle Columbia	0001	\$0	\$12,000	\$12,000
Texas Music	5113	\$10,000	\$7,000	\$10,000
Historical Commission				
El Paso Mission Valley	5122	\$0	\$0	\$0
Library & Archives Commission				
Texas Reads	5042	\$2,263	\$4,000	\$4,000
Veterans Commission				
American Legion	5141	\$1,000	\$1,000	\$1,000
Air Force Association	5123	\$2,000	\$3,000	\$3,000
<b>Article II</b>				
Department of Aging and Disability Services				
Special Olympics Texas	5055	\$2,000	\$4,000	\$4,000
Department of Assistive and Rehabilitative Services				
I Love Texas	5086	\$4,000	\$12,000	\$12,000
Department of Family and Protective Services				
Stop Child Abuse	5140			
Department of State Health Services				
Animal Friendly	5032	\$1,122,000	\$289,000	\$295,000
March of Dimes	5117	\$7,000	\$1,000	\$1,000
Be a Blood Donor	5134	\$1,000	\$0	\$0
<b>Article III</b>				
Texas Education Agency				
Read to Succeed	5027	\$27,000	\$31,000	\$32,000
YMCA	5089	\$0	\$1,173	\$1,173
100th Football Season of S. F. Austin High School	5058	\$0	\$0	\$0
Share The Road	5121	\$3,000	\$48,000	\$48,000
Knights of Columbus	5118	\$2,000	\$11,000	\$11,000
Star Day School Library Readers are Leaders	N/A	\$0	\$0	\$0
Keeping Texas Strong	N/A	\$0	\$0	\$0
Anthropos Arts	5140	\$7,000	\$6,000	\$6,000

## OTHER PROVISIONS

(Continued)

Higher Education Coordinating Board				
Houston Livestock Show and Rodeo	5034	\$3,000	\$5,000	\$5,000
Collegiate License Plates	5015	\$469,000	\$329,000	\$336,000
Girl Scouts	5052	\$5,000	\$2,000	\$2,000
Cotton Boll	5119	\$10,000	\$6,000	\$6,000
Boy Scouts of America	5126	\$10,000	\$7,000	\$7,000
College for Texans	5140	\$7,000	\$6,000	\$6,000
Texas A&M University System Admin and General Offices				
Texas State Rifle Association	5130	\$38,000	\$12,000	\$12,000
Texas A&M University - Kingsville				
Red Grapefruit (Texas Citrus Industry)	5056	\$20,000	\$3,000	\$3,000
Texas AgriLife Extension Service				
Texas Master Gardener	5131	\$31,000	\$6,000	\$6,000
4-H	5132	\$6,000	\$1,000	\$1,000
Texas Forest Service				
Urban Forestry	5133	\$13,000	\$4,000	\$4,000
 <b>Article IV</b>				
Supreme Court of Texas				
Texas Young Lawyers (And Justice for All)	0573 <sup>b</sup>	\$0	\$15,000	\$14,000
 <b>Article VI</b>				
Department of Agriculture				
Go Texan (Texas Agricultural Products)	5051 <sup>c</sup>	\$0	\$4,000	\$4,000
General Land Office and Veterans' Land Bd				
Adopt-A-Beach	5140			
Parks and Wildlife Department				
Big Bend National Park	5030 <sup>d</sup>	\$54,000	\$50,000	\$51,000
Waterfowl & Wetland Conservation	5057	\$12,000	\$28,000	\$28,000
Texas PGA Junior Golf	0001	\$0	\$0	\$0
Marine Mammal Recovery	5120	\$41,000	\$10,000	\$10,000
Texas Lions Camp	5116	\$36,000	\$6,000	\$6,000
Horned Toad	5004 <sup>e</sup>	\$0	\$284,367	\$284,367
Bluebonnet	5004	\$0	\$110,169	\$110,169
Whitetail Deer	5004	\$0	\$62,916	\$62,916
Largemouth Bass	5004	\$0	\$42,549	\$42,549
 <b>Article VII</b>				
Housing and Community Affairs				
I am a Texas Realtor	5140			

<sup>a</sup> Fund 0334 for the Commission of the Arts has these three revenue sources; however, none of the "Estimated Balance on 8/31/09" for Fund 0334 is related to Motor Vehicle Registration Fees:

- 3014 Motor Vehicle Registration Fees
- 3851 Interest on State Deposits and Treasury Investments, General (Non-Program)
- 3852 Interest on Local Deposits-State Agencies

<sup>b</sup> Fund 0573 for the Supreme Court has these seven revenue sources; however, none of the "Estimated Balance on 8/31/09" for Fund 0573 is related to Motor Vehicle Registration Fees:

- 3014 Motor Vehicle Registration Fees
- 3195 Additional Legal Services Fees
- 3704 Court Costs
- 3709 District Court Suit Filing Fee
- 3711 Judicial Fees
- 3719 Fees for Copies or Filing of Records
- 3777 Warrants Voided by Statute of Limitation-Default Fund

<sup>c</sup> Fund 5051 for the Department of Agriculture has these three revenue sources; however, none of the "Estimated Balance on 8/31/09" for Fund 5051 is related to Motor Vehicle Registration Fees:

- 3014 Motor Vehicle Registration Fees

## OTHER PROVISIONS

(Continued)

3740 Grants/Donations

3851 Interest on State Deposits and Treasury Investments, General (Non-Program)

<sup>d</sup> Fund 5030 has these two revenue sources, and both are included in the "Estimated Balance on 8/31/09":

3014 Motor Vehicle Registration Fees

3851 Interest on State Deposits and Treasury Investments, General (Non-Program)

<sup>e</sup> Fund 5004 has subaccounts reported by Texas Parks and Wildlife; therefore, individual license plate balances and revenues can be shown.

### PART 14. AGENCY DISCRETIONARY TRANSFER PROVISIONS

#### Sec. 14.01. Appropriation Transfers.

- (a) Subject to any specific restriction in another provision of this Act, an appropriation contained in this Act may be transferred from one appropriation item to another appropriation item in an amount not to exceed 12.5 percent of the appropriation item from which the transfer is made for the fiscal year, at the discretion of the chief administrative officer of the state agency or institution.
- (b) As a specific exception to Subsection (a), funds appropriated for capital budget items are subject to restrictions contained elsewhere in this Act.
- (c) Funds appropriated by this Act in items of appropriation that are part of a Goal for "Indirect Administrative and Support Costs" or "Indirect Administration" may also be transferred from one appropriation item to another appropriation item within that same Goal without limitation as to the amount of such a transfer.
- (d) Appropriations made by this Act to each state agency or institution of higher education are not subject to transfer between agencies or institutions except under the provisions of interagency contract, budget execution statutes, or specific rider or statutory authorization.

**Sec. 14.02. Transfers for Contract Services.** Funds appropriated in the various Articles of this Act for "Employees Retirement System," "Social Security State Match," and "Benefit Replacement Pay" may be transferred between Articles for similar appropriation items for the purpose of paying employee benefits costs incurred by higher education institutions when those institutions have contracted to provide services to state agencies.

#### Sec. 14.03. Limitation on Expenditures — Capital Budget.<sup>1</sup>

- (a) Contained in appropriations made to certain agencies by this Act are amounts identified as the "Capital Budget." Except as provided under this section, none of the funds appropriated by this Act, in excess of amounts restricted to capital budget purposes, may be expended for capital budget purposes without the prior approval of the Governor and Legislative Budget Board.
- (b) A request for approval to exceed the transfer limitation on capital budget expenditures under Subsection (i) must be submitted by the agency's governing board and must include at a minimum:
  - (1) the date on which the board approved the request;
  - (2) a statement justifying the need to exceed the limitation;
  - (3) the source of funds to be used to make the purchases; and
  - (4) an explanation as to why such expenditures cannot be deferred.
- (c) This restriction does not apply to:

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<sup>1</sup> Modified to correct error.



## AGENCY DISCRETIONARY TRANSFER PROVISIONS

(Continued)

- (1) expenditures for capital outlay items or projects that are not included in the definition of "Capital Budget" under Subsection (d); or
- (2) expenditures for Capital Budget purposes made by:
  - (A) institutions of higher education; or
  - (B) public community/junior colleges.
- (d) "Capital Budget" includes expenditures, for assets with a biennial project cost or unit cost in excess of \$25,000, within the following categories:
  - (1) Acquisition of Land and Other Real Property (except for right-of-way purchases made by the Texas Department of Transportation);
  - (2) Construction of Buildings and Facilities;
  - (3) Repairs or Rehabilitation of Buildings and Facilities;
  - (4) Construction of Roads (except for such expenditures made by the Texas Department of Transportation);
  - (5) Acquisition of Information Resource Technologies;
    - (A) In order to provide for unanticipated shortages in appropriations made by this Act for fiscal year 2010 for the payment of data center consolidation costs, amounts identified elsewhere in this Act in fiscal year 2011 for "Data Center Consolidation" may be transferred to fiscal year 2010 to pay data center consolidation costs. Agencies transferring appropriations related to data center consolidation costs must notify the Governor and Legislative Budget Board 30 days prior to the transfer of funds.
    - (B) "Data Center Consolidation" for the purposes of this section is defined as state consolidated data center services in accordance with Government Code, Chapter 2054, Subchapter L.
  - (6) Transportation Items;
  - (7) Acquisition of Capital Equipment and Items; or
  - (8) Other Lease Payments to the Master Lease Purchase Program (for items acquired prior to September 1, 2009, only).
- (e) Any expenditure directly related to acquisition of an asset, or to placing an asset in service, may be paid from the appropriation made to the "Capital Budget."
- (f) In implementing this section, the Comptroller should refer to the detailed instructions for preparing and submitting requests for legislative appropriations for the biennium beginning September 1, 2009, and the definitions therein, and to the official request for legislative appropriations submitted by the affected agency.
- (g) Appropriations restricted to capital budget purposes and not identified in a "Capital Budget" as being for lease payments to the master lease purchase program (MLPP) or for other lease-purchase payments may be utilized to make lease payments under MLPP or for other lease or installment payments only if the agency to which the appropriation is made provides a report to the Comptroller specifying the sum of the lease payments to be made during the biennium for the Capital Budget item being acquired. The Comptroller shall reduce the appropriation made by this Act for the Capital Budget item in an amount equal to the difference between the appropriated amount and the sum of the lease payments for the biennium and deposit that amount into the unappropriated balance of the original funding source. In the event that the Comptroller cannot determine the amount appropriated for a specific Capital Budget item, the amount shall be determined by the Legislative Budget Board.

## AGENCY DISCRETIONARY TRANSFER PROVISIONS

(Continued)

- (h) Funds restricted to "Acquisition of Information Resource Technologies" may also be used to purchase or contract for computer time, facility resources, maintenance, and training.
- (i) (1) An agency may transfer appropriations:
  - (A) from a non-capital budget item to a capital budget item;
  - (B) from a capital budget item to another capital budget item; or
  - (C) from a capital budget item to an additional capital budget item not presented in the agency's bill pattern.
- (2) Without the approval of the Governor and the Legislative Budget Board:
  - (A) the amounts transferred during a fiscal year as provided by Subdivision (1) of this Subsection (i) may not exceed 25 percent of either:
    - (i) the amount of the capital budget item, as presented in the agency's bill pattern from which funds are being transferred; or
    - (ii) the amount of the capital budget item, if presented in the agency's bill pattern, to which funds are being transferred;
  - (B) appropriations may not be transferred directly from a non-capital budget item to an additional capital budget item not presented in the agency's bill pattern;
  - (C) appropriations may not be transferred to an additional capital budget item that is not presented in the agency's bill pattern if that additional capital budget item was presented to a committee, subcommittee, or working group of the Eighty-first Legislature but was not adopted by the Eighty-first Legislature; and
  - (D) an agency that does not have a capital budget provision following its items of appropriation in this Act may not use funds appropriated by this Act for capital budget purposes.
- (j) Any unexpended balances remaining in appropriations made by this Act for capital budget purposes for fiscal year 2010 are hereby appropriated for fiscal year 2011 for the same purpose.
- (k) (1) Notwithstanding limitations on capital expenditures provided elsewhere, appropriations made by this Act that may be used for the payment of utility bills are hereby authorized to be used to pay for energy and water conservation-related projects, including lease payments under the state's Master Lease Purchase Program, entered into in accordance with energy and water conservation statutes.
- (2) Capital expenditures for items that could be financed through the utility savings made possible by a comprehensive energy and water conservation contract authorized by § 2166.406, Government Code, are prohibited unless part of a comprehensive energy and/or water conservation contract authorized under § 2166.406, Government Code.
- (3) Before authorizing expenditures for capital items that consume energy or water or that are related to the energy and/or water consumption of an agency's facilities, the Comptroller must verify that the items could not be part of a cost-effective contract for energy and water conservation measures authorized by § 2166.406, Government Code.

### **Sec. 14.04. Disaster Related Transfer Authority.**

- (a) In the event of a disaster proclamation by the Governor under the Texas Disaster Act of 1975, Chapter 418, Government Code, transfers of appropriations made in this Act, if necessary to respond to the disaster and if made according to the terms of this section, are permitted. This section is intended to serve as a means for quickly, effectively, and efficiently transferring appropriations in the event of a disaster. This section provides an exception to any other provision of this Act which might otherwise limit transfers of appropriations such as by imposing a limit on the amount of a transfer or which might otherwise limit transfers of appropriations by causing a delay in making a transfer because of the need to take actions

## **AGENCY DISCRETIONARY TRANSFER PROVISIONS**

(Continued)

such as preparing reports or obtaining approvals prior to transferring appropriations necessary for responding to a disaster. No part of this Section 14.04 shall be read to limit, modify, or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in the Governor under the constitution or laws of this state.

- (b) **Health and Human Services Agencies:** For a health and human services agency listed in Chapter 531, Government Code, that directly responds to the disaster, the Commissioner of Health and Human Services is authorized to transfer funds from another health and human services agency listed in Chapter 531, Government Code to the responding agency, and may transfer funds between the strategies of each agency for the purpose of funding the disaster response subject to the prior notification of the Legislative Budget Board and Governor as provided by Subsection (g).
- (c) **Other Agencies:** An agency other than a health and human services agency listed in Chapter 531, Government Code that directly responds to a disaster may transfer appropriations within the agency, without regard to any limits on transfer of appropriations between strategies, subject to the prior notification of the Legislative Budget Board and Governor as provided by Subsection (g).
- (d) **Transfers Between Agencies:** In the event that a transfer involving at least one agency not listed in Chapter 531, government Code is necessary in order to respond to a disaster, the agencies involved in the transfer shall request approval from the Legislative Budget Board and the Governor for the emergency transfer of funds, pursuant to Article XVI, Section 69, Texas Constitution. Any request under this subsection should include the same information required in the recommended plan of transfer below, and a copy shall be provided to the Comptroller.
- (e) **Appropriation Transfers between Fiscal Years:** Agencies responding to a disaster are authorized to transfer funds appropriated in fiscal year 2011 to fiscal year 2010, subject to the prior notification of the Legislative Budget Board and Governor as provided by Subsection (g).
- (f) **Unexpended Balances:** Any unobligated balances from transfers made under Subsection (e) as of August 31, 2010, are appropriated to the agency for the same purpose for the fiscal year beginning September 1, 2010.
- (g) **Notification of Recommended Plan of Transfer.**
  - (1) **Recommended Plan of Transfer:** A recommended plan of transfer submitted by an agency to the Governor and Legislative Budget Board under this section must include the following information:
    - (A) a copy of the appropriate disaster proclamation made under Chapter 418, Government Code;
    - (B) the amounts to be transferred (listed by method of finance);
    - (C) the agency or agencies affected;
    - (D) the programs affected by the transfer; and
    - (E) any other information requested by the Legislative Budget Board.
  - (2) **Notification:** An agency must notify the Legislative Budget Board, the Comptroller, the Governor, and any other agency involved in the transfer prior to the date of recommended transfers. The Comptroller shall transfer the funds as recommended.

## **PART 15. AGENCY NON-DISCRETIONARY TRANSFER PROVISIONS**

### **Sec. 15.01. Reimbursements for Unemployment Benefits.**

- (a) For the purposes of this section, "agency" includes a state agency as defined under § 2151.002, Government Code, which includes an institution of higher education (except a public junior college) as defined under § 61.003, Education Code.

## **AGENCY NON-DISCRETIONARY TRANSFER PROVISIONS**

(Continued)

- (b) At the close of each calendar quarter, the Texas Workforce Commission shall prepare a statement reflecting the amount of unemployment benefits paid to all former state employees based on wages earned from state employment and present it to the Comptroller. The Comptroller shall pay by warrant or transfer out of funds appropriated from the Unemployment Compensation Special Administration Account No. 165 such amount to the Unemployment Compensation Benefit Account No. 937 to reimburse it for such payments.
- (c) The Unemployment Compensation Special Administration Account No. 165 shall be reimbursed, as Interagency Transfers to the Unemployment Compensation Special Administration Account No. 165, for one-half of the unemployment benefits paid, from appropriations made in this Act to the agency that previously employed each respective former state employee whose payroll warrants were originally issued in whole or part from the General Revenue Fund or dedicated General Revenue Fund accounts, Federal Funds, or Other Funds, such as Fund No. 006.
- (d) From information related to unemployment benefits paid on behalf of previously employed former state employees provided by the Texas Workforce Commission, the Comptroller shall determine the proportionate amount of the reimbursement or payment due from the General Revenue Fund, any General Revenue-Dedicated accounts, Federal Funds or Other Fund appropriations made elsewhere in this Act to agencies. The Comptroller shall transfer such amounts to the Unemployment Compensation Special Administration Account No. 165. The amounts reimbursed pursuant to this subsection are hereby appropriated to the Unemployment Compensation Special Administration Account No. 165 for the purpose of reimbursing the Unemployment Compensation Benefit Account No. 937, as Interagency Transfers to the Unemployment Compensation Special Administration Account No. 165. The reimbursement requirements established by this subsection may be waived, either in whole or in part, by the Legislative Budget Board.
- (e) In addition to other reimbursement provided by this section, the Unemployment Compensation Special Administration Account No. 165 shall be reimbursed, for one-half of the unemployment benefits paid, from amounts appropriated to the Reimbursements to the Unemployment Compensation Benefit Account item in this Act out of dedicated General Revenue Fund accounts or Other Funds and shall be fully reimbursed from funds held in local bank accounts, for all former state employees whose payroll warrants were originally issued in whole or part from dedicated General Revenue Fund accounts, Other Funds or local bank accounts, respectively. From information provided by the Texas Workforce Commission, the Comptroller shall determine the proportionate amount of the reimbursement or payment due from funds other than General Revenue and transfer such funds to the Unemployment Compensation Special Administration Account No. 165. The amounts reimbursed from local funds pursuant to this subsection are hereby appropriated to the Unemployment Compensation Special Administration Account No. 165 for the purpose of reimbursing the Unemployment Compensation Benefit Account No. 937. Such transfers and payments as are authorized under law shall be made not later than the 30th day after the date of receipt of the statement of payments due.
- (f) The Comptroller may prescribe accounting procedures and regulations to implement this section.
- (g) The Comptroller, upon certification of amounts due from the Texas Workforce Commission, including the sources of such amounts due, may transfer funds from such agencies or other units of state government as the Texas Workforce Commission certifies remain due more than 30 days from receipt of the statement of payments due. The Texas Workforce Commission shall also determine the amounts due from funds held outside the state treasury and notify the State Auditor and Comptroller of such amounts.

### **Sec. 15.02. Payments to the State Office of Risk Management (SORM).**

- (a) In this section:
  - (1) "Agency" includes a state agency as defined under § 2151.002, Government Code, which includes an institution of higher education (except a public junior college) as defined under § 61.003, Education Code, and may also include any other unit of state government as defined by the rules of SORM, which participates in cost allocation plan provided under this section;

## AGENCY NON-DISCRETIONARY TRANSFER PROVISIONS

(Continued)

- (2) "Assessment" means the amount of the workers' compensation assessment placed on an agency by SORM and the agencies' proportion of SORM's costs to administer workers' compensation payments and other statutory obligations contained in A.1.1, Risk Management Program and A.2.1, Pay Workers' Compensation, as provided by this section and other relevant law; and
  - (3) "SORM" means the State Office of Risk Management.
- (b) At the beginning of each fiscal year, SORM shall prepare a statement reflecting the assessments due from all agencies and present it to the Comptroller.
  - (c)
    - (1) Notwithstanding other provisions in this Act, agencies shall transfer to SORM seventy-five percent (75%) of their assessed allocation which includes amounts for workers' compensation coverage for their employees from funding in the same proportion as their expected payroll funding, including General Revenue Funds, dedicated General Revenue Fund accounts, Other Funds or local bank accounts and the agencies' proportion of SORM's costs to administer workers' compensation payments and other statutory obligations contained in A.1.1, Risk Management Program and A.2.1, Pay Workers' Compensation.
    - (2) Not later than May 1 of each fiscal year, SORM shall determine, based on actual costs since the beginning of the fiscal year and other estimated costs, the remaining assessment due from each agency. SORM shall prepare a statement reflecting the remaining assessments due from each agency and present the statement to the Comptroller. Each agency shall transfer to SORM the remaining assessed allocation which includes amounts for workers' compensation coverage for their employees from funding in the same proportion as their expected payroll funding, including General Revenue Funds, dedicated General Revenue Fund accounts, Other Funds or local bank accounts and the agencies' proportion of SORM's costs to administer workers' compensation payments and other statutory obligations contained in A.1.1, Risk Management Program and A.2.1, Pay Workers' Compensation.
  - (d) Transfers and payments as are authorized under law shall be made not more than 30 days from receipt of the statement of payments due.
  - (e) The Comptroller may prescribe accounting procedures and regulations to implement this section.
  - (f) Upon certification by SORM of amounts due, the Comptroller may transfer funds from an agency if the assessment amount due remains unpaid after more than 30 days from receipt of the statement of payments due.
  - (g) All funds recovered by SORM from third parties by way of subrogation are appropriated to SORM to be used for the payment of workers' compensation benefits to state employees and shall be retained in the bill pattern of the Workers' Compensation Payments in Strategy A.1.1, Workers' Compensation Payments, in whole for that purpose.
  - (h) Amounts not to exceed 2 percent in total of workers' compensation annual expenditures may be awarded to agencies by SORM for the purposes of risk management and loss prevention. In the event that Strategy A.1.1, Workers' Compensation Payments, in the bill pattern of the Workers' Compensation Payments, funded by the annual assessments to agencies, exceeds 110 percent of the expected annual payments, the portion of the excess over 110 percent funded from all funding sources shall be returned to agencies. The excess returned to the agencies by SORM is appropriated to the agencies for expenditures consistent with the original funding source. An all funds excess of 10 percent or less will be used to lower the cumulative assessments to agencies the following year.
  - (i) In the event the total assessments in any year prove insufficient to fund expenditures, SORM may, with the approval of the Legislative Budget Board, temporarily utilize additional general revenue in an amount not to exceed 20 percent of the cumulative assessments for that fiscal year. Any additional general revenue funds will be utilized only for the purpose of temporary cash flow and must be repaid upon receipt of the following year's assessments in accordance with procedures established by the Comptroller. All transfers from and repayments to the General Revenue Fund shall be reported by SORM to the Legislative Budget Board.

## AGENCY NON-DISCRETIONARY TRANSFER PROVISIONS

(Continued)

- (j) The reimbursement requirements established by this section may be waived or delayed, either in whole or in part, by the Legislative Budget Board.
- (k) SORM shall require agencies to provide to SORM and agencies shall submit to SORM information regarding the specific funding sources from which agencies pay their assessed allocation amounts for workers' compensation coverage for their employees.

### Sec. 15.03. Contingency Appropriation Reduction.

- (a) After considering all other contingency riders in this Act and all legislation passed by the Eighty-first Legislature that affects revenue, if the appropriations made by Articles I through X of this Act exceed the estimated available revenue, all appropriations made under this Act out of the General Revenue Fund and General Revenue-Dedicated accounts are hereby automatically reduced on a pro-rata basis by the amount necessary, if any, to ensure that the total amount appropriated does not exceed the estimated revenue, pursuant to Article 3, Section 49a, Texas Constitution; provided, however, that appropriations described under Subsection (c) of this section shall not be reduced.
- (b) The Comptroller shall report the amount of the automatic reductions, if any, to the Governor and Legislative Budget Board.
- (c) Appropriations described under this Subsection (c) that may not be reduced by an action taken pursuant to this section are as follows:
  - (1) Appropriations identified in Sec. 6.07 of this Article IX (Employee Benefit and Debt Service Items);
  - (2) Appropriations made to the Texas Education Agency for the Foundation School Program in Strategies A.1.1, FSP-Equalized Operations, and A.1.2, FSP-Equalized Facilities;
  - (3) Appropriations made in Article IV of this Act;
  - (4) Appropriations made to the Teacher Retirement System;
  - (5) Appropriations made to the Optional Retirement Program;
  - (6) Appropriations made to the Higher Education Fund;
  - (7) Appropriations made for Debt Service Payments for Non-Self Supporting G.O. Water Bonds;
  - (8) Appropriations made for Compensation to Victims of Crime; and
  - (9) Appropriations designated as "estimated."

**Sec. 15.04. Appropriation Transfers: Billings for Statewide Allocated Costs.** As provided by Chapter 2106, Government Code, relating to billings to state agencies for the costs of support services allocated to agencies under the statewide cost allocation plan, the Comptroller shall transfer appropriations made to state agencies and institutions of higher education by this Act to the General Revenue Fund, under Articles I-VIII of this Act, in amounts which total an estimated \$46 million for the biennium.

At least thirty days prior to making transfers of agency appropriations to the General Revenue Fund pursuant to this provision, the Comptroller shall develop and prepare a plan of reductions and notify the Legislative Budget Board and Governor of the amounts proposed for reduction by each agency.

## PART 16. LEGAL REPRESENTATION AND JUDGMENTS PROVISIONS

### Sec. 16.01. Court Representation and Outside Legal Counsel.

- (a) (1) Except as otherwise provided by the Constitution or general or special statutes, the Attorney General shall have the primary duty of representing the State in the trial of civil cases. The provisions of this section apply to the representation of a state governmental entity by outside legal counsel in all legal matters.

## LEGAL REPRESENTATION AND JUDGMENTS PROVISIONS

(Continued)

- (2) Funds appropriated by this Act may not be used by a state governmental entity for retaining outside legal counsel before the state governmental entity requests the Attorney General to perform such services.
  - (3) If the Attorney General determines that outside legal counsel is in the best interest of the State, the Attorney General shall so certify to the Comptroller and to the requesting a state governmental entity which may then utilize appropriated funds to retain outside legal counsel.
  - (4) Funds appropriated by this Act may not be used to contract with an outside legal counsel who represents clients before the state governmental entity or who has, during a six month period preceding the initiative of the contract and a six month period following the termination of the contract, represented clients before the state governmental entity.
  - (5) A state governmental entity may not initiate the process of selecting outside legal counsel prior to receiving the approval of the Attorney General to retain outside legal counsel.
- (b) Funds appropriated by this Act may not be expended by a state governmental entity to initiate a civil suit or defend itself against a legal action without the consent of the Attorney General. Absent this consent, the state governmental entity shall be represented in that particular action by the Attorney General.
  - (c) On receipt of a request by a state governmental entity to retain outside legal counsel, the Attorney General shall make a determination on the request as expeditiously as possible, but in no event later than 10 working days after receiving such request.
  - (d) Funds appropriated by this Act may not be used to pay compensation to outside legal counsel for representing a state governmental entity in the trial of a civil suit if the Attorney General, district attorney, criminal district attorney, county attorney, or other lawyer is required by constitutional or statutory provision to represent a state governmental entity except in those cases where the Attorney General consents to such representation or the district attorney, criminal district attorney, county attorney, or other lawyer has requested that the attorneys employed by the particular state governmental entity assist with the trial of the particular civil suit.
  - (e)
    - (1) This section does not restrict a state governmental entity in the investigation and assembling of evidence in connection with a pending or prospective civil suit.
    - (2) This section does not prohibit a state governmental entity or its employees from investigating, filing, or presenting to any person a claim, owing to the State.
  - (f) This section does not restrict the Attorney General from employing special assistants to assist in the trial of civil suits to be paid from the appropriations therefore made to the Attorney General.
  - (g) If a state governmental entity requests the Attorney General to take legal action in court against another state governmental entity, the Attorney General shall give special consideration to permitting one of the state governmental entities to employ, from the permitted state governmental entity's funds, outside legal counsel to represent that state governmental entity in that action, in order to avoid a conflict of interest by the Attorney General in the representation of both state governmental entities.
  - (h) If the Attorney General initiates legal action against another state governmental entity on behalf of the Attorney General rather than another state governmental entity, the Legislature determines that a conflict of interest exists and the state governmental entity against which the Attorney General takes action may expend appropriated funds for outside legal counsel to represent that state governmental entity without the prior approval or consent of the Attorney General.
  - (i) Subsections (a) - (h) do not apply to funds appropriated to:
    - (1) the Office of the Governor;
    - (2) Comptroller;

## LEGAL REPRESENTATION AND JUDGMENTS PROVISIONS

(Continued)

- (3) Department of Agriculture;
  - (4) General Land Office and Veteran's Land Board; or
  - (5) the Railroad Commission of Texas.
- (j) Funds appropriated by this Act may not be expended to pay the legal fees or expenses of outside legal counsel that represents the State or any of its state governmental entities in a contested matter if the outside legal counsel is representing a plaintiff in a proceeding seeking monetary damages from the State or any of its state governmental entities.
- (k) (1) Funds appropriated by this Act may not be expended by a state governmental entity for payment of legal fees or expenses under a contingent fee contract for legal services without the prior approval of the Legislative Budget Board.
- (2) For purposes of this section, "state governmental entity" means a board, commission, department, office, or other agency in the executive branch of state government created under the constitution or a statute, including an institution of higher education.
  - (3) This section applies to all contingent fee contracts for legal services entered into by a state governmental entity, including legal services related to a *parens patriae* action or proceeding brought by a state governmental entity in the name of the state, except that this section does not apply to a contingent fee contract:
    - (A) for legal services performed for a state governmental entity in relation to the entity's actions as a receiver, special deputy receiver, liquidator, or liquidating agent in connection with the administration of the assets of an insolvent entity, including actions under Chapter 21A, Insurance Code, or Chapters 36, 66, 96, or 126, Finance Code; or
    - (B) under which recoveries from more than one entity are contemplated and the expected amount of each recovery and the actual amount of each recovery do not exceed \$100,000.
- (l) Any litigation that results in settlement, court order or other arrangement providing revenues or financial benefits to the State of Texas shall be structured to require the entire amount due to be paid to the treasury.
- (m) (1) None of the money paid to a state governmental entity (as a result of a settlement of litigation, or other arrangement providing revenues or financial benefits as a result of litigation) may be expended by any state government entity unless the Legislative Budget Board is notified in writing by the Attorney General regarding the terms of the settlement or other arrangement and by the state governmental entity receiving the money regarding the plans for the use of the money. The written notice must be delivered to the Legislative Budget Board as soon as practicable, but no later than the 20<sup>th</sup> day of the month following approval of the settlement or arrangement by a court.
- (2) This subsection does not apply to a settlement of litigation, court order resulting from litigation, or other arrangement providing revenues or financial benefits as a result of litigation:
    - (A) for a state governmental entity in relation to the entity's actions as a receiver, special deputy receiver, liquidator, or liquidating agent in connection with the administration of the assets of an insolvent entity, including actions under Chapter 21A, Insurance Code, or Chapters 36, 66, 96, or 126, Finance Code; or
    - (B) under which recovery to the state governmental entity does not exceed \$500,000.

### Sec. 16.02. Judgments and Settlements.

- (a) The funds appropriated by this Act, including appropriations made in Article X of the Act, may not be expended for payment of a judgment or settlement prosecuted by or defended by the Attorney General and obtained against the State or a state agency, except:



## LEGAL REPRESENTATION AND JUDGMENTS PROVISIONS

(Continued)

- (1) pursuant to this section; or
  - (2) where it is specifically provided in an item of appropriation that the funds thereby appropriated or expenditures therein authorized may be used for the payment of such judgments or settlements.
- (b) The authorization provided by this subsection does not apply in those cases where the judgment order of the trial court was entered, or a settlement agreement was executed, prior to September 1, 1995. State agencies appropriated funds by this Act may expend funds appropriated elsewhere in this Act for the purposes of paying settlements and judgments against the state for causes brought in a federal court or a court in this state under specific statutory authority. Payments made pursuant to this subsection are subject to the following processes and limitations:
- (1) such funds are to be paid out by the Comptroller on vouchers drawn by the agency settling the lawsuit or paying the judgment, subject to the approval of the Governor and of the Attorney General according to Subsection (d);
  - (2) for purposes of this subsection, "judgment" means a judgment order rendered in a federal court or a court in this state for which an appeal or rehearing, or application therefore, is not pending and for which the time limitations for appeal or rehearing have expired;
  - (3) the payment of a settlement or judgment may not exceed \$250,000;
  - (4) the payment of the settlement or judgment would not cause the total amount of payments made by the payer agency for that fiscal year to exceed 10 percent of the total amount of funds available for expenditure by that agency for that fiscal year; and
  - (5) the payment of a settlement or judgment may be made only with a complete release from any and all related claims and causes against the State, and in the case of a judgment, the payment may be made only in full satisfaction of that judgment.
- (c) (1) A state agency shall report a claim for property damage to the Attorney General not later than the second working day after the date the agency receives the claim.
- (2) A state agency shall prepare a voucher for payment of a claim not later than the 10th working day after the date an agreement to settle the claim has been reached.
- (d) Payment of all judgments and settlements prosecuted by or defended by the Attorney General is subject to approval of the Attorney General as to form, content, and amount, and certification by the Attorney General that payment of the judgment or settlement is a legally enforceable obligation of the State. This subsection applies equally to funds appropriated for expenditure through the state treasury, as well as funds appropriated for expenditure from funds held in local banks.
- (e) The Attorney General shall report to the Legislative Budget Board and the Governor not less than monthly, a listing of all settlements and judgments of more than \$5,000 submitted to the Comptroller for payment. The document for publication shall contain at least the following information unless all or part of the information is exempt by court order or Chapter 552, Government Code, (the Open Records Act):
- (1) a summary of the cause of action;
  - (2) a summary of the terms of the settlement;
  - (3) the style of the case;
  - (4) the name and business address of each attorney representing the opposing litigants at the time of the settlement;
  - (5) the amount of the judgment or settlement;
  - (6) the fund or account from which payment was or should be made;

**LEGAL REPRESENTATION AND JUDGMENTS PROVISIONS**

(Continued)

- (7) the statutory citation for the appropriation or other authority to be made;
  - (8) specific statutes granting waiver of sovereign immunity or legislative resolution granting litigant permission to sue;
  - (9) the date of judgment or settlement; and
  - (10) other information as the Legislative Budget Board may request and in the form requested by the Legislative Budget Board.
- (f) The State Auditor may verify compliance with this section for all funds appropriated in this Act, including funds that are retained and expended from accounts held outside the state treasury and that are not subject to reimbursement through funds held in the state treasury. On verification that an agency has not obtained the Attorney General's approval prior to payment of a judgment or settlement, the State Auditor may certify such fact to the Comptroller. The Comptroller may withhold all appropriations for administrative expenses for the involved agency, until the Legislative Audit Committee notifies the Comptroller that the agency's non-compliance has been reviewed and necessary recommendations or changes have been made.

**Sec. 16.03. Expenditures for Representatives of Grievants Prohibited.**

- (a) The funds appropriated by this Act may not be used to pay expenses for salary, travel, or per diem of a public employee who represents grievants in the presentation of grievances concerning wages, hours of work, or conditions of work.
- (b) Notwithstanding Subsection (a), a state employee may take annual leave, compensatory leave, or leave without pay, subject to the procedures established by the state employee's agency of employment, to engage in this activity.

**PART 17. CONTINGENCY AND OTHER PROVISIONS**

**Sec. 17.01. Appropriation for a Salary Increase for State Employees in Salary Schedule C.**

- (a) Appropriations made by this Act to the agencies listed below are hereby increased for both fiscal year 2010 and fiscal year 2011 by the amounts and from the appropriation sources indicated below for Schedule C pay raises.

<b>Agency Name</b>	<b>General Revenue</b>	<b>General Revenue-Dedicated (Fund 9)</b>	<b>Federal Funds</b>	<b>Other Funds (Fund 6)</b>	<b>Total for Each Fiscal Year of the Biennium</b>
Alcoholic Beverage Commission	\$697,785	\$0	\$0	\$0	\$697,785
Department of Criminal Justice	\$216,646	\$0	\$0	\$0	\$216,646
Parks and Wildlife Department	\$0	\$1,277,476	\$140,366	\$0	\$1,417,842
Department of Public Safety	\$0	\$0	\$464,051	\$9,203,676	\$9,667,727
Subtotal	\$914,431	\$1,277,476	\$604,417	\$9,203,676	\$12,000,000
Grand Total (w/Benefits)	\$1,057,997	\$1,478,040	\$699,310	\$10,648,653	\$13,884,000

- (b) The amounts appropriated above include \$697,785 in fiscal year 2010 and \$697,785 in fiscal year 2011 in General Revenue Funds to the Texas Alcoholic Beverage Commission for Schedule C pay raises. These appropriations are contingent upon the Texas Alcoholic Beverage Commission increasing fees and surcharges, pursuant to § 5.50, Alcoholic Beverage Code, by \$1,614,674 and providing such information deemed necessary by the Comptroller of Public Accounts to issue a finding of fact that the increased revenues are estimated to be available in excess of the Comptroller's Biennial Revenue Estimate, including supplemental estimates used in certifying this Act, to fund the increased appropriations and benefits.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

- (c) Any increase in employee benefits costs associated with the salary increase as described above shall be paid only out of the appropriations made above in Subsection (a) of this section.
- (d) Provisions requiring salaries and benefits to be proportional to the source of funds shall apply to all sums allocated under this section, except as otherwise provided. Each agency shall pay the increase in compensation from funds held in the state treasury and from local funds in the same proportion as the employee's regular compensation.
- (e) The Comptroller of Public Accounts shall promulgate rules and regulations as necessary to administer this section. Funds appropriated in this section shall be allocated to each agency, and to the appropriate employee benefit appropriation items, in accordance with such rules and regulations and may be used only for the purpose of providing a salary increase and paying associated employee benefit costs.
- (f) This section does not authorize an increase of classified salary rates above the rates listed in the Schedule C in this Act.

### **Sec. 17.02. Additional Appropriation for Employee Benefits.<sup>1</sup>**

- (a) In recognition of increases in the number of Full-Time Equivalent employees authorized by this Act, additional amounts are hereby appropriated for employee benefits. For the biennium beginning September 1, 2009, the following amounts are appropriated: to the Comptroller of Public Accounts for the payment of employer paid Social Security contributions; \$678,096 in General Revenue Funds, \$1,326,816 in General Revenue-Dedicated Funds, \$1,436,976 in Federal Funds, and \$717,264 from Other Funds; to the Employees Retirement System for retirement contributions; \$219,300 in General Revenue Funds, \$986,592 in General Revenue-Dedicated Funds, \$1,065,540 in Federal Funds, and \$539,736 from Other Funds; and to the Employees Retirement System for group insurance contributions; \$640,058 in General Revenue Funds, \$2,707,308 in General Revenue-Dedicated Funds, \$2,922,141 in Federal Funds, and \$1,484,990 from Other Funds.
- (b) In recognition of changing the salary funding source of 1,416 Full-Time Equivalent Employees of the Department of Public Safety from State Highway Fund 6 to General Revenue, appropriations are made for corresponding employee benefits. For the biennium beginning September 1, 2009, the following amounts are appropriated: to the Comptroller of Public Accounts for the payment of employer paid Social Security contributions; \$8,665,920 in General Revenue Funds, and an equal reduction from State Highway Fund 6; to the Employees Retirement System for retirement contributions; \$7,306,560 in General Revenue Funds, and an equal reduction from State Highway Fund 6; and to the Employees Retirement System for group insurance contributions; \$15,935,664 in General Revenue Funds, and an equal reduction from State Highway Fund 6.

### **Sec. 17.03. Enterprise Resource Planning Projects.<sup>1</sup>**

- (a) The Comptroller of Public Accounts (CPA) shall enter into a separate interagency contract to manage the development and implementation of a Enterprise Resource Planning project with each of the following agencies:
  - (1) the Health and Human Services Commission (HHSC);
  - (2) the Texas Department of Transportation (TXDOT); and
  - (3) the Department of Information Resources (DIR).
- (b) Additionally the CPA shall have the option to enter into interagency contracts with additional agencies for the same purposes listed under subsection (c).
- (c) In accordance with the CPA's duties pursuant to Government Code 2101.036 to adopt standards for implementation and modification of state agency Enterprise Resource Planning (ERP) systems, the CPA shall provide guidance on the following:

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<sup>1</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

- (1) The scope and budget of the project;
  - (2) The timeline to ensure completion on schedule, on budget and with the expected functionality;
  - (3) That business processes are changed to match the software versus changing the software to accommodate business processes;
  - (4) The project helps the overall ERP statewide project effort;
  - (5) Coordination of efforts across all ERP projects (HHSC, TxDOT, and DIR);
  - (6) Management of the contractors working on implementing the systems; and
  - (7) Development of Request For Proposals and other bid documents.
- (d) The CPA shall report annually to the Legislative Budget Board and the Governor's Office on the status of the implementation of each of the Enterprise Resource Planning project and any savings or benefits realized as a result of the implementation of the project.
- (e) In addition to amounts appropriated elsewhere in this Act, the Health and Human Services Commission is appropriated \$7,059,289 from the General Revenue Fund and \$9,476,000 in All Funds for the 2010-11 fiscal biennium to develop and implement an Enterprise Resource Planning project.
- (f) In addition to amounts appropriated elsewhere in this Act, the Department of Information Resources is hereby appropriated \$285,000 out of DIR Clearing Fund Account - Appropriated Receipts; \$75,000 in Telecommunications Revolving Account - Appropriated Receipts; \$120,000 in DIR Clearing Fund Account - Interagency Contracts; \$720,000 Telecommunications Revolving Account - Interagency Contracts; and \$300,000 in Statewide Technology Account - Interagency Contracts each year of the 2010-11 biennium to develop and implement an Enterprise Resource Planning system.

**Sec. 17.04. Border Security Operations.**<sup>2</sup> The amounts listed below are appropriated from the General Revenue-Dedicated Operators and Chauffeurs License Account No. 099 for the specified border security operations:

- (1) \$1,400,000 to the Texas Parks and Wildlife Department for 15 additional game warden full-time-equivalent positions; in addition to the amount of full-time-equivalent positions listed elsewhere in this Act the number of full-time-equivalent positions for the Texas Parks and Wildlife Department is increased by 15;
- (2) \$250,000 to the Texas Parks and Wildlife Department for overtime and operational costs for increased patrol and investigative capacity;
- (3) \$500,000 to the Texas Department of Criminal Justice to provide the Office of Inspector General with 10 officers to staff the fusion center and coordinate other gang intelligence activities within TDCJ; in addition to the amount of full-time-equivalent positions listed elsewhere in this Act the number of full-time-equivalent positions for the Texas Department of Criminal Justice is increased by 10;
- (4) \$4,000,000 to the Trusteed Programs within the Office of the Governor for prosecution resources for districts statewide;
- (5) \$3,000,000 to the Trusteed Programs within the Office of the Governor to provide funding for equipment and training to support patrol operations;
- (6) \$2,500,000 to the Trusteed Programs within the Office of the Governor to fund overtime to expand gang enforcement patrols;

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<sup>2</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

- (7) \$1,750,000 to the Trusteed Programs within the Office of the Governor to fund overtime to expand multi-jurisdictional gang investigations; and
- (8) \$2,000,000 to the Trusteed Programs within the Office of the Governor to expand gang prevention efforts.

If any of these operations involve the Texas State Guard, it is the intent of the Legislature that the Texas State Guard be paid operational costs and per diem.

**Sec. 17.05. Fraud Reporting.** A state agency or institution of higher education appropriated funds by this Act, shall use appropriated funds to assist with the detection and reporting of fraud involving state funds, including funds received pursuant to the American Recovery and Reinvestment Act, as follows:

- (a) By providing information on the home page of the entity's website on how to report suspected fraud waste and abuse involving state resources directly to the State Auditor's Office. This shall include, at a minimum, the State Auditor's fraud hotline information and a link to the State Auditor's website for fraud reporting; and
- (b) By including in the agency or institution's policies information on how to report suspected fraud involving state funds to the state auditor.

**Sec. 17.06. Interagency Council.** Contingent on passage of Senate Bill 911, or similar legislation relating to the certification and regulation of pain management clinics, by the Eighty-first Legislature, Regular Session, 2009, it is the intent of the Legislature that with funds appropriated to the agencies under this Act, the director of the Department of Public Safety or the director's designee, the executive director of the State Board of Pharmacy or the executive director's designee, the executive director of the Texas Medical Board or the executive director's designee shall meet as an interagency council to develop a transition plan for the orderly transfer from the Department of Public Safety to the Texas State Board of Pharmacy of certain records and regulatory functions relating to dispensing controlled substances by prescription under Chapter 481, Health and Safety Code. In developing the transition plan, the council shall: consult with the Health and Human Services Commission, the Department of State Health Services, and other health and human services agencies that contract with a third party for data collection; specify the records and regulatory functions to be transferred; create a time frame within which the specified records and functions will be transferred; ensure the Department of Public Safety's continued access for law enforcement purposes to prescription drug information obtained under Chapter 481, Health and Safety Code; develop a plan for the transfer of relevant database information; make recommendations for improvements to date transmission, including examining the feasibility of implementing an electronic data transmission system for use by registrants and the Department of Public Safety or the Texas State Board of Pharmacy; estimate the fiscal impact of the transfer, including an estimate of the costs associated with any necessary staff increase; minimize disruptions to the professions affected by the transfer, identify any obstacles to the transfer and make recommendations to address these obstacles; and address any other consideration the council determines is appropriate. Not later than January 1, 2011, the council shall submit its recommendations to the Legislature on the transition plan developed by the council. The Department of Public Safety may not enter into any contract or otherwise take any action that would prevent, delay, or hinder a potential transfer of the Texas State Board of Pharmacy occurring on or after September 1, 2011, of certain records and regulatory functions relating to dispensing controlled substances by prescription.

**Sec. 17.07. Maintenance of Victory Field Correctional Academy.** The Department of State Health Services (DSHS), shall use funds appropriated elsewhere in this Act to DSHS to provide maintenance services at the Victory Field Correctional Academy from September 1, 2010 to August 31, 2011.

**Sec. 17.08. Appropriation of Fines, Penalties, Sanctions.**<sup>3</sup> Out of funds collected from health insurers for fines, penalties, and sanctions and deposited in General Revenue, the Texas Department of Insurance is hereby appropriated, out of amounts collected in excess of those contained in the Comptroller's Biennial Revenue Estimate, an amount not to exceed \$1.5 million in each year of the biennium for the Three Share Premium Assistance Programs.

**Sec. 17.09. Lease of Facilities.** The University of Texas System and Texas Southmost College are directed by the Legislature to enter into binding arbitration no later than March 31, 2010 for the purpose

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<sup>3</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

of determining the appropriate compensation for Texas Southmost College for property leased by the University of Texas at Brownsville. Out of funds appropriated elsewhere in this Act. The University of Texas System shall pay any order or judgment required by the arbitrator.

### **Sec. 17.10. Allocation for Rail Relocation and Improvement Fund.<sup>4</sup>**

- a. Out of the funds appropriated above, and on a finding by the comptroller under subsection (b) of this rider, an amount of \$91 million is allocated out of the State Highway Fund for state fiscal year 2010 and an amount of \$91 million is allocated out of the State Highway Fund for state fiscal year 2011 for transfer to the Texas Rail Relocation and Improvement Fund. The amounts are allocated for expenditure out of the Texas Rail Relocation and Improvement Fund to the Department of Transportation for the purposes described by Section 49-o, Article III, Texas Constitution.
- b. The allocations under subsection (a) of this rider may be made only if the comptroller issues a finding of fact that the following items result in a net increase for the 2010-2011 state fiscal biennium of at least \$182 million over the 2008-2009 state fiscal biennium:
  - (1) the net impact of enacted revenue measures on incoming revenue of the State Highway Fund that is not dedicated under Article 8, Section 7-a of the Texas Constitution;
  - (2) as a gain, any reduction in appropriations made from State Highway Fund No. 0006 to state agencies other than the Department of Transportation; and
  - (3) as a loss, any reduction in appropriations made to the Department of Transportation from the General Revenue Fund.
- c. If the comptroller issues the finding of fact under subsection (b) of this rider, and the funds are transferred to the Texas Rail Relocation and Improvement Fund under subsection (a) of this rider, the Department shall allocate no more than \$35,000,000 from the fund for the phase 1 improvements at Tower 55, one of the busiest at-grade railroad intersections in the United States, that will meet freight and passenger rail traffic demand for the next several years and is consistent with the North Central Texas Council Of Governments Tower 55 Reliever Study. The work will include the addition of a BNSF north/south mainline through the tower, 9,000 feet of additional mainline north and south of the tower, enhance connections to improve turning movements, install new signaling and control systems and install a new bridge over Lancaster Avenue. The allocation of funds in this subsection applies only if the department requests additional funds from the United States Department of Transportation under a discretionary program of the American Recovery and Reinvestment Act and that request is not granted.
- d. The allocation of money under subsection (a) of this rider does not include money in the State Highway Fund that is dedicated for particular purposes by the constitution of this state.
- e. Any unexpended balance on August 31, 2010, of amounts allocated by this rider in fiscal year 2010 is allocated for the purposes of this rider for the state fiscal year beginning September 1, 2010.

**Sec. 17.11. Informational Listing General Obligation Bond Proceeds.** The following is an informational listing of funds appropriated elsewhere in this Act, for the 2010-11 biennium to the agencies listed below for projects out of general obligation bond proceeds. All projects funded with bond proceeds listed below are subject to approval by the Legislative Budget Board prior to the issuance of the bond proceeds by the Texas Public Finance Authority.

(a) Proposition 8 by Article by Agency by Project	2010-11 Biennial Total	
	Bond Proceeds	Debt Service
<b>ARTICLE I</b>		
<b>Facilities Commission</b>		
Deferred Maintenance for Facilities	\$ 23,155,747	\$ 2,315,000

<sup>4</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

**CONTINGENCY AND OTHER PROVISIONS**  
(Continued)

**ARTICLE III**

**School for the Blind and Visually Impaired**

Campus renovations	\$ 35,192,336	\$ 0
<b>Total, by Article</b>	<b>\$ 58,348,083</b>	<b>\$ 2,315,000</b>

**(b) Proposition 4**

**by Article by Agency by Project**

**2010-11 Biennial Total**  
**Bond Proceeds    Debt Service**

**ARTICLE I**

**Facilities Commission**

Deferred Maintenance for Facilities	\$ 5,786,253	\$ 579,200
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**Historical Commission**

Repair and Renovation of Courthouses	\$ 20,000,000	\$ 2,780,137
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**ARTICLE II**

**Department of State Health Services**

Mental Health Facility Repair and Renovation	\$ 27,228,000	\$ 2,722,800
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**Department of Aging and Disability Services**

Repairs of State Owned Bond Homes and State Schools	\$ 26,987,000	\$ 2,698,700
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**ARTICLE V**

**Adjutant Generals Department**

Major Maintenance and Roof Replacements at Readiness Centers	\$ 6,535,000	\$ 653,500
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**Department of Criminal Justice**

Repair and Rehabilitation of Facilities and Renovation of the Marlin Correctional Mental Health Facility	\$ 80,000,000	\$ 8,460,000
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**Department of Public Safety**

Repair and Rehabilitation of Buildings and Facilities and Construction of a Crime Lab in Laredo	\$ 16,100,000	\$ 1,870,503
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**Texas Youth Commission**

Repair and Rehabilitation of Existing TYC Facilities	\$ 5,556,651	\$ 555,665
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**ARTICLE VI**

**Parks and Wildlife Department**

Statewide Capital Repairs and State Park Weather Related Damages	\$ 38,006,000	\$ 3,800,000
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<b>Total, by Article</b>	<b>\$226,198,904</b>	<b>\$24,120,505</b>
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**Sec. 17.12. Certain Federal Reimbursements.**<sup>5</sup> Any reimbursements received from the Federal Emergency Management Agency for expenditures paid for with funds transferred during the fiscal year ending August 31, 2009, from the Health and Human Services Commission to the Department of Public Safety in excess of \$11,000,000 are appropriated to the Trusteed Programs within Office of the Governor under Strategy A.1.12, Texas Emerging Technology Fund (estimated to be \$70,000,000) for transfer to the Emerging Technology Fund.

**Sec. 17.13. One-Time Payments.**<sup>5</sup>

- (a) There is hereby appropriated to the Comptroller of Public Accounts an amount estimated to be \$155,248,741 out of the General Revenue Fund which consists of an amount estimated to be \$34,723,050 for the Employees Retirement System and an amount estimated to be \$120,525,691 for the Teacher Retirement System for the purpose of providing a one-time payment (equivalent to the annuitant's monthly benefit, not to exceed \$500) to eligible members of the Employees Retirement System and the Teacher Retirement System as defined below in sections b and c.

The Comptroller of Public Accounts shall transfer to a subaccount within General Revenue at the Employees Retirement System the amount above for the purpose of a one-time payment upon the issuance of an Attorney General opinion that indicates the above one-time payments are constitutionally and statutorily permissible. If the above payments are constitutionally and statutorily permissible, they shall be implemented, if possible, by December 31, 2009.

Contingent on the passage of Senate Bill 2567, or similar legislation authorizing the payment provided for herein by the Eighty-first Legislature, Regular Session, the Comptroller of Public

<sup>5</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

Accounts shall transfer to a subaccount within General Revenue at the Teacher Retirement System the amount above for the purpose of a one-time payment upon the issuance of an Attorney General opinion that indicates the above one-time payments are constitutionally and statutorily permissible. If the above payments are constitutionally and statutorily permissible, they shall be implemented, if possible, by December 31, 2009.

- (b) For Employees Retirement System annuitants to be eligible for the one-time payment provided for above, a person must be an annuitant under the Employees Retirement System who retired from the employee class on or before December 31, 2008, and who is receiving:
- (1) a standard or optional service retirement annuity payment under Sections 814.104, 814.105 or 814.107, Government Code;
  - (2) a disability retirement annuity under Sections 814.206 or 814.207, Government Code;
  - (3) a life annuity payment under Sections 814.301, 814.302, or 814.305, Government Code;
  - (4) an annuity for a guaranteed period of 120 months under Sections 814.301 or 814.302, Government Code.

The one-time payment does not apply to payments of any lump sum death benefit, refund, partial lump sum benefit or return of contributions.

If the Attorney General does not provide a conclusive opinion that such one-time payments are constitutionally and statutorily permissible, amounts appropriated herein shall be transferred to the Employees Retirement System to increase the state contribution rate from 6.45 percent to 6.95 percent.

- (c) For Teacher Retirement System annuitants to be eligible for the one-time payment as authorized in Senate Bill 2567, or similar legislation, a person must be, disregarding any forfeiture of benefits under Section 824.601, Government Code, an annuitant eligible to receive:
- (1) a standard retirement annuity payment, based on an effective date of retirement on or before December 31, 2008;
  - (2) an optional retirement annuity payment as either a retiree or beneficiary, based on an effective date of retirement on or before December 31, 2008;
  - (3) a life annuity payment under Section 824.402(a)(4), Government Code, based on a date of death of a member of the system on or before December 31, 2008; or
  - (4) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3), Government Code, based on a date of death of a member of the system on or before December 31, 2008; or
  - (5) an alternate payee annuity payment under Section 804.005, Government Code, based on a date of commencement of the annuity payment to the alternate payee on or before December 31, 2008.

The one-time payment does not apply to payments under:

- (1) Section 824.304(a), Government Code, relating to disability retirees with less than 10 years of service credit;
- (2) Section 824.804(b), Government Code, relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts; or
- (3) Section 824.404(a) or 824.501(a), Government Code, relating to active Member or retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute.

If the Attorney General does not provide a conclusive opinion that such one-time payments are constitutionally and statutorily permissible, amounts appropriated herein shall be transferred to the Teacher Retirement System to increase the state contribution rate from 6.40 percent to 6.644 percent.



## CONTINGENCY AND OTHER PROVISIONS

(Continued)

- (d) It is the intent of the Legislature that the one-time appropriations made above are due to the availability of American Recovery and Reinvestment Act (ARRA) funds.

**Sec. 17.14. School Bus Seat Belt Program.**<sup>6</sup> The Texas Transportation Institute is hereby appropriated \$400,000 in General Revenue funds in fiscal year 2010 for the purpose of conducting a feasibility study on the implementation of a school bus seat belt program emphasizing maximization of student safety and the cost of implementation. Based on the results of the study, the Texas Transportation Institute, in cooperation with the Texas Education Agency, shall develop an implementation plan for a School Bus Seat Belt program that would reimburse school districts. Not later than June 1, 2010, the Texas Transportation Institute shall submit the implementation plan to the Legislative Budget Board for approval.

Contingent on approval of the implementation plan by the Legislative Budget Board and contingent on enactment by the Eighty-first Legislature of Senate Bill 2567 or similar legislation amending Texas Transportation Code § 547.701, the Texas Education Agency is hereby appropriated \$10,000,000 in General Revenue funds in fiscal year 2011 for the purpose of awarding grants to school districts to implement the School Bus Seat Belt Program.

**Sec. 17.15. Medicaid Substance Abuse Treatment.** Out of funds appropriated above in Goal B, Medicaid, the Health and Human Services Commission shall, beginning January 1, 2010, provide coverage for comprehensive substance abuse treatment services under Medicaid to persons who are at least 21 years of age, have a substance abuse disorder, and otherwise qualify for Medicaid. The commission may delay implementation pending federal approval. The commission shall analyze data relating to the provision of those treatment services and provide the data to the Legislative Budget Board in a format and at times requested by the Legislative Budget Board. The commission may not provide those treatment services if the Legislative Budget Board determines that the treatment services have resulted in an increase in overall Medicaid spending.

**Sec. 17.16. Updated State Cost Estimate for the Foundation School Program.**<sup>7</sup> Appropriations from the Foundation School Fund No. 193 in Article III, Texas Education Agency's bill pattern, Strategy A.1.1, FSP - Equalized Operations, are hereby reduced by \$150 million in fiscal year 2010 and \$150 million in fiscal year 2011. Appropriations from Appropriated Receipts in Article III, Texas Education Agency's bill pattern, Strategy A.1.1, FSP - Equalized Operations, are hereby increased by \$80,100,000 in Fiscal year 2010 and by \$111,900,000 in fiscal year 2011. These adjustments reflect a lower estimate of the state cost of the Foundation School Program in the 2010-11 biennium due to updated projections of the growth in school district property values, student counts, and tax effort. The sum-certain appropriation for the Foundation School Program as identified in Article III, Rider 3 of the Texas Education Agency's bill pattern, shall be decreased commensurately to reflect these adjustments.

**Sec. 17.17. Funding Restricted for Reservoir Site.** During the 2010-11 biennium, the appropriations made by this Act may not be used to fund the acquisition of a reservoir site for the Marvin Nichols Reservoir until December 2010, when the final study report by the Study Commission on Region C Water Supply established by the Eightieth Legislature is due.

**Sec. 17.18. Professional Development Partnerships for Early Childhood Education.** Out of federal CCDF funds appropriated elsewhere in this Act, the Texas Workforce Commission shall transfer via interagency contract \$1,000,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011 to the Texas Education Agency to fund the management of early childhood education partnership projects, including the award of stipends, to facilitate increased participation in professional development by early childhood education professionals and encourage those professionals to seek additional education.

**Sec. 17.19. One-time Uncollectible Debt Payoff and Boll Weevil Eradication.**<sup>7</sup> Included in amounts appropriated elsewhere in this Act to the Department of Agriculture is \$14,700,000 in fiscal year 2010 from the General Revenue Fund in Strategy A.1.1, Generate Marketing Opportunities, to be used to retire the debt of the Texas Agricultural Finance Authority. Up to \$10,000,000 of this amount may alternatively be used for boll weevil eradication with prior notification of the Legislative Budget Board and the Governor.

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<sup>6</sup> HB 3646, 81st Legislature, which contains language similar to HB 2567, amended Texas Education Code § 547.701. The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>7</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

**Sec. 17.20. Contingency for Governor's Mansion Repairs.**<sup>8</sup> Contingent on the enactment of Senate Bill 2307 or other similar legislation relating to the preservation and maintenance of the Governor's Mansion, the State Preservation Board is appropriated \$11,000,000 from the General Revenue Fund in fiscal year 2010 for the purpose of repair of the Governor's Mansion. In the event that Senate Bill 2307 or other similar legislation relating to the preservation and maintenance of the Governor's Mansion fails to become law, the \$11,000,000 is hereby appropriated to the Texas Historical Commission for the same purpose. Any unexpended balances of this appropriation remaining as of August 31, 2010, are hereby appropriated to the appropriate agency in the fiscal year beginning September 1, 2010, for the same purpose.

**Sec. 17.21. Office of the Governor Trusteed Programs.**<sup>8</sup>

(a) The following Office of the Governor Trusteed Programs are appropriated the following amounts from the General Revenue Fund for use in fiscal year 2010:

- |                              |                   |
|------------------------------|-------------------|
| (1) Film and Music Marketing | \$40,000,000;     |
| (2) Enterprise Fund          | \$20,000,000; and |
| (3) Emerging Technology Fund | \$24,000,000.     |

Any unexpended balances of this appropriation remaining as of August 31, 2010, are hereby appropriated for the same programs in the Office of the Governor Trusteed Programs in the fiscal year beginning September 1, 2010, for the same purposes.

**Sec. 17.22. Office of the Governor Transfer Authority.** Notwithstanding other provisions of this Act, without the written permission of the Legislative Budget Board, the Office of the Governor and Trusteed Programs within the Office of the Governor may not transfer amounts appropriated to the Emerging Technology Fund Account No. 5124 or appropriated to the Texas Enterprise Fund Account 5107. Other appropriations and the corresponding FTEs for Trusteed Programs within the Office of the Governor may be assigned or transferred to other agencies without the written permission of the Legislative Budget Board.

**Sec. 17.23. Contingency for New Specialty License Plates.**

(a) For the fiscal year beginning September 1, 2009, the amounts appropriated to an agency under Articles I-VIII of this Act include, regardless of whether or not the amounts may be shown under or limited by the bill pattern or riders of the agency or the special provisions applicable to the Article of this Act under which the agency's appropriation might be located:

- (1) all estimated balances and revenue collected by an agency or held in a fund or an account by or on behalf of an agency before September 1, 2009, and that are associated with the sale of a Texas specialty license plate, as authorized by Subchapter G, Chapter 504, Transportation Code, or other applicable statute; and
- (2) all estimated balances and revenue collected by an agency or held in a fund or an account by or on behalf of an agency on or after September 1, 2009, and that are associated with the sale of a Texas specialty license plate, as authorized by Subchapter G, Chapter 504, Transportation Code, or other applicable statute, during the 2010-11 biennium, including any new license plates that may be authorized or issued after September 1, 2009.

(b) Amounts appropriated by this section shall be used for purposes consistent with this Act and all applicable statutes.

**Sec. 17.24. Medicaid Appropriation Reduction.**<sup>8</sup> Notwithstanding other provisions of this Act, the General Revenue Fund appropriation to the Health and Human Services Commission for Goal B, Medicaid, is reduced by \$40,000,000 for fiscal year 2011.

**Sec. 17.25. Contingency Appropriation for House Bill 3 or Senate Bill 3.**<sup>8</sup> Contingent upon the enactment of House Bill 3 or Senate Bill 3, or similar legislation by the Eighty-First Legislature, Regular Session, relating to public school accountability, curriculum, and promotion requirements, the

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<sup>8</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

Texas Education Agency is hereby appropriated \$10,000,000 in General Revenue funds in fiscal year 2010 and \$10,000,000 in General Revenue funds in fiscal year 2011, and the agency's cap on full-time-equivalent positions is hereby increased by 11.0 in each fiscal year of the 2010-11 biennium for the purpose of implementing the provisions of the bill.

**Sec. 17.26. Contingency Appropriation for House Bill 10.**<sup>9</sup> Contingent upon the enactment of House Bill 10, or similar legislation relating to the regulation of mortgage loan originators and providing a penalty, by the Eighty-First Legislature, Regular Session:

- (a) The Office of Consumer Credit Commissioner is hereby appropriated the amounts of \$1,610,600 in fiscal year 2010 and \$638,600 in fiscal year 2011 out of General Revenue for the purpose of implementing that Act. Also, the "Number of Full-Time-Equivalents (FTE)" figure is increased by 10.0 FTEs in each fiscal year.
- (b) The Department of Savings and Mortgage Lending is hereby appropriated the amounts of \$1,455,980 in fiscal year 2010 and \$894,580 in fiscal year 2011 out of General Revenue for the purpose of implementing that Act. Also, the "Number of Full-Time-Equivalents (FTE)" figure is increased by 14.0 FTEs in each fiscal year.

**Sec. 17.27. Contingency Appropriation for House Bill 10 and House Bill 2774.**<sup>9</sup> Contingent upon the enactment of House Bill 10 and House Bill 2774, or similar legislation relating to the licensing and regulation of certain persons involved in residential mortgage lending and providing a penalty, by the Eighty-First Legislature, Regular Session, the Department of Savings and Mortgage Lending is hereby appropriated the amounts of \$96,394 in fiscal year 2010 and \$72,419 in fiscal year 2011 out of General Revenue for the purpose of implementing that Act. Also, the "Number of Full-Time-Equivalents (FTE)" figure is increased by 1.0 FTE in each fiscal year.

**Sec. 17.28. Contingency Appropriation for House Bill 51.**<sup>10</sup> Contingent on enactment of House Bill 51 by the Eighty-first Legislature, Regular Session, or similar legislation relating to funding and incentives to support emerging public research universities in developing and maintaining programs of the highest tier, the Higher Education Coordinating Board is hereby appropriated, \$25,000,000 in fiscal year 2010 and \$25,000,000 in fiscal year 2011 out of the General Revenue Fund to implement provisions of the legislation.

**Sec. 17.29. Contingency Appropriation for House Bill 216.**<sup>10</sup> Contingent upon enactment of House Bill 216 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the regulation of certain boarding houses and assisted living facilities and providing penalties, the Department of State Health Services (DSHS) is appropriated \$1,976,250 in General Revenue for the 2010-11 biennium to cover the administration and enforcement of boarding home regulations. This appropriation is also contingent upon the agency assessing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2010-11 biennium, \$1,976,250 and deposited in the General Revenue Funds. In addition, the "Number of Full-Time-Equivalents (FTE)" indicated in the agency's bill pattern is hereby increased by 23 FTEs in fiscal year 2010 and by 23 FTEs in fiscal year 2011.

**Sec. 17.30. Contingency Appropriation for House Bill 300 or House Bill 3097.**<sup>10</sup>

- a. Contingent on the enactment of House Bill 300 or House Bill 3097, or similar legislation relating to the creation of the Department of Motor Vehicles, by the Eighty-first Legislature,

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<sup>9</sup> The Department of Banking, Office of Consumer Credit Commissioner, Credit Union Department, and Department of Savings and Mortgage Lending (the "four agencies") were effectively moved to self-directed and semi-independent status (SDSI) status by the enactment of HB 2774, 81<sup>st</sup> Legislature, Regular Session, and will not have a bill pattern shown in the Fiscal Size-up (FSU) version of the General Appropriations Act (GAA). There is an explanatory footnote at the beginning of Article 8, GAA. The reasoning for exclusion of the four agencies from having a bill pattern shown in the FSU version of the GAA is twofold. First, the exclusion is based on the fact that the four agencies are no longer required to have an appropriation because their funds are no longer deposited in the state treasury. Second, the exclusion mirrors the lack of presentation of the current SDSI agencies (Texas State Board of Public Accountancy, Texas Board of Architectural Examiners, and Texas Board of Professional Engineers) in the GAA. Although the LBB still works with the SDSI agencies in monitoring activities and processing fiscal notes related to changes in law related to the SDSI agencies' regulated responsibilities, none of the budget or performance information for these agencies will be included or retained in the Automated Budget and Evaluation System of Texas (ABEST) beginning September 1, 2009. The historical information will remain, though. Article 9, GAA riders related to these agencies include: §§ 17.26; 17.27; 17.72; and 17.119.

<sup>10</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

Regular Session, the Department of Motor Vehicles is appropriated \$200,000 out of the General Revenue Fund for the fiscal biennium beginning September 1, 2009, and 4.0 Full-Time-Equivalent (FTE) positions in each year of the 2010-2011 biennium to implement the provisions of the legislation. Any unexpended balances of this appropriation remaining as of August 31, 2010, are hereby appropriated to the Department of Motor Vehicles in the fiscal year beginning September 1, 2010, for the same purpose.

- b. Contingent on the enactment of House Bill 300 or House Bill 3097, or similar legislation relating to the creation of the Department of Motor Vehicles and the transfer of certain programs to the Department of Motor Vehicles from the Department of Transportation, and subject to approval by the Legislative Budget Board, the Department of Transportation shall, in the time and manner prescribed by the legislation, transfer to the Department of Motor Vehicles all funds and full-time-equivalent (FTE) positions appropriated to the Department of Transportation for fiscal years 2010 and 2011 that are directly associated with the programs and responsibilities required to be transferred under the provisions of the legislation (estimated to be \$103.7 million in All Funds and 622.0 FTEs each year) plus any additional FTE positions (not to exceed 75.0 FTEs) and associated funding for personnel that primarily support the programs to be transferred to the Department of Motor Vehicles. The Legislative Budget Board is authorized to resolve any disputes concerning the transfers identified in this rider.
- c. Contingent upon the enactment of House Bill 300 or House Bill 3097, or similar legislation relating to the licensing and regulation of used automotive parts recyclers; providing penalties, and contingent upon the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$448,084 in excess of \$62,551,340 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011 and in excess of revenue requirements elsewhere in this act, the Texas Department of Licensing and Regulation shall be appropriated \$193,380 in fiscal year 2010 and \$166,780 in fiscal year 2011 in General Revenue. Also, the "Number of Full-time Equivalents (FTEs)" indicated in agency's bill pattern shall be increased by 4.0 FTEs in each fiscal year contingent upon agency meeting the above revenue target. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.31. Contingency Appropriation for House Bill 373, House Bill 3556, Senate Bill 362, or Senate Bill 363.**<sup>11</sup> Contingent on passage of House Bill 373, House Bill 3556, Senate Bill 362, or Senate Bill 363, or similar legislation relating to requiring a voter to present proof of identification, by the Eighty-first Legislature, Regular Session, the Secretary of State is appropriated \$2,000,000 for fiscal year 2010 from the General Revenue Fund for voter education.

Any unexpended balances remaining in appropriations made herein as of August 31, 2010, are hereby appropriated for the fiscal year beginning September 1, 2010.

**Sec. 17.32. Contingency Appropriation for House Bill 449: Licensing and Regulation of Laser Hair Removal Facilities.**<sup>12</sup> Contingent on passage of House Bill 449, or similar legislation relating to the Licensing and Regulation of Laser Hair Removal Facilities, by the Eighty-first Legislature, Regular Session, the Department of State Health Services is hereby appropriated revenue not to exceed \$1,254,254 in fiscal year 2010, and \$1,404,205 for fiscal year 2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to House Bill 449. The "Number of Full-Time-Equivalent Positions" indicated in agencies bill pattern increased by 15.2 in fiscal year 2010 and 17.2 in fiscal year 2011.

**Sec. 17.33. Contingency Appropriation for House Bill 461: Regulation of Dyslexia Practitioners.**<sup>12</sup> Contingent on passage of House Bill 461, or similar legislation relating to the Regulation of Dyslexia Practitioners, by the Eighty-first Legislature, Regular Session, the Department of State Health Services is hereby appropriated revenue not to exceed \$152,283 in fiscal year 2010, and \$172,572 for fiscal year

<sup>11</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

<sup>12</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to House Bill 461. The "Number of Full-Time-Equivalent Positions" indicated in agencies bill pattern increased by 2.0 in fiscal year 2010 and 2.5 in fiscal year 2011.

**Sec. 17.34. Contingency Appropriation for House Bill 472: Common Carrier and Operator Contamination Reports.**<sup>13</sup> In addition to amounts appropriated herein to the Railroad Commission and contingent upon passage of House Bill 472, or similar legislation relating to the effect and implementation of the law regarding reporting by a common carrier or pipeline owner or operator of contamination by the Eighty-First Legislature, Regular Session, 2009, there is hereby appropriated out of the Oil Field Cleanup Account No. 145 in Strategy 3.2.1, Oil and Gas Remediation, \$202,500 for the 2010-11 biennium. The funds shall be used to conduct soil sampling in implementing the provisions of the bill.

Any unexpended balances remaining in this appropriation on August 31, 2010 are hereby appropriated for the fiscal year beginning on September 1, 2011.

**Sec. 17.35. Contingency Appropriation for House Bill 492.**<sup>13</sup> Contingent upon enactment of House Bill 492 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the expansion of faith- and community-based health and human services and social services initiatives, out of funds appropriated elsewhere in this Act to the Health and Human Services Commission (HHSC), HHSC shall allocate \$2,400,000 for the 2010-11 biennium to establish the Renewing Our Communities Account grant program and implement all other designated provisions of the legislation.

**Sec. 17.36. Contingency Appropriation for House Bill 518.**<sup>14</sup> Contingent on enactment of House Bill 518 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the creation of a student loan repayment program for certain correctional officers and a loan repayment assistance program for certain speech pathologists and audiologists, the Higher Education Coordinating Board is hereby appropriated \$391,551 in fiscal year 2010 and \$869,117 in fiscal year 2011 out of the General Revenue Fund to implement provisions of the legislation.

**Sec. 17.37. Contingency Appropriation for House Bill 646.**<sup>13</sup> Contingent on the enactment of House Bill 646, or similar legislation relating to participation in the Southern High-Speed Rail Compact, by the Eighty-first Legislature, Regular Session, the Office of the Governor is appropriated \$70,000 in fiscal year 2010 and \$70,000 in fiscal year 2011 from the General Revenue Fund in Strategy A.1.1, Support Governor and State for participation in the Southern High-Speed Rail Compact.

**Sec. 17.38. Contingency Appropriation for House Bill 802.**<sup>13</sup> Contingent upon enactment of House Bill 802, or similar legislation by the Eighty-First Legislature, Regular Session, establishing a lifespan respite services program, the Department of Aging and Disability Services is appropriated, in addition to amounts appropriated above, \$500,000 in fiscal year 2010 and \$500,000 in fiscal year 2011 in General Revenue Funds to support the implementation of a lifespan respite services program to promote the provision of respite services.

**Sec. 17.39. Contingency Appropriation for House Bill 821: Television Manufacturers Registration Program.**<sup>14</sup> Contingent upon passage of House Bill 821, or similar legislation by the Eighty-first Legislature, Regular Session, 2009, relating to the sale, recovery, and recycling of certain television equipment, and in addition to amounts appropriated herein to the Texas Commission on Environmental Quality (TCEQ), there is hereby appropriated out of the General Revenue Fund in Strategy C.1.3, Pollution Prevention and Recycling, an amount not to exceed \$127,500 in each fiscal year of the 2010-11 biennium in new fee revenues generated as a result of the bill's passage. The funds shall be used to implement the television manufacturers registration program created by the bill. This appropriation is contingent upon the TCEQ assessing fees to generate revenue sufficient to cover these appropriations.

**Sec. 17.40. Contingency Appropriation for House Bill 982.**<sup>14</sup> Notwithstanding any other provisions in this act, contingent on passage of House Bill 982, or similar legislation relating to the imposition of a 10 percent tax on the gross receipts from admissions fees charged by sexually oriented businesses and the repeal of the sexually-oriented business fee, by the Eighty-first Legislature, Regular Session, the Supreme Court is appropriated \$750,000 in fiscal year 2010 and \$1,250,000 in fiscal year 2011 from

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<sup>13</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>14</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

taxes on admission fees charged by sexually-oriented businesses deposited to the General Revenue Fund and transferred to the General Revenue-Dedicated Sexual Assault Fund No. 5010 for Basic Civil Legal Services (Strategy B.1.1). Any unexpended balances in appropriations made for this purpose in fiscal year 2010 are appropriated to the Supreme Court in fiscal year 2011 for the same purposes.

**Sec. 17.41. Contingency Appropriation for House Bill 1357.**<sup>15</sup> Notwithstanding Rider No. 77, Contingency for Regulating Independent Freestanding Emergency Rooms and Urgent Care Clinics in the Department of State Health Services bill pattern and contingent on passage of HB 1357, or similar legislation relating to the licensure of freestanding emergency medical care facilities, and creation of the respective licensing fees, by the Eighty-first Legislature, Regular Session, the Department of State Health Services is appropriated \$387,346 for fiscal year 2010 and \$148,713 for fiscal year 2011 from the fees collected and deposited in the Freestanding Emergency Medical Care Facility Licensing Fund to implement the provisions of the legislation. The number of "Full-Time Equivalent (FTE)" is increased by 4.5 FTEs in fiscal year 2010 and 2.5 FTEs in fiscal year 2011.

**Sec. 17.42. Contingency Appropriation for House Bill 1358.**<sup>15</sup> Contingent on enactment of House Bill 1358 by the Eighty-first Legislature, Regular Session, or similar legislation that allows bonds to be used for cancer prevention and research:

- (a) The Department of State Health Services is hereby appropriated \$875,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011 out of Cancer Bond proceeds for the purpose of enhancing the infrastructure of the cancer registry; and
- (b) Appropriations made elsewhere in this Act to the Department of State Health Services for enhancement of the cancer registry are hereby reduced by \$875,000 in General Revenue Funds in fiscal year 2010 and \$1,000,000 in General Revenue Funds in fiscal year 2011.

**Sec. 17.43. Contingency Appropriation for House Bill 1468.**<sup>15</sup> Contingent upon the enactment of House Bill 1468 or similar legislation relating to the regulation of funeral services, funeral homes, cemeteries, and crematories; providing penalties, by the Eighty-first Legislature, Regular Session, the Funeral Service Commission shall be appropriated the amounts of \$52,000 in fiscal year 2010 and \$46,000 in fiscal year 2011 in General Revenue Funds for the purpose of implementing that Act. This appropriation is also contingent on the Funeral Service Commission's assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2010-11 biennium, \$124,284 in excess of \$2,734,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" indicated in the Funeral Service Commission's bill pattern shall be increased by 1.0 FTE in each fiscal year contingent upon the Funeral Service Commission meeting the above revenue target. The Funeral Service Commission, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Funeral Service Commission's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.44. Contingency Appropriation for House Bill 1474.**<sup>15</sup> Contingent on the enactment of House Bill 1474, or similar legislation relating to the operation and regulation of charitable bingo and the use of bingo proceeds, by the Eighty-first Legislature, Regular Session, the Lottery Commission is appropriated \$156,004 for fiscal year 2010 and \$129,604 in fiscal year 2011 from the General Revenue Fund to implement the provisions of the legislation. This appropriation is also contingent on the Lottery Commission assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2010-11 biennium, \$357,422 in excess of \$59,608,000 (Object Codes 3152, 3153, 3166, and 3170), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-time Equivalent (FTEs)" indicated in agency's bill pattern shall be increased by 3.0 FTEs in each fiscal year contingent upon agency meeting the above revenue target. The Lottery Commission, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Lottery Commission's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

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<sup>15</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS (Continued)

**Sec. 17.45. Contingency Appropriation for House Bill 1749: Marine Conservation License Plates.**<sup>16</sup> Contingent on passage of House Bill 1749, or similar legislation relating to the issuance of marine conservation specialty license plate, by the Eighty-first Legislature, Regular Session, the Texas Parks and Wildlife Department is appropriated an amount estimated to be \$24,600 each fiscal year from an account in the state treasury to implement the provisions of the legislation. Any unexpended balances out of the appropriations made herein for fiscal year 2010 are appropriated to the Texas Parks and Wildlife Department for the fiscal year 2011 for the same purposes.

**Sec. 17.46. Contingency Appropriation for House Bill 1779 or Senate Bill 1317.**<sup>16</sup> In addition to amounts appropriated herein to the Texas Education Agency and contingent upon passage of House Bill 1779, Senate Bill 1317, or similar legislation relating to education and examination requirements for the issuance of a driver's license to certain persons by the Eighty-first Legislature, 2009, there is hereby appropriated from the General Revenue fund, \$263,342 in fiscal year 2010 and \$263,342 in fiscal year 2011 in Driver Education fee revenues generated as a result of the bill's passage for the purpose of implementing the provisions of the legislation. These appropriations are contingent upon the TEA assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover the appropriations for implementation of the legislation as well as associated "Other direct and indirect costs" appropriated elsewhere in this Act. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Comptroller of Public Accounts may reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

In addition, contingent upon passage of House Bill 1779, Senate Bill 1317, or similar legislation, the Number of Full-Time Equivalents indicated herein for the TEA is hereby increased by 2.5 in each fiscal year of the 2010-11 biennium.

**Sec. 17.47. Contingency Appropriation for House Bill 2812 or House Bill 1935.**<sup>16</sup> Contingent upon passage of House Bill 2812 or House Bill 1935, or similar legislation to establish a Jobs and Education for Texans (JET) fund, by the Eighty-first Legislature, Regular Session, the Fiscal Programs-Comptroller of Public Accounts is hereby appropriated \$25 million in General Revenue for fiscal year 2010 to award grants to expand existing programs and develop new programs that prepare students for careers in high-demand occupations, including the startup costs associated with career and technical education (CTE) courses, and to provide scholarships for students in career and technical programs. Any unexpended balances remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose.

This appropriation is contingent upon the Comptroller's certification of available General Revenue of \$25 million for the biennium above the Comptroller's January 2009 biennial Revenue Estimate.

**Sec. 17.48. Contingency for House Bill 2081 and Senate Bill 1013.**<sup>17</sup> Contingent on (1) failure to become law of both Senate Bill 1013 and House Bill 2081 and on (2) failure to become law of similar legislation relating to the continuation and functions of the Texas Racing Commission, by the Eighty-first Legislature, Regular Session, the Sunset Contingency Rider 10 following the bill pattern of the Texas Racing Commission under Article VIII of this Act does not take effect.

**Sec. 17.49. Contingency Appropriation for House Bill 2154.**<sup>16</sup> Contingent upon the enactment of House Bill 2154 by the Eighty-first Legislature, Regular Session, 2009, or similar legislation expanding the physician education loan repayment program:

- (a) In addition to the amounts appropriated above in Strategy D.1.8, Physician Education Loan Repayment Program, the Texas Higher Education Coordinating Board is appropriated \$7,000,000 from the physician education loan repayment program account in fiscal year 2010 and \$15,000,000 from the physician education loan repayment program account in fiscal year 2011 for the purposes of the bill. Any unexpended balance of the appropriated funds remaining as of August 31, 2010 is appropriated to the Texas Higher Education Coordinating Board for the fiscal year beginning September 1, 2010 for the same purpose.
- (b) The Texas Higher Education Coordinating Board may allocate no more than \$510,864 in fiscal year 2010 and no more than \$344,711 in fiscal year 2011 from the funds appropriated under Strategy D.1.8, Physician Education Loan Repayment Program, for administration and other operating expenses.

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<sup>16</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>17</sup> Relevant legislation failed to become law.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

- (c) The "Number of Full-Time Equivalents" in the agency bill pattern is increased by 4 FTEs in both fiscal years for the operation of the program.
- (d) The Higher Education Coordinating Board may enter into a memorandum of understanding with the Department of State Health Services for the transfer of appropriations and full-time equivalents from the Higher Education Coordinating Board to the Department of State Health Services to provide resources for the staffing and technology necessary to perform the duties required by the legislation. A signed copy of the memorandum of understanding shall be provided to the Legislative Budget Board and the Governor no later than December 31, 2009.

**Sec. 17.50. Contingency for House Bill 2161.**<sup>18</sup> Contingent upon the enactment of House Bill 2161, or similar legislation relating to the issuance of a personal identification certificate to present or former inmates of the Texas Department of Criminal Justice, by the Eighty-first Legislature, Regular Session, 2009, the Department of Criminal Justice shall implement the provisions of the bill from funds appropriated by this Act.

**Sec. 17.51. Contingency Appropriation for House Bill 2242 or Senate Bill 1900.**<sup>18</sup> Contingent on enactment of House Bill 2242, Senate Bill 1900, or similar legislation relating to the abolition of the Texas Cultural Endowment Fund, by the Eighty-first Legislature, Regular Session, 2009, in addition to amounts appropriated in Strategy A.1.1, Arts Organization Grants, the Texas Commission on the Arts is appropriated all funds (less private donations and interest and income earned on private donations returned to donors) transferred from the Texas Cultural Endowment Fund and deposited to the General Revenue-Dedicated Commission on the Arts Operating Account No. 334 (an amount estimated to be \$5,432,296 in fiscal year 2010) for the purpose of awarding Arts Create grants in Strategy A.1.1, Arts Organization Grants. Any unexpended balances out of the appropriation made herein remaining as of August 31, 2010 are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.

**Sec. 17.52. Contingency Appropriation for House Bill 2248.**<sup>19</sup> Contingent upon the enactment of House Bill 2248, or similar legislation relating to an emergency management plan for certain health care facilities, by the Eighty-first Legislature, Regular Session, 2009, the Department of Public Safety is appropriated \$244,314 in General Revenue-Dedicated Operators and Chauffeurs License Account No. 099 in fiscal year 2010 and \$191,664 in General Revenue-Dedicated Operators and Chauffeurs License Account No. 099 in fiscal year 2011 to implement the provisions of the legislation. Also contingent upon the enactment of House Bill 2248 or similar legislation, the "Number of Full-Time-Equivalents (FTE)" for the Department of Public Safety is increased by 5.0 for each fiscal year of the 2010-11 biennium.

**Sec. 17.53. Contingency Appropriation for House Bill 2250 or Senate Bill 1106.**<sup>19</sup> Contingent on enactment of Senate Bill 1106 or House Bill 2250, or similar legislation relating to payment of claims to pharmacies and pharmacists, by the Eighty-first Legislature, Regular Session, the Texas Department of Insurance is appropriated \$190,939 in fiscal year 2010 and \$177,115 in fiscal year 2011 from General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees to implement the provisions of the legislation. The "Number of Full-Time Equivalents" in the agency bill pattern is increased by 3.0 FTEs in each fiscal year.

**Sec. 17.54. Contingency Appropriation for House Bill 2259: Inactive Oil and Gas Well Plugging.**<sup>18</sup> In addition to amounts appropriated herein to the Railroad Commission and contingent upon passage of House Bill 2259 or similar legislation by the Eighty-first Legislature, Regular Session, 2009, relating to the plugging of certain inactive oil or gas wells, there is hereby appropriated out of the Oil Field Cleanup Account No. 145 in Strategy C.2.2, Oil and Gas Well Plugging \$251,804 in fiscal year 2010 and \$448,195 in fiscal year 2011 for administrative costs in implementing the bill's provisions.

In addition to amounts appropriated herein, there is hereby appropriated to the Railroad Commission an amount not to exceed \$1,213,034 in fiscal year 2011 in new fee revenues from hydraulic pressure test fees and permit application fees deposited to the credit of the Oil Field Cleanup Account No. 145 and in excess of the Comptroller's Biennial Revenue Estimate for 2010-11. Such expenditures must comply with limitations established for salary, travel, capital expenditures, employment levels, and other provisions contained in the General Provisions of this Act.

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<sup>18</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>19</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.



## **CONTINGENCY AND OTHER PROVISIONS**

(Continued)

**Sec. 17.55. Contingency Appropriation for House Bill 2295.**<sup>20</sup> Contingent on the enactment of House Bill 2295, or similar legislation relating to the continuation and functions of the Texas Residential Construction Commission, by the Eighty-first Legislature, Regular Session, the Residential Construction Commission is appropriated \$764,463 for fiscal year 2010 and \$814,463 in fiscal year 2011 from the General Revenue Fund to implement the provisions of the legislation. This appropriation is also contingent on the Residential Construction Commission assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2010-11 biennium, \$1,884,258 in excess of \$22,064,000 (Object Codes 3175 and 3846), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-time Equivalents (FTEs)" indicated in agency's bill pattern is increased by 10.0 FTEs in each fiscal year contingent upon agency meeting the above revenue target. The Residential Construction Commission, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Residential Construction Commission's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.56. Contingency Appropriation for House Bill 2310.**<sup>21</sup>

- a) Contingent upon the enactment of House Bill 2310, or similar legislation relating to the powers and duties of the Texas Department of Licensing and Regulation, including the power to issue emergency orders and temporary and emergency licenses, and contingent upon the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$1,798,106 in excess of \$62,551,340 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011 and in excess of revenue requirements elsewhere in this act, the Department of Licensing and Regulation shall be appropriated \$763,097 in General Revenue in fiscal year 2010 and \$684,897 in General Revenue in fiscal year 2011. Also, the "Number of Full-time Equivalents (FTEs)" indicated in agency's bill pattern shall be increased by 13.0 FTEs in each fiscal year contingent upon agency meeting the above revenue target. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.
- b) Appropriations of \$680,807 in fiscal year 2010 and \$73,440 in fiscal year 2011 above in subsection (a) and \$1,601,698 included in the amount of excess fees required to be generated are contingent upon House Bill 3180, or similar legislation relating to the licensing and regulation of commercial dog and cat breeders and the regulation of dog and cat dealers; providing penalties, by the Eighty-first Legislature, Regular Session, not being enacted. Also, 11.5 FTEs in each fiscal year above in subsection (a) are also contingent upon House Bill 3180, or similar legislation relating to the licensing and regulation of commercial dog and cat breeders and the regulation of dog and cat dealers; providing penalties, by the Eighty-first Legislature, Regular Session, not being enacted.

**Sec. 17.57. Contingency Appropriation for House Bill 2425.**<sup>21</sup> Contingent on enactment of House Bill 2425 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the Higher Education Coordinating Board authorizing the creation of one Bachelor of Applied Technology program at a community college district, the Higher Education Coordinating Board is hereby appropriated \$125,000 in fiscal year 2010 and \$125,000 in fiscal year 2011 out of the General Revenue Fund to implement provisions of the legislation.

**Sec. 17.58. Contingency Appropriation for House Bill 2437.**<sup>21</sup> Contingent upon enactment of House Bill 2437, or similar legislation relating to the Major Events Trust Fund, by the Eighty-First Legislature, Regular Session, the amount of \$25,000,000 is appropriated from General Revenue for the

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<sup>20</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

<sup>21</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

biennium beginning September 1, 2009 to the Fiscal Programs-Comptroller of Public Accounts for deposit into the Major Events Trust Fund for the purpose of attracting and securing eligible events. The appropriation is contingent on:

- (a) a written statement confirming the state's interest in the event that is signed by both the Governor and the Comptroller of Public Accounts;
- (b) certification by the Comptroller of Public Accounts that sufficient revenues will be generated by eligible events to offset the amounts appropriated;
- (c) an agreement with one or more endorsing municipalities or counties entered into pursuant to Article 5190.14, Section 5A(r), Vernon's Texas Civil Statutes, as added by SB 1515; and
- (d) the receipt of local funds from the endorsing entity(s) pursuant to Article 5190.14, Section 5A(r), Vernon's Texas Civil Statutes, as added by SB 1515.

**Sec. 17.59. Contingent Appropriations for House Bill 2447.**<sup>22</sup> Contingent on the enactment of House Bill 2447, or similar legislation relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Texas Department of Licensing and Regulation, the Texas Department of Licensing and Regulation shall be appropriated all unexpended funds appropriated to the Board of Tax Professional Examiners. The transfer of the obligations, property, 3.7 full-time equivalent positions, rights, powers, and duties of the board to the department must be completed not later than March 1, 2010.

**Sec. 17.60. Contingency Appropriation for House Bill 2571 or Senate Bill 1431.**<sup>22</sup> Contingent upon the enactment of House Bill 2571, Senate Bill 1431, or similar legislation relating to the licensing and regulation of towing companies and vehicle storage facilities; providing penalties, and contingent upon the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$100,000 in excess of \$62,551,340 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011 and in excess of revenue requirements elsewhere in this act, the Department of Licensing and Regulation shall be appropriated \$100,000 in fiscal year 2011 in General Revenue. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.61. Contingency Appropriation for House Bill 2626: Forensic Medical Examinations.**<sup>22</sup> Contingent upon enactment of House Bill 2626, or similar legislation by the Eighty-First Legislature, Regular Session, relating to the forensic medical examination of a sexual assault victim who has not reported the assault to a law enforcement agency, the Office of the Attorney General is hereby appropriated \$230,680 in fiscal year 2010 and \$237,790 in fiscal year 2011 out of General Revenue Dedicated-Compensation to Victims of Crime Fund No. 469 to implement the provisions of the legislation.

**Sec. 17.62. Contingency Appropriation for House Bill 2677: Amendment of Birth Certificates.**<sup>22</sup> Contingent on passage of House Bill 2677, or similar legislation relating to the Amendment of Birth Certificates, by the Eighty-first Legislature, Regular Session, the Department of State Health Services is hereby appropriated revenue not to exceed \$78,685 in fiscal year 2010, and \$98,297 for fiscal year 2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to House Bill 2677. The "Number of Full-Time-Equivalent Positions" indicated in the agency's bill pattern is increased by 2.0 in each fiscal year.

**Sec. 17.63. Contingency Appropriation for House Bill 2740: Licensing and Regulation of Youth Camps.**<sup>23</sup> Contingent on passage of House Bill 2740, or similar legislation relating to the Licensing and Regulation of Youth Camps, by the Eighty-first Legislature, Regular Session, the Department of State Health Services is hereby appropriated revenue not to exceed \$261,411 in fiscal year 2010, and

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<sup>22</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>23</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

## CONTINGENCY AND OTHER PROVISIONS (Continued)

\$282,974 for fiscal year 2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to House Bill 2740. The "Number of Full-Time-Equivalent Positions" indicated in the agency's bill pattern is increased by 2.3 in fiscal year 2010 and 3.1 in fiscal year 2011.

**Sec. 17.64. Contingency Appropriation for House Bill 2962 or Senate Bill 841.**<sup>24</sup> Contingent on passage of House Bill 2962, Senate Bill 841, or similar legislation relating to the child health plan program, by the Eighty-first Legislature, Regular Session, the Health and Human Services Commission is appropriated the following to implement the provisions of the legislation: \$10,849,180 in fiscal year 2010 and \$27,332,502 in fiscal year 2011 from General Revenue Funds; \$10,180,970 in fiscal year 2010 and \$29,013,610 in fiscal year 2011 from Premium Copayments; \$683,448 in fiscal year 2010 and \$1,844,449 in fiscal year 2011 from Experience Rebates for CHIP; \$734,476 in fiscal year 2010 and \$1,974,601 in fiscal year 2011 from Vendor Drug Rebates for CHIP; and \$27,455,209 in fiscal year 2010 and \$69,653,071 in fiscal year 2011 from Federal Funds.

**Sec. 17.65. Contingency Appropriation for House Bill 3180.**<sup>24</sup> Contingent upon the enactment of House Bill 3180 or similar legislation relating to the licensing and regulation of commercial dog and cat breeders and the regulation of dog and cat dealers; providing penalties, and contingent upon the Texas Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2010-2011 biennium, \$2,028,668 in excess of \$62,551,340 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011 and in excess of revenue requirements elsewhere in this act, the Texas Department of Licensing and Regulation shall be appropriated \$862,505 in Fiscal Year 2010 and \$775,455 in Fiscal Year 2011 in General Revenue. Also, the "Number of Full-time Equivalents (FTEs)" indicated in agency's bill pattern shall be increased by 14.5 FTEs in each fiscal year contingent upon agency meeting the above revenue target. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.66. Contingency Appropriation for House Bill 3219 or Senate Bill 1878.**<sup>25</sup> Contingent upon the enactment of House Bill 3219, Senate Bill 1878, or similar legislation relating to the establishment of a housing and health services coordination council at the Texas Department of Housing and Community Affairs and in addition to the amounts appropriated above to the Texas Department of Housing and Community Affairs, \$265,288 in General Revenue Funds in fiscal year 2010 and \$219,132 in General Revenue Funds in fiscal year 2011 shall be appropriated to add staff for support of the council to carry out its statutory responsibilities and to reimburse travel expenses of council members as authorized, pursuant to Chapter 2110, Texas Government Code. Also contingent upon the enactment of Senate Bill 1878, or similar legislation, the number of "Full-Time Equivalents (FTE)" for the Department of Housing and Community Affairs is increased by a total of 3.0 FTEs in fiscal years 2010 and 2011 and travel reimbursement for advisory committee members is limited to the following advisory committee: Housing and Health Services Coordination Council.

**Sec. 17.67. Contingency Appropriation for House Bill 3436 or Senate Bill 1354.**<sup>25</sup> Contingent upon the enactment of House Bill 3436 or Senate Bill 1354, or similar legislation relating to the licensing and regulation of plumbers, by the Eighty-first Legislature, Regular Session, the Board of Plumbing Examiners shall be appropriated the amounts of \$40,320 in fiscal year 2010 and \$55,278 in fiscal year 2011 in General Revenue Funds for the purpose of implementing that Act. This appropriation is also contingent on the Board of Plumbing Examiners assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2010-11 biennium, \$110,875 in excess of \$6,164,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" indicated in the Board of Plumbing Examiners' bill pattern shall be increased by 0.3 FTE in fiscal year 2010 and 1.0 FTE in fiscal year 2011 contingent upon the Board of Plumbing Examiners meeting the above revenue target. In addition, the Capital Budget Rider 2 in the bill pattern of the Board of Plumbing Examiners shall be increased by \$23,000 in fiscal year 2010 to purchase a new vehicle contingent upon the Board of Plumbing Examiners meeting the above revenue target. The Board of Plumbing Examiners, upon completion of necessary actions to assess or increase such additional fees,

<sup>24</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

<sup>25</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

shall furnish copies of the Board of Plumbing Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.68. Contingency Appropriation for House Bill 3452.**<sup>26</sup> Contingent on enactment of House Bill 3452 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the creation of the Texas Armed Services Scholarship Program, the Higher Education Coordinating Board is hereby appropriated \$1,000,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011 out of the General Revenue Fund to implement provisions of the legislation. Any unexpended balances as of August 31, 2010, may be carried forward to fiscal year 2011 for the same purpose.

**Sec. 17.69. Contingency Appropriation for House Bill 3519.**<sup>26</sup> Contingent on enactment of House Bill 3519 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the Texas Workforce Commission entering into memorandum of understanding with the Higher Education Coordinating Board regarding the Texas Career Opportunity Grant Program, the Higher Education Coordinating Board is hereby appropriated \$675,000 in fiscal year 2010 and \$675,000 in fiscal year 2011 out of the General Revenue Fund to implement provisions of the legislation.

**Sec. 17.70. Contingency Appropriation for House Bill 3594.**<sup>26</sup> Contingent upon the enactment of House Bill 3594, or similar legislation relating to the preservation of evidence that contains biological material, by the Eighty-first Legislature, Regular Session, 2009, the Department of Public Safety is appropriated \$500,000 in fiscal year 2010 and \$500,000 in fiscal year 2011 from the General Revenue-Dedicated Operators and Chauffeurs License Account No. 99 to implement the provisions of the legislation. Also contingent upon the enactment of House Bill 3594 or similar legislation, the "Number of Full-Time-Equivalents (FTE)" for the Department of Public Safety is increased by 2.0 for each fiscal year of the 2010-11 biennium.

**Sec. 17.71. Contingency Appropriation for House Bill 3595.**<sup>27</sup> Contingent on passage of House Bill 3595, or similar legislation relating to the provision of drug court programs, by the Eighty-first Legislature, Regular Session, the Office of Court Administration is appropriated \$149,374 in fiscal year 2010 and \$145,516 in fiscal year 2011 in General Revenue to implement the provisions of the legislation. Also contingent on passage of House Bill 3595, or similar legislation, the "Number of Full-Time-Equivalents (FTE)" for the Office of Court Administration is increased by 2.0 FTEs each fiscal year.

**Sec. 17.72. Contingency Appropriation for House Bill 3621.**<sup>28</sup> Contingent upon the enactment of House Bill 3621, or similar legislation relating to certain charges included in a motor vehicle installment agreement, by the Eighty-First Legislature, Regular Session, the Office of Consumer Credit Commissioner is hereby appropriated the amounts of \$139,000 in fiscal year 2010 and \$136,500 in fiscal year 2011 out of General Revenue for the purpose of implementing that Act. Also, the "Number of Full-Time-Equivalents (FTE)" figure is increased by 2.0 FTEs in each fiscal year.

**Sec. 17.73. Contingency Appropriation for House Bill 3765.**<sup>26</sup> Contingent upon passage of House Bill 3765, or similar legislation relating to the use of hazardous and solid waste remediation fee funds

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<sup>26</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>27</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

<sup>28</sup> The Department of Banking, Office of Consumer Credit Commissioner, Credit Union Department, and Department of Savings and Mortgage Lending (the "four agencies") were effectively moved to self-directed and semi-independent status (SDSI) status by the enactment of HB 2774, 81<sup>st</sup> Legislature, Regular Session, and will not have a bill pattern shown in the Fiscal Size-up (FSU) version of the General Appropriations Act (GAA). There is an explanatory footnote at the beginning of Article 8, GAA. The reasoning for exclusion of the four agencies from having a bill pattern shown in the FSU version of the GAA is twofold. First, the exclusion is based on the fact that the four agencies are no longer required to have an appropriation because their funds are no longer deposited in the state treasury. Second, the exclusion mirrors the lack of presentation of the current SDSI agencies (Texas State Board of Public Accountancy, Texas Board of Architectural Examiners, and Texas Board of Professional Engineers) in the GAA. Although the LBB still works with the SDSI agencies in monitoring activities and processing fiscal notes related to changes in law related to the SDSI agencies' regulated responsibilities, none of the budget or performance information for these agencies will be included or retained in the Automated Budget and Evaluation System of Texas (ABEST) beginning September 1, 2009. The historical information will remain, though. Article 9, GAA riders related to these agencies include: §§ 17.26; 17.27; 17.72; and 17.119.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

for lead-acid battery recycling activities by the Eighty-first Legislature, Regular Session, 2009, the Commission on Environmental Quality may expend up to \$1,430,000 in each fiscal year of the 2010-11 biennium out of amounts appropriated herein out of the Hazardous and Solid Waste Remediation Fee Account No. 550 in Strategy D.1.2, Hazardous Materials Cleanup, for lead-acid battery recycling activities.

**Sec. 17.74. Contingency Appropriation for House Bill 3961.**<sup>29</sup> Contingent upon the enactment of House Bill 3961, or similar legislation relating to the regulation of nursing, and contingent upon the Board of Nursing assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$300,000 in excess of \$26,001,209 (Object Codes 3560 and 3570), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011 and the revenue requirements elsewhere in this act, the Board of Nursing shall be appropriated \$300,000 in Fiscal Year 2011 in General Revenue. The Board of Nursing, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Nursing's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.75. Contingency Appropriation for House Bill 4341 or Senate Bill 2339.**<sup>29</sup> Contingent on enactment of House Bill 4341 or Senate Bill 2339, or similar legislation relating to regulation of discount health care programs by the Texas Department of Insurance; providing penalties, by the Eighty-first Legislature, Regular Session, the Texas Department of Insurance is appropriated \$97,153 in fiscal year 2010 and \$43,062 in fiscal year 2011 from General Revenue-Dedicated Texas Department of Insurance Operating Account Fund 36, and \$44,875 in fiscal year 2011 from General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees to implement the provisions of the legislation. The "Number of Full-Time Equivalents" in the agency bill pattern is increased by 2.0 FTEs in each fiscal year.

**Sec. 17.76. Contingency Appropriation for House Bill 4833.**<sup>29</sup> Contingent on passage of House Bill 4833, or similar legislation relating to the creation of district courts and statutory county courts and to the composition of the juvenile boards in certain counties, by the Eighty-first Legislature, Regular Session, the Judiciary Section, Comptroller's Department is appropriated an amount estimated to be \$241,319 for fiscal year 2010 and an amount estimated to be \$429,011 for fiscal year 2011 from the General Revenue Fund and an amount estimated to be \$618,496 for fiscal year 2010 and an amount estimated to be \$810,660 for fiscal year 2011 from Judicial Fund No. 573 to implement provisions of the legislation. Also contingent on passage of House Bill 4833, or similar legislation, the "Number of Full-Time Equivalent Positions (FTE)" for the Judiciary Section, Comptroller's Department is hereby increased by 3.0 FTEs in fiscal year 2010 and 5.0 FTEs in fiscal year 2011 for the new district courts.

**Sec. 17.77. Contingency Appropriation for Senate Bill 6.**<sup>29</sup> Contingent on enactment of Senate Bill 6, or similar legislation relating to the creation of the Healthy Texas Program, by the Eighty-first Legislature, Regular Session, the Texas Department of Insurance is appropriated \$17,404,000 in fiscal year 2010 and \$17,425,000 in fiscal year 2011 from General Revenue, and \$96,000 in fiscal year 2010 and \$75,000 in fiscal year 2011 from General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees to implement the provisions of the legislation. Any unexpended balances of the fiscal year 2010 appropriation made by this provision are hereby appropriated to the Texas Department of Insurance for fiscal year 2011 for the same purpose. The "Number of Full-Time Equivalents" in the agency bill pattern is increased by 0.5 FTEs in each fiscal year.

**Sec. 17.78. Contingency Appropriation and Reporting Requirements for Senate Bill 7.**<sup>29</sup> Contingent upon enactment of Senate Bill 7 by the Eighty-first Legislature, Regular Session, or similar legislation relating to strategies for and improvements in quality of health care and care management provided through health care facilities and through the child health plan and medical assistance programs designed to improve health outcomes:

- a) the Health and Human Services Commission (HHSC) is appropriated:
  - 1) \$4,041,036 in General Revenue Match for Medicaid for fiscal year 2010 and \$3,094,764 in General Revenue Match for Medicaid for fiscal year 2011;

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<sup>29</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS (Continued)

- 2) \$10,604,536 in Federal Funds for fiscal year 2010 and \$5,788,637 in Federal Funds for fiscal year 2011;

to establish pilot programs, to conduct audits of hospitals receiving disproportionate share funding, to develop a quality-based hospital reimbursement system for the Medicaid program, and for system modifications to deny payments for preventable adverse events.

- b) the Department of Aging and Disability Services (DADS) is appropriated \$1,250,000 per fiscal year of the biennium in General Revenue Match for Medicaid and \$1,250,000 per fiscal year of the biennium in Federal Funds to establish an incentive payment program for nursing facilities.
- c) the Health and Human Services Commission shall submit a progress report by November 1, 2010, on the implementation of new rules related to preventing payment for hospital medical errors in the Medicaid program to the Legislative Budget Board and the Governor.
- d) the Department of State Health Services shall submit a progress report by November 1, 2010, on the progress of creating a system to collect data on hospital medical errors and related data collection to the Legislative Budget Board and the Governor.

**Sec. 17.79. Contingency Appropriation for Senate Bill 8.**<sup>30</sup> Contingent on passage of Senate Bill 8, or similar legislation relating to the Texas Health Services Authority, by the Eighty-first Legislature, Regular Session, the Health and Human Services Commission is hereby appropriated \$1,000,000 in General Revenue for fiscal year 2010, and \$1,000,000 in General Revenue for fiscal year 2011 to implement the provisions of the legislation. Additionally, the agency's FTE cap is increased by 5.0 in fiscal year 2010 and 5.0 in fiscal year 2011.

**Sec. 17.80. Contingency for Senate Bill 11.**<sup>31</sup> Contingent upon the enactment of Senate Bill 11, or similar legislation relating to the prevention, investigation, prosecution, and punishment for certain gang-related and other criminal offenses and to the consequences and costs of engaging in certain activities of a criminal street gang or certain other criminal activity, by the Eighty-first Legislature, Regular Session, 2009, it is the intent of the Legislature that at least \$5,500,000 in appropriations by this Act for the Trusteed Programs within the Office of the Governor, including federal Byrne grant allocations, be used to implement the provisions of the legislation.

**Sec. 17.81. Contingency Appropriation for Senate Bill 16.**<sup>32</sup>

- (a) Texas Commission on Environmental Quality - Additional Appropriations: In addition to amounts appropriated herein and contingent upon passage of Senate Bill 16, or similar legislation, by the Eighty-first Legislature, Regular Session, 2009, there is hereby appropriated to the Texas Commission on Environmental Quality (TCEQ) in Strategy A.1.1, Air Quality Assessment and Planning: \$521,074 in each fiscal year of the 2010-11 biennium out of the Texas Emissions Reduction Plan Account No. 5071; \$656,880 in fiscal year 2010 and \$598,380 in fiscal year 2011 out of the Clean Air Account No. 151; and \$315,997 in fiscal year 2010 and \$111,397 in fiscal year 2011 out of the Operating Permit Fee Account No. 5094. In addition, the number of Full-Time-Equivalents indicated herein for the TCEQ is hereby increased by 12.0 in each fiscal year of the 2010-11 biennium.
- (b) Texas Commission on Environmental Quality - Allocations out of the TERP Account No. 5071: Notwithstanding appropriations and allocations made herein out of the TERP Account No. 5071, and contingent upon passage of Senate Bill 16, or similar legislation, by the Eighty-first Legislature, Regular Session, 2009, the allocation of appropriations to the TCEQ in the amount of \$117,003,925 each fiscal year of the 2010-11 biennium out of the TERP Account No. 5071 are hereby modified as follows:
  - (1) \$104,133,494 in each fiscal year of the 2010-11 biennium shall be used for the Diesel Reductions Program established in Health and Safety Code, Chapter 386, Subchapter C. Not more than 10 percent of these funds shall be used.

<sup>30</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

<sup>31</sup> Neither SB 11, 81<sup>st</sup> Legislature, Regular Session, nor similar legislation became law.

<sup>32</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

- (A) \$4,165,339 each fiscal year shall be used to implement the Clean School Bus Initiative established in Health and Safety Code § 386.252; and
- (B) \$99,968,155 shall be used for incentive payments and to implement the New Technology Program established in Health and Safety Code, Chapter 391, pursuant to Health and Safety Code § 386.252. No more than 10 percent of these funds may be used to implement the New Technology Program established in Health and Safety Code, Chapter 391, pursuant to Health and Safety Code, § 386.252, without written consent of the Legislative Budget Board.
- (2) \$10,530,353 in each fiscal year of the 2010-11 biennium shall be used for grant funding for the New Technology Research Development Program established in Health and Safety Code, Chapter 387, according to provisions in Health and Safety Code § 386.252; and
- (3) \$2,340,078 in each fiscal year of the 2010-11 biennium shall be used to administer the Diesel Emissions Reduction Program.
- (4) Notwithstanding these allocations, the TCEQ may re-allocate funds for programs under Health and Safety Code § 385.252 (a) as authorized in Health and Safety Code §386.252. This exemption does not apply to the approval requirement in Section (b)(1)(B) above.
- (c) Comptroller of Public Accounts - In addition to amounts appropriated herein to the Comptroller of Public Accounts and contingent upon passage of Senate Bill 16, or similar legislation, by the Eighty-first Legislature, Regular Session, 2009, there is hereby appropriated to the Comptroller of Public Accounts out of the General Revenue Fund \$291,974 in each fiscal year of the 2010-11 biennium. The funds shall be used to assess the financial stability of applicants for the New Technology Implementation Program established by the bill and conduct grant audits. In addition, the number of Full-Time-Equivalents indicated herein for the Comptroller of Public Accounts is hereby increased by 5.0 in each fiscal year of the 2010-11 biennium.
- (d) Texas Commission on Environmental Quality - Clean Air Act Section 185 Appropriation -- In addition to amounts appropriated herein to the Texas Commission on Environmental Quality (TCEQ), there is hereby appropriated all fee revenue deposited to the credit of the General Revenue Fund during the biennium beginning on September 1, 2009, (estimated to be \$0) pursuant to the Federal Clean Air Act, § 185 (42 USC, § 7511d). The funds shall be used to support activities associated with the state's efforts to comply with federal air quality standards and to address other air pollution issues in the Houston-Galveston-Brazoria nonattainment area, including existing grant programs addressing emissions reductions programs authorized in Health and Safety Code, Chapters 386, 387, 390 and 391.

In the event Senate Bill 16, or similar legislation that directs the deposit of funds received pursuant to the Federal Clean Air Act, § 185 (42 USC, § 7511d), to the credit of the Clean Air Act No. 151, is enacted by the Eighty-first Legislature, Regular Session, in addition to the amounts appropriated herein to the TCEQ, there is hereby appropriated all fee revenue deposited to the Clean Air Account No. 151 during the biennium beginning on September 1, 2009, (estimated to be \$0) pursuant to the Federal Clean Air Act, § 185 (42 USC, § 7511d). These funds shall be used to support activities associated with the state's efforts to comply with federal air quality standards and to address other air pollution issues in the Houston-Galveston-Brazoria nonattainment area, including existing grant programs addressing emissions reduction authorized in Health and Safety Code, Chapters 386, 387, 390 and 391.

**Sec. 17.82. Contingency Appropriation for Senate Bill 75.**<sup>33</sup> Contingent upon enactment of Senate Bill 75 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the establishment of a disaster and emergency education program, out of funds appropriated elsewhere in this Act to the Department of State Health Services (DSHS), DSHS shall allocate \$1,694,860 in General Revenue Funds in fiscal year 2010 and \$1,736,532 in General Revenue Funds in fiscal year 2011 to create a Disaster and Emergency Education Program and implement all other designated provisions of the legislation. Additionally, the agency's FTE cap is increased by 2.0 in fiscal year 2010 and 2.0 in fiscal year 2011.

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<sup>33</sup> Similar legislation, HB 1831, became law.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

**Sec. 17.83. Contingency Appropriation for Senate Bill 81.**<sup>34</sup> Contingent on passage of Senate Bill 81, or similar legislation relating to the certain providers of subsidized child care, by the Eighty-first Legislature, Regular Session, the Department of Public Safety is hereby appropriated revenue not to exceed \$70,725 in fiscal year 2010, and \$62,100 for fiscal year 2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to Senate Bill 81.

**Sec. 17.84. Contingency Appropriation for Senate Bill 282.**<sup>35</sup> Contingent on enactment of Senate Bill 282 or similar legislation relating to grant and outreach programs to provide nutrition education to children, the Texas Department of Agriculture is hereby appropriated \$500,000 out of the General Revenue fund in each fiscal year of the 2010-11 Biennium and the agency's cap on full-time-equivalent positions is hereby increased by 0.5 in each fiscal year of the 2010-11 biennium for the purpose of implementing the legislation.

**Sec. 17.85. Contingency Appropriation for Senate Bill 297.**<sup>35</sup> Contingent on enactment of Senate Bill 297 by the Eighty-first Legislature, Regular Session, or similar legislation relating to tuition rates and fees at public institutions of higher education for certain veterans and their families, the Higher Education Coordinating Board is hereby appropriated \$349,500 in fiscal year 2010 and \$349,500 in fiscal year 2011 out of the General Revenue Fund to implement provisions of the legislation.

**Sec. 17.86. Contingency Appropriation for Senate Bill 455.**<sup>35</sup> Contingent upon the enactment of Senate Bill 455, or similar legislation relating to the regulation of the practice of dental assistants, including the delegation of certain dental acts, and contingent upon the Texas State Board of Dental Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$10,132 in excess of \$7,328,204 (Object Codes 3570 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011 and the revenue requirements elsewhere in this act, the Texas State Board of Dental Examiners shall be appropriated \$10,132 in Fiscal Year 2011 in General Revenue. The Texas State Board of Dental Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas State Board of Dental Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.87. Contingency Appropriation for Senate Bill 482.**<sup>35</sup> Contingent on the enactment of Senate Bill 482 by the Eighty-first Legislature, Regular Session, 2009, or similar legislation relating to the creation of a Holocaust and Genocide Commission, the Texas Historical Commission is hereby appropriated \$86,397 in fiscal year 2010 and \$81,397 in fiscal year 2011 in General Revenue funds to support functions and activities of the Holocaust and Genocide Commission. In addition, the "Number of Full-time-Equivalents (FTE)" indicated in the Texas Historical Commission's bill pattern shall be increased by 0.5 FTE in each fiscal year.

**Sec. 17.88. Contingency Appropriation for Senate Bill 485.**<sup>34</sup> Contingent on enactment of Senate Bill 485 or similar legislation relating to medical loss ratios of preferred provider benefit plan issuers, by the Eighty-first Legislature, Regular Session, the Texas Department of Insurance is appropriated \$150,442 in fiscal year 2010 and \$61,361 in fiscal year 2011 from General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees to implement the provisions of the legislation. The "Number of Full-Time Equivalents" in the agency bill pattern is increased by 1.0 FTEs in each fiscal year.

**Sec. 17.89. Contingency for Senate Bill 497.**<sup>35</sup> Contingent on passage of Senate Bill 497, or similar legislation relating to compensation paid to certain judges and justices, by the Eighty-first Legislature, Regular Session, out of General Revenue funds appropriated to the Office of Court Administration in Strategy A.1.1, Court Administration \$63,250 each fiscal year shall be transferred to the Judiciary Section, Comptroller's Department in Strategy A.1.1, District Judge Salaries for the purpose of paying salary supplements for district judges presiding over asbestos- or silica-related multi-district litigation cases.

**Sec. 17.90. Contingency Appropriation for Senate Bill 499: Birth Records of Adopted Children.**<sup>34</sup> Contingent on passage of Senate Bill 499, or similar legislation relating to the Birth Records of Adopted Children, by the Eighty-first Legislature, Regular Session, the Department of State Health

<sup>34</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

<sup>35</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.



## CONTINGENCY AND OTHER PROVISIONS (Continued)

Services is hereby appropriated revenue not to exceed \$49,500 in fiscal year 2010, and \$75,000 for fiscal year 2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to Senate Bill 499.

**Sec. 17.91. Contingency Appropriation for Senate Bill 546.**<sup>36</sup> Contingent upon the enactment of Senate Bill 546, or similar legislation relating to energy efficiency goals and programs and demand reduction targets; creating an office of energy efficiency deployment in the state energy conservation office, the Public Utility Commission shall be appropriated \$55,354 in fiscal year 2010 and \$55,453 in fiscal year 2011 in General Revenue and 1.0 FTE each fiscal year.

**Sec. 17.92. Contingency Appropriation for Senate Bill 696 or House Bill 3632.**<sup>37</sup> Contingent on passage of Senate Bill 696, House Bill 3632, or similar legislation relating to the use of state parking facilities, by the Eighty-first Legislature, Regular Session, in addition to amounts appropriated above in Strategy A.1.2, Facilities Planning, the Texas Facilities Commission is appropriated from money received from a lease under Section 2165.204 or Section 2165.2045, Government Code, an amount not to exceed \$51,163 for fiscal year 2010 and \$46,011 for fiscal year 2011 to implement the provisions of the legislation. To meet the administrative needs of a parking facility leasing program, the Full-Time Equivalent (FTE) cap for the Texas Facilities Commission is hereby increased by 1 in fiscal year 2010 and 1 in fiscal year 2011 to administer the legislated duties of the referenced programs.

**Sec. 17.93. Contingency Appropriation for Senate Bill 727.**<sup>37</sup> Contingent upon the enactment of Senate Bill 727, or similar legislation relating to the creation of DNA records for the DNA database system, by the Eighty-first Legislature, Regular Session, 2009, the Department of Public Safety is appropriated \$2,053,286 in fiscal year 2010 and \$1,706,224 in fiscal year 2011 from General Revenue Funds to implement the provisions of the legislation. Also contingent upon the enactment of Senate Bill 727 or similar legislation, the "Number of Full-Time-Equivalents (FTE)" for the Department of Public Safety is increased by 6.0 for each fiscal year of the 2010-11 biennium.

**Sec. 17.94. Contingency for Senate Bill 785 for Client Abuse and Neglect Reporting System Status Report.**<sup>38</sup> Contingent upon the enactment of Senate Bill 785, or similar legislation relating to adding names from the Client Abuse and Neglect Reporting System to the Employee Misconduct Registry, by the Eighty-first Legislature, Regular Session, 2009, the Department of Aging and Disability Services and the Department of State Health Services shall submit a report that includes information about the progress of moving names from the Client Abuse and Neglect Reporting System (CANRS) to the Employee Misconduct Registry. The report should address, but not be limited to, the progress the agency has made in the following areas:

- a. an explanation of the process the agency used to identify who in CANRS has had due process and who has not;
- b. total number of names in CANRS eligible to be listed in the Employee Misconduct Registry;
- c. total number of names in CANRS that cannot be moved to the Employee Misconduct Registry because of a lack of access to due process;
- d. a suggested methodology and cost for adding the names of employees who did not receive due process to the Employee Misconduct Registry; and
- e. any other relevant information related to this process.

The report shall be submitted to the Governor and the Legislative Budget Board by May 1, 2010.

**Sec. 17.95. Contingency Appropriation for Senate Bill 858.**<sup>37</sup> In addition to amounts appropriated herein to the Texas Education Agency and contingent upon passage of Senate Bill 858 or similar legislation relating to offering the classroom portion of a driver education course through an alternative method of instruction by the Eighty-first Legislature, 2009, there is hereby appropriated from the General Revenue fund, \$145,000 in fiscal year 2010 and \$145,000 in fiscal year 2011 in Driver Education fee revenues generated as a result of the bill's passage for the purpose of implementing the provisions of the legislation. These appropriations are contingent upon the TEA assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover the appropriations for

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<sup>36</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

<sup>37</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>38</sup> Similar legislation, SB 806, became law.

## CONTINGENCY AND OTHER PROVISIONS (Continued)

implementation of the legislation as well as associated "Other direct and indirect costs" appropriated elsewhere in this Act. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Comptroller of Public Accounts may reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

In addition, contingent upon passage of Senate Bill 858 or similar legislation, the Number of Full-Time Equivalents indicated herein for the TEA is hereby increased by 2.0 in each fiscal year of the 2010-11 biennium.

**Sec. 17.96. Contingency Appropriation for Senate Bill 876: Annual Soil Tests for Concentrated Animal Feeding Operations.**<sup>39</sup> In addition to amounts appropriated herein to the Texas Commission on Environmental Quality (TCEQ) and contingent upon passage of Senate Bill 876, or similar legislation by the Eighty-First Legislature, Regular Session, 2009, relating to the performance of annual soil tests for certain concentrated animal feeding operations, there is hereby appropriated out of the Water Resource Management Account No. 153 in Strategy A.1.2, Water Assessment and Planning, \$166,583 in fiscal year 2010 and \$108,083 in fiscal year 2011 to perform soil testing as required by the bill.

**Sec. 17.97. Contingency Appropriation for Senate Bill 911.**<sup>39</sup> Contingent upon the enactment of Senate Bill 911, or similar legislation relating to the certification and regulation of pain management clinics, by the Eighty-first Legislature, Regular Session, the Texas Medical Board shall be appropriated the amounts of \$35,000 in fiscal year 2010 and \$35,000 in fiscal year 2011 in General Revenue Funds for the purpose of implementing that Act. This appropriation is also contingent on the Texas Medical Board assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2010-11 biennium, \$70,000 in excess of \$28,688,000 (Object Code 3560 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" indicated in the Texas Medical Board's bill pattern shall be increased by 1.0 FTE in each fiscal year contingent upon the Texas Medical Board meeting the above revenue target. The Texas Medical Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Medical Board's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.98. Contingency Appropriation for Senate Bill 1001 or House Bill 2233.**<sup>40</sup> Contingent upon the enactment of Senate Bill 1001 or House Bill 2233, or similar legislation relating to the continuation and operation of the office of public insurance counsel by the Eighty-first Legislature, Regular Session, the Office of Public Insurance Counsel shall be appropriated the amounts of \$61,786 in fiscal year 2010 and \$59,286 in fiscal year 2011 out of General Revenue for the purpose of implementing that Act. The "Number of Full-Time-Equivalents (FTE)" indicated in the Office of Public Insurance Counsel's bill pattern shall be increased by 1.0 FTE in each fiscal year.

**Sec. 17.99. Sunset Contingency for Senate Bill 1003.**<sup>39</sup> Notwithstanding other provisions of this Act, appropriations, related Full-Time-Equivalents, and applicable bill pattern and Article IX riders for fiscal years 2010 and 2011 for the Office of State-Federal Relations are contingent upon enactment of Senate Bill 1003, Eighty-first Legislature, Regular Session, or similar legislation that provides for the continuation of the Office of State-Federal Relations or transfer or administrative attachment of the Office of State-Federal Relations to the office of the governor.

In the event that Senate Bill 1003, Eighty-first Legislature, Regular Session, or similar legislation is not enacted, the funds appropriated for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of agency operations.

**Sec. 17.100. Contingency for Senate Bill 1005.**<sup>39</sup> Contingent upon the enactment of Senate Bill 1005, or similar legislation relating to the regulation of polygraph examiners by the Texas Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board, the Texas Department of Licensing and Regulation shall be appropriated all unexpended funds appropriated to the

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<sup>39</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>40</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

Polygraph Examiners Board as of January 1, 2010. The transfer of obligations, property, full-time equivalent positions, rights, powers, and duties of the board to the department must be completed not later than January 1, 2010.

**Sec. 17.101. Contingency for Senate Bill 1007 or House Bill 2203.**<sup>41</sup> Contingent upon the enactment of Senate Bill 1007 or House Bill 2203, or similar legislation relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties, by the Eighty-first Legislature, Regular Session, appropriations to the Texas Department of Insurance shall be reduced in the amounts of \$805,576 in fiscal year 2010 and \$805,576 in fiscal year 2011 from General Revenue-Dedicated Texas Department of Insurance Operating Account Fund No. 036 and \$491,997 in fiscal year 2010 and \$491,997 in fiscal year 2011 from General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees. The "Number of Full-Time-Equivalents (FTE)" indicated in the Texas Department of Insurance's bill pattern shall be reduced by 28.0 FTEs in each fiscal year.

**Sec. 17.102. Contingency Appropriation for Senate Bill 1011 or House Bill 3390.**<sup>42</sup> Contingent upon the enactment of Senate Bill 1011, House Bill 3390, or similar legislation relating to the continuation and functions of the Commission on Fire Protection, appropriations to the Commission on Fire Protection are increased by \$98,571 in fiscal year 2010 and \$132,701 in fiscal year 2011 in General Revenue Funds (Fund 8042-Insurance Companies Maintenance Tax and Insurance Department Fees) for the purpose of implementing the provisions of the legislation. These appropriations are also contingent upon the Commission on Fire Protection increasing revenues from fees for certification and fingerprint-based criminal history background checks, pursuant to Government Code, Chapter 419, by \$163,400 and providing such information deemed necessary by the Comptroller of Public Accounts to issue a finding of fact that the increased revenues are estimated to be available in excess of the Comptroller's Biennial Revenue Estimate, including supplemental estimates used in certifying this Act, to fund the increased appropriations and benefits. Also contingent upon the finding of fact, the "Number of Full-Time-Equivalents (FTE)" for the Commission on Fire Protection is increased by 1.0 in fiscal year 2010 and 1.0 in fiscal year 2011.

**Sec. 17.103. Contingency Appropriation for Senate Bill 1016.**<sup>42</sup> Contingent on enactment of Senate Bill 1016 or similar legislation relating to the continuation and functions of the Department of Agriculture and the Prescribed Burning Board and the abolition of the Texas-Israel Exchange Fund Board, the Department of Agriculture is hereby appropriated \$62,519 in General Revenue funds in fiscal year 2010 and \$54,519 in General Revenue funds in fiscal year 2011 and \$150,988 from the Texas Agricultural Fund No. 683 in fiscal year 2010 and \$143,988 from the Texas Agricultural Fund No. 683 in fiscal year 2011 and the agency's cap on full-time-equivalent positions is hereby increased by 3.0 in each fiscal year of the 2010-11 biennium for the purpose of implementing the legislation.

**Sec. 17.104. Contingency Appropriation for Senate Bill 1091.**<sup>42</sup> Contingent on passage of Senate Bill 1091, or similar legislation relating to the establishment of the Capital Writs Committee and the Office of Capital Writs and to the appointment and compensation of certain counsel for indigent defendants in a capital case, by the Eighty-first Legislature, Regular Session, out of funds appropriated in Article IV of this Act, \$323,000 from General Revenue in Strategy D.1.6, Death Penalty Representation to the Judiciary Section, Comptroller Department for fiscal year 2011 and \$548,914 from the General Revenue-Dedicated Fair Defense Account No. 5073 in Strategy A.2.1, Indigent Defense to the Office of Court Administration for fiscal year 2011 shall be transferred to the Office of Capital Writs to implement the provisions of the legislation. In addition, the Office of Capital Writs is appropriated \$171,520 in fiscal year 2011 out of the General Revenue Fund. Also contingent on passage of Senate Bill 1091, or similar legislation, the "Number of Full-Time-Equivalent Positions (FTE)" is 3.3 FTEs in fiscal year 2011 for the new Office of Capital Writs.

**Sec. 17.105. Contingency Appropriation for Senate Bill 1095.**<sup>42</sup>

- a) Contingent upon the enactment of Senate Bill 1095, or similar legislation relating to the licensing and regulation of used automotive parts recyclers; providing penalties, and contingent upon the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$468,084 in excess of \$62,551,340 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011 and in excess of revenue requirements elsewhere in this act, the Texas Department of

<sup>41</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

<sup>42</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

Licensing and Regulation shall be appropriated \$203,380 in fiscal year 2010 and \$176,780 in fiscal year 2011 in General Revenue. Also, the "Number of Full-time Equivalents (FTEs)" indicated in agency's bill pattern shall be increased by 4.0 FTEs in each fiscal year contingent upon agency meeting the above revenue target. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

- b) Contingent upon the enactment of House Bill 300, or similar legislation relating to the continuation and functions of the Texas Department of Transportation including the governance of the department and the transfer of certain functions of the department to the Texas Department of Motor Vehicles and the office of the governor, or contingent upon the enactment of House Bill 3097 or similar legislation relating to the creation, organization, governance, duties and functions of the Texas Department of Motor Vehicles, including the transfer of certain duties to the Texas Department of Motor Vehicles and the Texas Department of Licensing and Regulation, subsection (a) would not take effect.

**Sec. 17.106. Contingency Appropriation for Senate Bill 1166.**<sup>43</sup> Contingent on passage of Senate Bill 1166, or similar legislation relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64<sup>th</sup> Judicial District, by the Eighty-first Legislature, Regular Session, the Judiciary Section, Comptroller's Department is appropriated \$85,700 each fiscal year from the General Revenue Fund and \$11,250 each fiscal year from Judicial Fund No. 573 to implement provisions of the legislation. Also contingent on passage of Senate Bill 1166, or similar legislation, the "Number of Full-Time-Equivalent Positions (FTE)" for the Judiciary Section, Comptroller's Department is hereby increased by 1.0 FTE each fiscal year for the new professional prosecutor.

**Sec. 17.107. Contingency Appropriation for Senate Bill 1329.**<sup>44</sup> Contingent on passage of Senate Bill 1329, or similar legislation relating to the licensing of food manufacturers, wholesalers, and warehouse operators, by the Eighty-first Legislature, Regular Session, the Department of State Health Services is hereby appropriated revenue not to exceed \$224,758 in Food and Drug Registration funds in fiscal year 2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to Senate Bill 1329. The "Number of Full-Time-Equivalent Positions" indicated in the agency's bill pattern is increased by 3.0 in fiscal year 2011.

**Sec. 17.108. Contingency Appropriation for Senate Bill 1331.**<sup>43</sup> Contingent upon the enactment of Senate Bill 1331, or similar legislation relating to the creation of the Texas Physician Health Program, by the Eighty-first Legislature, Regular Session, the Texas Medical Board shall be appropriated the amount of \$148,530 in fiscal year 2010 and \$288,036 in fiscal year 2011 in General Revenue Funds for the purpose of implementing that Act. This appropriation is also contingent on the Texas Medical Board assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2010-11 biennium, \$541,146 in excess of \$28,688,000 (Object Code 3560 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-time Equivalent Positions (FTE)" indicated in the Board of Professional Land Surveying's bill pattern shall be increased by 2.5 FTEs in fiscal year 2010 and 5.0 FTEs in fiscal year 2011, contingent upon the Texas Medical Board meeting the above revenue target. The Texas Medical Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Medical Board's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

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<sup>43</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>44</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

**Sec. 17.109. Contingency Appropriation for Senate Bill 1387: Capture, Injection, Sequestration, or Geologic Storage of Carbon Dioxide.**<sup>45</sup> In addition to amounts appropriated herein to the Railroad Commission, and contingent upon passage of Senate Bill 1387, or similar legislation by the Eighty-first Legislature, Regular Session, 2009, relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide, there is hereby appropriated out of the General Revenue Fund in Strategy A.1.1, Energy Resource Development, \$75,431 in fiscal year 2010 and \$73,421 in fiscal year 2011 to be used to establish and operate the well permitting program created by the bill.

**Sec. 17.110. Contingency Appropriation for Senate Bill 1388.**<sup>46</sup> Contingent on passage of Senate Bill 1388, or similar legislation relating to process server certification and the establishment of a certification division within the Office of Court Administration, by the Eighty-first Legislature, Regular Session, the Office of Court Administration is appropriated \$265,466 in fiscal year 2010 and \$246,300 in fiscal year 2011 from the new General Revenue-Dedicated Process Server Certification Account and is provided 4.0 FTEs in each fiscal year to implement the provisions of the legislation.

**Sec. 17.111. Contingency Appropriation for Senate Bill 1414: Regulation of Aggregate Production Operations.**<sup>46</sup> In addition to amounts appropriated herein to the Texas Commission on Environmental Quality (TCEQ) and contingent upon passage of Senate Bill 1414 or similar legislation relating to the regulation of aggregate production operations by the Eighty-first Legislature, 2009, there is hereby appropriated out of the Water Resource Management Account No. 153 in Strategy C.1.1, Field Inspection and Complaint Response, \$257,314 in fiscal year 2010 and \$194,314 in fiscal year 2011 in new fee revenues generated as a result of the bill's passage. The funds shall be used to regulate aggregate production operations as required by the bill. These appropriations are contingent upon the TCEQ assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover the appropriations for the aggregate productions operations regulation program as well as "Other direct and indirect costs" for the program appropriated elsewhere in this Act. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Comptroller of Public Accounts may reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

In addition, contingent upon passage of Senate Bill 1414 or similar legislation, the Number of Full-Time Equivalents indicated herein for the TCEQ is hereby increased by 4.0 in each fiscal year of the 2010-11 biennium.

**Sec. 17.112. Contingency Appropriation for Senate Bill 1548 or Senate Bill 2567.**<sup>46</sup> Contingent on passage of Senate Bill 1548, Senate Bill 2567, or similar legislation relating to the monitoring and oversight of certain public retirement systems and public investments, and establishing the State Pension and Investment Review Board by the Eighty-first Legislature, Regular Session, the Pension Review Board or successor agency is hereby appropriated an additional \$1,000,000 out of the General Revenue Fund in each fiscal year of the 2010-11 biennium and is authorized to employ an additional 11 Full-Time Equivalents each fiscal year of the biennium, to implement the provisions of the legislation.

**Sec. 17.113. Contingency Appropriation for Senate Bill 1830.**<sup>46</sup> Contingent upon enactment of Senate Bill 1830 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the establishment, operation, and funding of open enrollment charter schools, the Texas Education Agency is hereby appropriated \$5,000,000 in General Revenue for Fiscal Year 2010 to implement the provisions of the bill. Any unexpended balances from fiscal year 2010 from this provision are hereby appropriated to the agency in fiscal year 2011 for the same purpose.

**Sec. 17.114. Contingency Appropriation for Senate Bill 1853.**<sup>45</sup> Contingent upon the enactment of Senate Bill 1853, or similar legislation relating to disciplinary actions regarding a pharmacy technician or pharmacy technician trainee, and contingent upon the Board of Pharmacy assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$129,065 in excess of \$12,081,060 (Object Codes 3570 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011 and in excess of revenue requirements elsewhere in this act, the Board of Pharmacy shall be appropriated \$61,060 in fiscal year 2010 and \$44,231 in fiscal year 2011. Also, the "Number of Full-time Equivalents (FTEs)" indicated in agency's bill pattern shall be increased by 1.0 FTE in each fiscal year contingent upon agency meeting the above revenue target. The Board of Pharmacy, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Pharmacy's minutes and other information supporting the estimated revenues to

<sup>45</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>46</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

## CONTINGENCY AND OTHER PROVISIONS (Continued)

be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.115. Contingency Appropriation for Senate Bill 1877: Texas Medical Child Abuse Resource and Education System.**<sup>47</sup> Contingent on passage of Senate Bill 1877, or similar legislation relating to the Texas Medical Child Abuse Resource and Education System, by the Eighty-first Legislature, Regular Session, the Department of State Health Services is hereby appropriated \$2,500,000, in General Revenue, in fiscal year 2010, and \$2,500,000, in General Revenue, in fiscal year 2011 to implement the provisions of the legislation.

**Sec. 17.116. Contingency Appropriation for Senate Bill 1879.**<sup>48</sup> Contingent upon the enactment of Senate Bill 1879, or similar legislation relating to the licensing and regulation of genetic counselors, by the Eighty-first Legislature, Regular Session, the Texas Medical Board shall be appropriated the amounts of \$35,281 in fiscal year 2010 and \$18,382 in fiscal year 2011 in General Revenue Funds for the purpose of implementing that Act. This appropriation is also contingent on the Texas Medical Board assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2010-11 biennium, \$64,167 in excess of \$28,688,000 (Object Code 3560 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" indicated in the Texas Medical Board's bill pattern shall be increased by 0.5 FTEs in each fiscal year contingent upon the Texas Medical Board meeting the above revenue target. The Texas Medical Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Medical Board's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 17.117. Appropriation for Senate Bill 2043: Closure of a Man-Made Pass.**<sup>47</sup> In addition to amounts appropriated herein to the General Land Office and Veterans Land Board, there is hereby appropriated \$5,850,000 out of the General Revenue Fund for the biennium beginning on September 1, 2009 for the implementation of Senate Bill 2043, which provides for the closure or modification of a manmade pass or its environs, if the Land Commissioner determines that the pass causes or contributes to significant erosion to the adjacent beach shoreline. In addition, the Capital Budget authority for the General Land Office and Veterans' Land Board herein for Coastal Erosion Response Construction is hereby increased by \$5,850,000 for the 2010-11 biennium.

**Sec. 17.118. Contingency Appropriation for Senate Bill 2153.**<sup>47</sup> Contingent upon the enactment of Senate Bill 2153, or similar legislation relating to the booting of vehicles by private entities in parking facilities; providing penalties, and contingent upon the Texas Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2010-2011 biennium, \$605,742 in excess of \$62,551,340 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011 and in excess of revenue requirements elsewhere in this act, the Texas Department of Licensing and Regulation shall be appropriated \$265,490 in Fiscal Year 2010 and \$224,990 in Fiscal Year 2011 in General Revenue. Also, the "Number of Full-time Equivalents (FTEs)" indicated in agency's bill pattern shall be increased by 5.0 FTEs in each fiscal year contingent upon agency meeting the above revenue target. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

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<sup>47</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>48</sup> The rider was vetoed. See Governor's veto proclamation, 81<sup>st</sup> Legislature, Regular Session.

## CONTINGENCY AND OTHER PROVISIONS

(Continued)

**Sec. 17.119. Contingency Appropriation for Senate Bill 2233.**<sup>49</sup> Contingent upon the enactment of Senate Bill 2233, or similar legislation relating to the regulation of debt management services providers and providing a penalty, by the Eighty-First Legislature, Regular Session, the Office of Consumer Credit Commissioner is hereby appropriated the amounts of \$250,600 in fiscal year 2010 and \$230,600 in fiscal year 2011 out of General Revenue for the purpose of implementing that Act. Also, the "Number of Full-Time-Equivalents (FTE)" figure is increased by 4.0 FTEs in each fiscal year.

**Sec. 17.120. Contingency Appropriation for Senate Bill 2298.**<sup>50</sup> Contingent upon the enactment of Senate Bill 2298, or similar legislation relating to the compensation of certain state employees, by the Eighty-First Legislature, Regular Session:

- (a) The Higher Education Coordinating Board is hereby appropriated the amounts of \$17,710 in fiscal year 2010 and \$428,131 in fiscal year 2011 out of General Revenue for the purpose of implementing a loan repayment program for legislative employees as required by that Act. Also, the "Number of Full-Time-Equivalents (FTE)" figure is increased by 1.0 FTE in fiscal year 2011.
- (b) The Judiciary Section, Comptroller's Department, is hereby appropriated the amounts of \$33,000 in fiscal year 2010 and \$33,000 in fiscal year 2011 out of General Revenue in Strategy A.1.1, District Judge Salaries, for the purpose of paying a salary supplement to judges qualifying under that Act.

**Sec. 17.121. Contingency Appropriation for Senate Bill 2313.**<sup>51</sup> Contingent on passage of Senate Bill 2313, or similar legislation relating to the creation and funding of the Water Plan Projects Fund to assist the Texas Water Development Board in the funding of certain projects identified in the state and regional water plans, by the Eighty-first Legislature, Regular Session, the Water Development Board is appropriated \$35,060,992 for fiscal year 2010 and \$57,834,840 for fiscal year 2011 out of the Water Plan Projects Fund to issue \$940,000,000 in G.O. Water Bonds. Included in this amount is \$3,781,250 in fiscal year 2010 and \$7,906,250 in fiscal year 2011 out of the Water Plan Projects Fund for debt service to issue \$150,000,000 in bonds for the State Participation Program; \$1,382,292 in fiscal year 2010 and \$2,847,292 in fiscal year 2011 out of the Water Plan Projects Fund for debt service to issue \$35,000,000 in bonds for the Economically Distressed Areas Program; and \$29,897,452 in fiscal year 2010 and \$47,081,298 in fiscal year 2011 to issue \$755,000,000 out of the Water Plan Projects Fund in Water Infrastructure Fund bonds.

Also contingent on passage and funding of Senate Bill 2313 or similar legislation, the General Revenue appropriated elsewhere in this Act for Debt Service Payments -Non-Self Supporting G.O. Water Bonds is reduced by \$17,530,496 in fiscal year 2010 and \$28,917,420 in fiscal year 2011 or a total of \$46,447,916 for the 2010-11 biennium, the reduction to be distributed between the following strategies: Strategy A.1.1, \$691,145 in fiscal year 2010 and \$1,423,646 in fiscal year 2011; Strategy A.1.2, \$1,890,625 in fiscal year 2010 and \$3,953,125 in fiscal year 2011; and Strategy A.1.4, \$14,948,726 in fiscal year 2010 and \$23,540,649 in fiscal year 2011.

Finally, contingent on passage and funding of Senate Bill 2313 or similar legislation, and the reduction in General Revenue appropriated elsewhere in this Act for Debt Service Payments - Non Self-Supporting G.O. Water Bonds, \$46,447,916 in General Revenue is hereby transferred to the General Revenue-Dedicated Texas Emissions Reduction Plan Account No. 5071 as of September 1, 2009.

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<sup>49</sup> The Department of Banking, Office of Consumer Credit Commissioner, Credit Union Department, and Department of Savings and Mortgage Lending (the "four agencies") were effectively moved to self-directed and semi-independent (SDSI) status by the enactment of HB 2774, 81<sup>st</sup> Legislature, Regular Session, and will not have a bill pattern shown in the Fiscal Size-up (FSU) version of the General Appropriations Act (GAA). There is an explanatory footnote at the beginning of Article 8, GAA. The reasoning for exclusion of the four agencies from having a bill pattern shown in the FSU version of the GAA is twofold. First, the exclusion is based on the fact that the four agencies are no longer required to have an appropriation because their funds are no longer deposited in the state treasury. Second, the exclusion mirrors the lack of presentation of the current SDSI agencies (Texas State Board of Public Accountancy, Texas Board of Architectural Examiners, and Texas Board of Professional Engineers) in the GAA. Although the LBB still works with the SDSI agencies in monitoring activities and processing fiscal notes related to changes in law related to the SDSI agencies' regulated responsibilities, none of the budget or performance information for these agencies will be included or retained in the Automated Budget and Evaluation System of Texas (ABEST) beginning September 1, 2009. The historical information will remain, though. Article 9, GAA, riders related to these agencies include: §§ 17.26; 17.27; 17.72; and 17.119.

<sup>50</sup> The appropriation or change directed by this Article IX rider has been incorporated as part of the applicable bill pattern of the agency or institution.

<sup>51</sup> Relevant legislation failed to become law.

**RECAPITULATION - ARTICLE IX  
GENERAL PROVISIONS  
(General Revenue)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
Appropriation for a Salary Increase for State Employees in Schedule C	1,057,997	1,057,997
 TOTAL, ARTICLE IX - GENERAL PROVISIONS	 <u>\$ 1,057,997</u>	 <u>\$ 1,057,997</u>

**RECAPITULATION - ARTICLE IX  
GENERAL PROVISIONS  
(General Revenue - Dedicated)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
Appropriation for a Salary Increase for State Employees in Schedule C	1,478,040	1,478,040
 TOTAL, ARTICLE IX - GENERAL PROVISIONS	 <u>\$ 1,478,040</u>	 <u>\$ 1,478,040</u>

**RECAPITULATION - ARTICLE IX  
GENERAL PROVISIONS  
(Federal Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
Appropriation for a Salary Increase for State Employees in Schedule C	699,310	699,310
 TOTAL, ARTICLE IX - GENERAL PROVISIONS	 <u>\$ 699,310</u>	 <u>\$ 699,310</u>

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.



**RECAPITULATION - ARTICLE IX  
GENERAL PROVISIONS  
(Other Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Appropriation for a Salary Increase for State Employees in Schedule C	10,648,653	10,648,653
Less Interagency Contracts	\$ <u>0</u>	\$ <u>0</u>
TOTAL, ARTICLE IX - GENERAL PROVISIONS	\$ <u>10,648,653</u>	\$ <u>10,648,653</u>

**RECAPITULATION - ARTICLE IX  
GENERAL PROVISIONS  
(All Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Appropriation for a Salary Increase for State Employees in Schedule C	13,884,000	13,884,000
Less Interagency Contracts	\$ <u>0</u>	\$ <u>0</u>
TOTAL, ARTICLE IX - GENERAL PROVISIONS	\$ <u>13,884,000</u>	\$ <u>13,884,000</u>
Number of Full-Time-Equivalents (FTE)	0.0	0.0

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.



**ARTICLE X**  
**THE LEGISLATURE**

Sec. 1. The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated legislative agencies.

**SENATE**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 33,341,485	\$ 36,732,396
<b>Total, Method of Financing</b>	<b>\$ 33,341,485</b>	<b>\$ 36,732,396</b>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Items of Appropriation:</b>		
<b>A. Goal: SENATE</b>		
<b>A.1.1. Strategy: SENATE</b>	\$ 33,341,485	\$ 36,732,396
<b>Grand Total, SENATE</b>	<b>\$ 33,341,485</b>	<b>\$ 36,732,396</b>
 <b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 1,927,555	\$ 1,956,470
Group Insurance	4,835,655	5,253,698
Social Security	2,365,399	2,400,879
Benefits Replacement	131,314	124,748
Subtotal, Employee Benefits	\$ 9,259,923	\$ 9,735,795
 <u>Debt Service</u>		
Lease Payments	\$ 2,878,010	\$ 1,711,735
 <b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 12,137,933</b>	<b>\$ 11,447,530</b>

1. **Purposes for Which Appropriations May Be Expended.** Funds appropriated to the Senate may be expended for constitutionally authorized annual salaries for Members of the Senate and the Lieutenant Governor, per diem, other salaries and wages, consumable supplies and materials, current and recurring operating expenses, films, membership dues in any national or regional organization of legislative leaders, capital outlay, building repair and remodeling and other expenses of the Senate including interim expenses of the Eighty-first and Eighty-second Legislatures as may be authorized by law or by resolution.
2. **Appropriation of Fees: Rental Space in Capitol Building.** The Texas Senate shall charge a reasonable fee for rental of space within the State Capitol Building under its control and authority. Any fees so collected are hereby appropriated for use by the Texas Senate during the biennium covered by this Act.
3. **Unexpended Balances.** Any unexpended balances as of August 31, 2009, in the appropriations made by the Legislature to the Senate are hereby appropriated to the Senate for the same purposes for the biennium beginning September 1, 2009.

Any unexpended balances as of August 31, 2010 in the appropriations made to the Senate are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2010.

## HOUSE OF REPRESENTATIVES

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 36,307,136	\$ 41,033,338
<b>Total, Method of Financing</b>	\$ 36,307,136	\$ 41,033,338

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Items of Appropriation:**

A. Goal: HOUSE OF REPRESENTATIVES		
A.1.1. Strategy: HOUSE OF REPRESENTATIVES	\$ 36,307,136	\$ 41,033,338
<b>Grand Total, HOUSE OF REPRESENTATIVES</b>	\$ 36,307,136	\$ 41,033,338

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 1,834,804	\$ 1,862,325
Group Insurance	7,252,698	7,905,309
Social Security	2,308,787	2,343,419
Benefits Replacement	102,075	96,972
Subtotal, Employee Benefits	\$ 11,498,364	\$ 12,208,025

Debt Service

Lease Payments	\$ 3,135,333	\$ 2,653,418
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

	\$ 14,633,697	\$ 14,861,443
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**1. Purposes For Which Appropriations May Be Expended.** Funds appropriated to the House of Representatives may be expended for Constitutionally authorized annual salaries for Members of the House of Representatives, per diem, other salaries and wages, consumable supplies and materials, current and recurring operating expenses, films, membership dues in the National Conference of State Legislatures and in any national or regional organization of legislative leaders, capital outlay, building repair and remodeling, and other expenses for the House of Representatives, including interim expenses of the Eighty-first and Eighty-second Legislatures as may be authorized by law or resolution.

**2. Appropriation of Fees: Rental Space in Capitol Building.** The House of Representatives shall charge a reasonable fee for rental of space within the State Capitol Building under its control and authority. Any fees so collected are hereby appropriated for use by the House during the biennium covered by this Act.

**3. Unexpended Balances.** Any unexpended balances as of August 31, 2009, in the appropriations made by the Legislature to the House of Representatives are hereby appropriated to the House of Representatives for the same purposes for the biennium beginning September 1, 2009.

Any unexpended balances as of August 31, 2010 in the appropriations made to the House of Representatives are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2010.

**4. Transfer and Appropriation to Legislative Budget Board Account.** Out of the appropriations made in this Article for the Senate or the House of Representatives, there may be transferred, upon the written approval of the Lieutenant Governor or the Speaker of the House, to an appropriations account for the Legislative Budget Board, such sums as may be deemed necessary but not to exceed an aggregate of \$4,592,682 for the fiscal year beginning September 1, 2009, and \$4,592,682 for the fiscal year beginning September 1, 2010, for maintaining the operations of said Legislative Budget Board. In addition to amounts identified elsewhere in this provision, there is hereby appropriated to the Legislative Budget Board out of the General Revenue Fund a total of \$17,530,833 for the 2010-11 biennium.

## HOUSE OF REPRESENTATIVES (Continued)

Such sums as may be transferred to an account for the Legislative Budget Board shall be budgeted by said Board pursuant to Chapter 322, Government Code, and any amendments thereto including the payment of travel expenses and registration fees incurred by Budget Board members or members of its staff in attending meetings on problems of federal-state relations, interstate problems, problems affecting state or local governments, and meetings sponsored by the Council of State Governments or any of its affiliated organizations, and contributions incident to membership in national or regional organizations of state governments.

**5. Unexpended Balances: Legislative Budget Board.**

- a. Any unexpended balances as of August 31, 2009, in the appropriations made to the Legislative Budget Board for fiscal year 2009, are hereby appropriated to the Legislative Budget Board for the biennium beginning September 1, 2009.
- b. Any unexpended balances as of August 31, 2010, in the appropriations made to the Legislative Budget Board are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2010.

**6. Texas School Performance Reviews.** In view of the cost savings and efficiency measures accruing to school districts from School Performance Reviews, the Legislative Budget Board may enter into interlocal cost sharing agreements with school districts where districts requesting review will be responsible for up to 25 percent of the cost of such performance reviews. The Legislative Budget Board shall be solely responsible for the terms and conditions of the contracts and administration of the program. However, any such cost sharing contracts shall include the school as a third party. The financial responsibility of such schools shall be a direct obligation of the school to pay the vendor upon approval of the work product by the Legislative Budget Board.

**7. Transfer to Sunset Advisory Commission Account and Unexpended Balances.**

- a. Out of the appropriations made in this Article for the Senate or the House of Representatives, there may be transferred upon the written approval of the Lieutenant Governor or the Speaker of the House, to an appropriations account for the Sunset Advisory Commission such sums as may be deemed necessary but not to exceed an aggregate of \$2,010,773 for the fiscal year beginning September 1, 2009, and \$2,010,773 for the fiscal year beginning September 1, 2010, for maintaining the operations of the Commission.
- b. Any unexpended balances as of August 31, 2009, in the appropriations made to the Sunset Advisory Commission are hereby appropriated for the same purposes for the biennium beginning September 1, 2009.  

Any unexpended balances as of August 31, 2010, in the appropriations made to the Sunset Advisory Commission, are hereby appropriated to the Sunset Advisory Commission for the fiscal year beginning September 1, 2010.
- c. The money that an entity is required by law to pay to the Sunset Advisory Commission to cover the costs the commission incurs in performing a review of the entity is appropriated to the commission for maintaining the operations of the commission. Money appropriated to the commission under this subsection is in addition to the aggregate amounts appropriated to the commission under Subsection a.<sup>1</sup>

**8. Study on Spending Limitation.** It is the intent of the legislature that the Legislative Budget Board using funds appropriated by this Act shall conduct a study to evaluate the effect of changing the constitutional and statutory spending limit based on the sum of the rate of population growth and the rate of monetary inflation. Not later than January 1, 2011, the Legislative Budget Board shall make recommendations from the conclusions of the study to the governor and lieutenant governor.

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<sup>1</sup> Provision added due to passage of SB 2, §3.03, 81<sup>st</sup> Legislature, First Called Session, relating to reimbursement for reviews of certain entities.

## LEGISLATIVE COUNCIL

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 35,157,003	\$ 40,525,210
<b>Total, Method of Financing</b>	<b>\$ 35,157,003</b>	<b>\$ 40,525,210</b>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Items of Appropriation:</b>		
<b>A. Goal: LEGISLATIVE COUNCIL</b>		
<b>A.1.1. Strategy: LEGISLATIVE COUNCIL</b>	\$ 35,157,003	\$ 40,525,210
<b>Grand Total, LEGISLATIVE COUNCIL</b>	<b>\$ 35,157,003</b>	<b>\$ 40,525,210</b>
 <b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 1,552,802	\$ 1,576,092
Group Insurance	2,764,772	2,977,916
Social Security	1,811,448	1,838,620
Benefits Replacement	139,766	132,778
Subtotal, Employee Benefits	\$ 6,268,788	\$ 6,525,406
<u>Debt Service</u>		
Lease Payments	\$ 4,069,749	\$ 2,357,383
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 10,338,537</b>	<b>\$ 8,882,789</b>

1. **Purposes for Which Appropriations May Be Expended.** Funds appropriated to the Legislative Council may be expended for payment of salaries and other necessary expenses to carry out the council's statutory powers and duties (including those powers and duties provided by Chapters 301, 323, and 326, Government Code; §§ 531.203, 762.011, and 2053.004, Government Code; and § 276.008, Election Code) and to carry out responsibilities assigned pursuant to legislative resolution. Out of the funds appropriated above:
  - (1) \$1,000,000 each shall be transferred annually to the Senate and the House of Representatives for printing costs;
  - (2) \$50,000 each shall be transferred annually to the Senate and House of Representatives for moving expenses; and
  - (3) Out of funds appropriated above, the Legislative Council shall transfer to the chamber of the legislature for which the Council estimates it has spent or will spend less money on bill analysis services during the 2010-11 biennium, as compared to the other chamber, an amount of funds equal to the difference in the amounts estimated by the Council as spent or to be spent on bill analysis services for each chamber of the legislature.
  
2. **Unexpended Balances.** Any unexpended balances as of August 31, 2009, previously appropriated to the Legislative Council are hereby appropriated to the Council for the biennium beginning September 1, 2009, for the purposes stated in Rider provision 1 of the preceding appropriation to the Council.
 

Any unexpended balances in the appropriations made to the Legislative Council as of August 31, 2010, are hereby appropriated to the Legislative Council for the fiscal year beginning September 1, 2010.
  
3. **Appropriation of Fees: Charges for Information Services.** In addition to other amounts appropriated, there is appropriated to the Legislative Council for the fiscal years beginning September 1, 2009, and September 1, 2010, any amounts received as charges under § 323.014(c), Government Code.

**LEGISLATIVE COUNCIL**  
(Continued)

4. **Transfers to Legislative Agencies.** The Legislative Council may transfer amounts, as appropriate, to the Commission on Uniform State Laws and to legislative agencies as determined by the Lieutenant Governor and the Speaker of the House.

**COMMISSION ON UNIFORM STATE LAWS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 170,160	\$ 209,467
<b>Total, Method of Financing</b>	<b>\$ 170,160</b>	<b>\$ 209,467</b>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> COMMISSION ON UNIFORM STATE LAWS		
<b>A.1.1. Strategy:</b> COMMISSION ON UNIFORM STATE LAWS		
	\$ 170,160	\$ 209,467
<b>Grand Total, COMMISSION ON UNIFORM STATE LAWS</b>	<b>\$ 170,160</b>	<b>\$ 209,467</b>

1. **Purposes for Which Appropriations May Be Expended.** Funds appropriated to the Commission on Uniform State Laws may be expended for payment of the contribution by the State of Texas to the National Conference of Commissioners on Uniform State Laws and for payment of other necessary expenses of the commission in carrying out provisions of Chapter 762, Government Code, including the printing of the commission's report and travel expenses of members of the commission to attend the annual meeting of the National Conference of Commissioner's on Uniform State Laws and travel to the state capitol on commission business.
2. **Unexpended Balances.** Any unexpended balances as of August 31, 2009, in the appropriations made to the Commission on Uniform State Laws are hereby appropriated to the Commission on Uniform State Laws for the same purposes for the biennium beginning September 1, 2009.

Any unexpended balances in the appropriations of the Commission on Uniform State Laws as of August 31, 2010, are hereby appropriated to the Commission on Uniform State Laws for the fiscal year beginning September 1, 2010.

**STATE AUDITOR'S OFFICE**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 13,726,071	\$ 13,726,071
<u>Other Funds</u>		
Appropriated Receipts	275,000	275,000
Interagency Contracts	4,500,000	4,500,000
Subtotal, Other Funds	<b>\$ 4,775,000</b>	<b>\$ 4,775,000</b>
<b>Total, Method of Financing</b>	<b>\$ 18,501,071</b>	<b>\$ 18,501,071</b>

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**STATE AUDITOR'S OFFICE**  
(Continued)

**Items of Appropriation:**

**A. Goal: STATE AUDITOR**

<b>A.1.1. Strategy: STATE AUDITOR</b>	\$ 18,501,071	\$ 18,501,071
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<b>Grand Total, STATE AUDITOR'S OFFICE</b>	<u>\$ 18,501,071</u>	<u>\$ 18,501,071</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 752,159	\$ 763,442
Group Insurance	1,388,959	1,505,441
Social Security	933,946	947,955
Benefits Replacement	<u>52,141</u>	<u>49,534</u>
 Subtotal, Employee Benefits	 <u>\$ 3,127,205</u>	 <u>\$ 3,266,372</u>

Debt Service

Lease Payments	\$ 1,872,877	\$ 1,078,443
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 5,000,082</u>	<u>\$ 4,344,815</u>
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1. **Legislative Audit Committee Direction.** The sums appropriated for the State Auditor's Office are to be expended under the direction and subject to the control of the Legislative Audit Committee.
  
2. **Appropriation of Interagency Contracts.** All funds transferred to the State Auditor's Office (SAO) pursuant to interagency contracts for services provided by the SAO are hereby appropriated to the SAO during the fiscal year in which they are received and shall be used as provided by Government Code, Chapter 321.
  
3. **Appropriation of Appropriated Receipts.** All funds reimbursed to the State Auditor's Office (SAO) by governmental entities for the provision of services are hereby appropriated to the SAO during the fiscal year in which they are received and shall be used as provided by Government Code, Chapter 321.
  
4. **Unexpended Balances.** Any unexpended balance as of August 31, 2009, in amounts previously appropriated to the State Auditor from the General Revenue Fund is hereby appropriated to the State Auditor for the same purposes for the biennium beginning September 1, 2009.  
  
Any unexpended balance remaining in the appropriations of the State Auditor as of August 31, 2010, is hereby appropriated to the State Auditor for the same purposes for the fiscal year beginning September 1, 2010.
  
5. **Notification of State Auditor Reports.** The State Auditor shall provide copies of audit reports to the respective affected agencies and to the Legislative Audit Committee prior to public release of any audit or audit report.

**LEGISLATIVE REFERENCE LIBRARY**

	For the Years Ending August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,458,323	\$ 1,653,357
 <u>Other Funds</u>		
Appropriated Receipts	6,400	6,400
Interagency Contracts	1,600	1,600
 Subtotal, Other Funds	 <u>\$ 8,000</u>	 <u>\$ 8,000</u>
 <b>Total, Method of Financing</b>	 <u>\$ 1,466,323</u>	 <u>\$ 1,661,357</u>



**LEGISLATIVE REFERENCE LIBRARY**  
(Continued)

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Items of Appropriation:**

<b>A. Goal:</b> LEGISLATIVE REFERENCE LIBRARY		
<b>A.1.1. Strategy:</b> LEGISLATIVE REFERENCE LIBRARY	\$ 1,466,323	\$ 1,661,357
<b>Grand Total,</b> LEGISLATIVE REFERENCE LIBRARY	<u>\$ 1,466,323</u>	<u>\$ 1,661,357</u>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 72,778	\$ 73,870
Group Insurance	162,263	175,118
Social Security	89,266	90,605
Benefits Replacement	<u>3,769</u>	<u>3,580</u>
Subtotal, Employee Benefits	<u>\$ 328,076</u>	<u>\$ 343,173</u>
<u>Debt Service</u>		
Lease Payments	<u>\$ 269,921</u>	<u>\$ 155,426</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 597,997</u>	<u>\$ 498,599</u>

- 1. Purposes for Which Appropriations May Be Expended.** Funds appropriated to the Legislative Reference Library may be expended for library administration and services, for salaries and wages, travel, consumable supplies and materials, current and recurring operating expenses, capital outlay, books and periodicals, and other necessary expenses to be expended under the direction of the Legislative Library Board.
- 2. Unexpended Balances.** Any unexpended balances as of August 31, 2009, in the appropriations made to the Legislative Reference Library are hereby appropriated for the biennium beginning September 1, 2009.

Any unexpended balances as of August 31, 2010, in the appropriations made to the Legislative Reference Library are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2010.

**RETIREMENT AND GROUP INSURANCE**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund, estimated	<u>\$ 22,544,445</u>	<u>\$ 24,049,681</u>
<b>Total, Method of Financing</b>	<u>\$ 22,544,445</u>	<u>\$ 24,049,681</u>
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> EMPLOYEES RETIREMENT SYSTEM		
<b>A.1.1. Strategy:</b> RETIREMENT CONTRIBUTIONS Retirement Contributions. Estimated.	\$ 6,140,098	\$ 6,232,199
<b>A.1.2. Strategy:</b> GROUP INSURANCE Group Insurance. Estimated.	<u>\$ 16,404,347</u>	<u>\$ 17,817,482</u>
<b>Total, Goal A:</b> EMPLOYEES RETIREMENT SYSTEM	<u>\$ 22,544,445</u>	<u>\$ 24,049,681</u>
<b>Grand Total,</b> RETIREMENT AND GROUP INSURANCE	<u>\$ 22,544,445</u>	<u>\$ 24,049,681</u>

## SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund, estimated	\$ 7,937,911	\$ 8,029,090
<b>Total, Method of Financing</b>	<u>\$ 7,937,911</u>	<u>\$ 8,029,090</u>
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> SOCIAL SECURITY/BENEFIT REPLACEMENT Comptroller - Social Security.		
<b>A.1.1. Strategy:</b> STATE MATCH -- EMPLOYER State Match — Employer. Estimated.	\$ 7,508,846	\$ 7,621,478
<b>A.1.2. Strategy:</b> BENEFIT REPLACEMENT PAY Benefit Replacement Pay. Estimated.	<u>\$ 429,065</u>	<u>\$ 407,612</u>
<b>Total, Goal A:</b> SOCIAL SECURITY/BENEFIT REPLACEMENT	<u>\$ 7,937,911</u>	<u>\$ 8,029,090</u>
<b>Grand Total,</b> SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY	<u>\$ 7,937,911</u>	<u>\$ 8,029,090</u>

## LEASE PAYMENTS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 12,225,890	\$ 7,956,405
<b>Total, Method of Financing</b>	<u>\$ 12,225,890</u>	<u>\$ 7,956,405</u>
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> FINANCE CAPITAL PROJECTS		
<b>A.1.1. Strategy:</b> LEASE PAYMENTS	\$ 12,225,890	\$ 7,956,405 & UB
To TFC for Payment to TPFA.		
<b>Grand Total,</b> LEASE PAYMENTS	<u>\$ 12,225,890</u>	<u>\$ 7,956,405</u>

## SPECIAL PROVISIONS RELATING TO THE LEGISLATURE

**Sec. 2.** (a) A provision of the General Provisions of this Act that restricts or limits the use or transfer of appropriated funds, or that imposes a duty or places a limitation or condition precedent on a state agency, applies to entities and appropriations under this Article only to the extent that the provision by its terms specifically and expressly applies to those entities or appropriations. A general reference to "funds appropriated by this Act" or similar words is not specific and express application for purposes of this section.

(b) Amounts appropriated under this Article may be transferred among entities covered by this Article in accordance with Chapter 326, Government Code.

**Sec. 3. Authorization to Spend Unexpended Balances.** Notwithstanding any other provision contained herein, a legislative agency may only spend prior year balances with the approval of its respective governing board.

**RECAPITULATION - ARTICLE X  
THE LEGISLATURE  
(General Revenue)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Senate	\$ 33,341,485	\$ 36,732,396
House of Representatives	36,307,136	41,033,338
Legislative Budget Board, Rider Appropriations	8,765,416	8,765,417
Legislative Council	35,157,003	40,525,210
Commission on Uniform State Laws	170,160	209,467
State Auditor's Office	13,726,071	13,726,071
Legislative Reference Library	<u>1,458,323</u>	<u>1,653,357</u>
Subtotal, Legislature	<u>\$ 128,925,594</u>	<u>\$ 142,645,256</u>
Retirement and Group Insurance	22,544,445	24,049,681
Social Security and Benefit Replacement Pay	<u>7,937,911</u>	<u>8,029,090</u>
Subtotal, Employee Benefits	<u>\$ 30,482,356</u>	<u>\$ 32,078,771</u>
Lease Payments	<u>12,225,890</u>	<u>7,956,405</u>
Subtotal, Debt Service	<u>\$ 12,225,890</u>	<u>\$ 7,956,405</u>
TOTAL, ARTICLE X - THE LEGISLATURE	<u>\$ 171,633,840</u>	<u>\$ 182,680,432</u>

**RECAPITULATION - ARTICLE X  
THE LEGISLATURE  
(Other Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
State Auditor's Office	\$ 4,775,000	\$ 4,775,000
Legislative Reference Library	<u>8,000</u>	<u>8,000</u>
Subtotal, Legislature	<u>\$ 4,783,000</u>	<u>\$ 4,783,000</u>
Less Interagency Contracts	<u>\$ 4,501,600</u>	<u>\$ 4,501,600</u>
TOTAL, ARTICLE X - THE LEGISLATURE	<u>\$ 281,400</u>	<u>\$ 281,400</u>

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE X  
THE LEGISLATURE  
(All Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Senate	\$ 33,341,485	\$ 36,732,396
House of Representatives	36,307,136	41,033,338
Legislative Budget Board, Rider Appropriations	8,765,416	8,765,417
Legislative Council	35,157,003	40,525,210
Commission on Uniform State Laws	170,160	209,467
State Auditor's Office	18,501,071	18,501,071
Legislative Reference Library	1,466,323	1,661,357
Subtotal, Legislature	\$ 133,708,594	\$ 147,428,256
Retirement and Group Insurance	22,544,445	24,049,681
Social Security and Benefit Replacement Pay	7,937,911	8,029,090
Subtotal, Employee Benefits	\$ 30,482,356	\$ 32,078,771
Lease Payments	12,225,890	7,956,405
Subtotal, Debt Service	\$ 12,225,890	\$ 7,956,405
Less Interagency Contracts	\$ 4,501,600	\$ 4,501,600
<b>TOTAL, ARTICLE X - THE LEGISLATURE</b>	<b>\$ 171,915,240</b>	<b>\$ 182,961,832</b>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

## ARTICLE XII

### AMERICAN RECOVERY AND REINVESTMENT ACT

Sec. 1. The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated agencies.

#### COMMISSION ON THE ARTS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 427,300	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 427,300</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Promotion of the Arts - Partnership Agreements	\$ 427,300	\$ 0
<b>Grand Total, COMMISSION ON THE ARTS</b>	<u>\$ 427,300</u>	<u>\$ 0</u>

#### OFFICE OF THE ATTORNEY GENERAL

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ (27,300,000)	\$ 0
Federal American Recovery and Reinvestment Fund	<u>37,400,000</u>	<u>0</u>
<b>Total, Method of Financing</b>	<u>\$ 10,100,000</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Child Support Enforcement - Reduce GR	\$ (27,300,000)	\$ 0
<b>Item 2:</b> Child Support Enforcement	\$ 27,300,000	\$ 0
<b>Item 3:</b> Crime Victims Compensation	\$ 7,800,000	\$ 0
<b>Item 4:</b> Internet Crimes Against Children (ICAC)	\$ 2,300,000	\$ 0
<b>Grand Total, OFFICE OF THE ATTORNEY GENERAL</b>	<u>\$ 10,100,000</u>	<u>\$ 0</u>

#### FISCAL PROGRAMS - COMPTROLLER OF PUBLIC ACCOUNTS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 284,800,000	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 284,800,000</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> State Energy Program	\$ 218,800,000	\$ 0
<b>Item 2:</b> Energy Efficiency and Conservation Block Grant	\$ 45,600,000	\$ 0
<b>Item 3:</b> ENERGY STAR Appliance Rebate Program	\$ 20,400,000	\$ 0
<b>Grand Total, FISCAL PROGRAMS - COMPTROLLER OF PUBLIC ACCOUNTS</b>	<u>\$ 284,800,000</u>	<u>\$ 0</u>

**TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 101,400,000	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 101,400,000</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Byrne Justice Assistance Grants (JAG)	\$ 90,300,000	\$ 0
<b>Item 2:</b> Crime Victims Assistance	\$ 2,100,000	\$ 0
<b>Item 3:</b> Violence Against Women	\$ 9,000,000	\$ 0
 <b>Grand Total, TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR</b>	 <u>\$ 101,400,000</u>	 <u>\$ 0</u>

**DEPARTMENT OF AGING AND DISABILITY SERVICES**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ (4,200,000)	\$ 0
Federal American Recovery and Reinvestment Fund	<u>10,200,000</u>	<u>0</u>
<b>Total, Method of Financing</b>	<u>\$ 6,000,000</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Senior Nutrition Program - Congregate Nutrition	\$ 4,000,000	\$ 0
<b>Item 2:</b> Senior Nutrition Program - Home Delivered Meals	\$ 2,000,000	\$ 0
<b>Item 3:</b> Title XX	\$ 4,200,000	\$ 0
<b>Item 4:</b> Title XX - Reduce GR	\$ (4,200,000)	\$ 0
 <b>Grand Total, DEPARTMENT OF AGING AND DISABILITY SERVICES</b>	 <u>\$ 6,000,000</u>	 <u>\$ 0</u>

**DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 87,600,000	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 87,600,000</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> IDEA, Part C, Special Education Grants for Infants and Families	\$ 39,400,000	\$ 0
<b>Item 2:</b> Independent Living Services - State Grants	\$ 1,100,000	\$ 0
<b>Item 3:</b> Independent Living Services - Elderly/Blind	\$ 2,300,000	\$ 0
<b>Item 4:</b> Vocational Rehabilitation Services	\$ 44,800,000	\$ 0
 <b>Grand Total, DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES</b>	 <u>\$ 87,600,000</u>	 <u>\$ 0</u>

## DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 64,370,942	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 64,370,942</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Child Care and Development Block Grant (CCDBG)	\$ 16,388,233	\$ 0
<b>Item 2:</b> Temporary Assistance for Needy Families (TANF)	\$ 47,982,709	\$ 0
<b>Grand Total, DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES</b>	<u>\$ 64,370,942</u>	<u>\$ 0</u>

## DEPARTMENT OF STATE HEALTH SERVICES

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 7,360,681	\$ 0
Federal Funds	<u>(1,662,611)</u>	<u>0</u>
<b>Total, Method of Financing</b>	<u>\$ 5,698,070</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Section 317 Immunizations (Prevention and Wellness)	\$ 3,160,681	\$ 0
<b>Item 2:</b> Reduce Federal Funds - Title XX	\$ (4,200,000)	\$ 0
<b>Item 3:</b> Temporary Assistance to Needy Families (TANF) to Title XX	\$ 4,200,000	\$ 0
<b>Item 4:</b> Prevention and Wellness Fund	\$ 400,000	\$ 0
<b>Item 5:</b> Infection Reduction Activities	\$ 2,137,389	\$ 0
<b>Grand Total, DEPARTMENT OF STATE HEALTH SERVICES</b>	<u>\$ 5,698,070</u>	<u>\$ 0</u>

## HEALTH AND HUMAN SERVICES COMMISSION

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ (2,513,000,000)	\$ 0
Federal American Recovery and Reinvestment Fund	<u>2,560,594,804</u>	<u>0</u>
<b>Total, Method of Financing</b>	<u>\$ 47,594,804</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Food Stamps (Supplemental Nutritional Assistance Program)	\$ 27,600,000	\$ 0
<b>Item 2:</b> Temporary Assistance for Needy Families (TANF)	\$ 17,868,380	\$ 0
<b>Item 3:</b> Medicaid Enhanced FMAP - Reduce GR	\$ (2,513,000,000)	\$ 0
<b>Item 4:</b> Medicaid Enhanced FMAP	\$ 2,513,000,000	\$ 0
<b>Item 5:</b> Prevention and Wellness Fund	\$ 2,126,424	\$ 0
<b>Grand Total, HEALTH AND HUMAN SERVICES COMMISSION</b>	<u>\$ 47,594,804</u>	<u>\$ 0</u>

## TEXAS EDUCATION AGENCY

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ (3,250,200,000)	\$ 0
Federal American Recovery and Reinvestment Fund	<u>5,874,392,500</u>	<u>0</u>
<b>Total, Method of Financing</b>	<u>\$ 2,624,192,500</u>	<u>\$ 0</u>
 <b>Items of Appropriation:</b>		
<b>Item 1:</b> Education for Homeless Children and Youth	\$ 3,500,000	\$ 0
<b>Item 2:</b> Educational Technology State Grants	\$ 59,400,000	\$ 0
<b>Item 3:</b> IDEA, Special Education Grants to States	\$ 945,600,000	\$ 0
<b>Item 4:</b> Title I, Grants to Local Educational Agencies	\$ 944,600,000	\$ 0
<b>Item 5:</b> IDEA, Preschool Grants to States	\$ 24,300,000	\$ 0
<b>Item 6:</b> Title I, School Improvement Grants	\$ 285,200,000	\$ 0
<b>Item 7:</b> Level of State Support - Reduce GR	\$ (1,866,000,000)	\$ 0
<b>Item 8:</b> Available School Fund Shortfall - Reduce GR	\$ (1,384,200,000)	\$ 0
<b>Item 9:</b> Education Stabilization Funds for FSP Funding and ASF Shortfall	\$ 3,250,200,000	\$ 0
<b>Item 10:</b> Proclamation 2010 Textbooks	\$ 361,592,500	\$ 0
 <b>Grand Total, TEXAS EDUCATION AGENCY</b>	 <u>\$ 2,624,192,500</u>	 <u>\$ 0</u>

## HIGHER EDUCATION COORDINATING BOARD

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 80,000,000	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 80,000,000</u>	<u>\$ 0</u>
 <b>Items of Appropriation:</b>		
<b>Item 1:</b> Incentive Funding	\$ 80,000,000	\$ 0
 <b>Grand Total, HIGHER EDUCATION COORDINATING BOARD</b>	 <u>\$ 80,000,000</u>	 <u>\$ 0</u>

## GENERAL ACADEMIC INSTITUTIONS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 81,000,000	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 81,000,000</u>	<u>\$ 0</u>
 <b>Items of Appropriation:</b>		
<b>Item 1:</b> Formula Funding	\$ 81,000,000	\$ 0
 <b>Grand Total, GENERAL ACADEMIC INSTITUTIONS</b>	 <u>\$ 81,000,000</u>	 <u>\$ 0</u>



## HEALTH RELATED HIGHER EDUCATION INSTITUTIONS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 51,000,000	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 51,000,000</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Formula Funding	\$ 51,000,000	\$ 0
<b>Grand Total, HEALTH RELATED HIGHER EDUCATION INSTITUTIONS</b>	<u>\$ 51,000,000</u>	<u>\$ 0</u>

## HIGHER EDUCATION AND OTHER GOVERNMENT PROGRAMS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 111,407,500	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 111,407,500</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Stimulus Funding	\$ 111,407,500	\$ 0
<b>Grand Total, HIGHER EDUCATION AND OTHER GOVERNMENT PROGRAMS</b>	<u>\$ 111,407,500</u>	<u>\$ 0</u>

## PUBLIC COMMUNITY/JUNIOR COLLEGES

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 15,000,000	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 15,000,000</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Formula Funding	\$ 15,000,000	\$ 0
<b>Grand Total, PUBLIC COMMUNITY/JUNIOR COLLEGES</b>	<u>\$ 15,000,000</u>	<u>\$ 0</u>

## DEPARTMENT OF AGRICULTURE

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 21,800,000	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 21,800,000</u>	<u>\$ 0</u>

**DEPARTMENT OF AGRICULTURE**  
(Continued)

**Items of Appropriation:**

<b>Item 1:</b> Temporary Emergency Food Assistance Program	\$ 8,200,000	\$ 0
<b>Item 2:</b> Temporary Emergency Food Assistance Program - Administration	\$ 2,100,000	\$ 0
<b>Item 3:</b> National School Lunch Equipment	\$ 11,500,000	\$ 0
<b>Grand Total, DEPARTMENT OF AGRICULTURE</b>	<u>\$ 21,800,000</u>	<u>\$ 0</u>

**COMMISSION ON ENVIRONMENTAL QUALITY**

For the Years Ending	
August 31,	August 31,
<u>2010</u>	<u>2011</u>

**Method of Financing:**

Federal American Recovery and Reinvestment Fund	\$ 12,509,000	\$ 0
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<b>Total, Method of Financing</b>	<u>\$ 12,509,000</u>	<u>\$ 0</u>
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**Items of Appropriation:**

<b>Item 1:</b> Leaking Underground Storage Tank Trust Fund	\$ 10,779,000	\$ 0
<b>Item 2:</b> Clean Diesel Grant	\$ 1,730,000	\$ 0

<b>Grand Total, COMMISSION ON ENVIRONMENTAL QUALITY</b>	<u>\$ 12,509,000</u>	<u>\$ 0</u>
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**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

For the Years Ending	
August 31,	August 31,
<u>2010</u>	<u>2011</u>

**Method of Financing:**

Federal American Recovery and Reinvestment Fund	\$ 565,075,732	\$ 0
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<b>Total, Method of Financing</b>	<u>\$ 565,075,732</u>	<u>\$ 0</u>
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**Items of Appropriation:**

<b>Item 1:</b> Weatherization Assistance Program	\$ 326,975,732	\$ 0
<b>Item 2:</b> Community Services Block Grant (CSBG)	\$ 48,200,000	\$ 0
<b>Item 3:</b> HOME Program	\$ 148,400,000	\$ 0
<b>Item 4:</b> Homelessness Prevention	\$ 41,500,000	\$ 0

<b>Grand Total, DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS</b>	<u>\$ 565,075,732</u>	<u>\$ 0</u>
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**OFFICE OF RURAL COMMUNITY AFFAIRS**

For the Years Ending	
August 31,	August 31,
<u>2010</u>	<u>2011</u>

**Method of Financing:**

Federal American Recovery and Reinvestment Fund	\$ 19,500,000	\$ 0
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<b>Total, Method of Financing</b>	<u>\$ 19,500,000</u>	<u>\$ 0</u>
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**Items of Appropriation:**

<b>Item 1:</b> Community Development Block Grant (CDBG)	\$ 19,500,000	\$ 0
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<b>Grand Total, OFFICE OF RURAL COMMUNITY AFFAIRS</b>	<u>\$ 19,500,000</u>	<u>\$ 0</u>
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## DEPARTMENT OF TRANSPORTATION

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 1,637,800,000	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 1,637,800,000</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Highway and Bridge Construction	\$ 1,587,800,000	\$ 0
<b>Item 2:</b> Urban and Non-Urban Capital Transit	\$ 50,000,000	\$ 0
<b>Grand Total, DEPARTMENT OF TRANSPORTATION</b>	<u>\$ 1,637,800,000</u>	<u>\$ 0</u>

## TEXAS WORKFORCE COMMISSION

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Federal American Recovery and Reinvestment Fund	\$ 436,811,767	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 436,811,767</u>	<u>\$ 0</u>
<b>Items of Appropriation:</b>		
<b>Item 1:</b> Child Care and Development Block Grant (CCDBG)	\$ 198,511,767	\$ 0
<b>Item 2:</b> Employment Services (ES)	\$ 27,200,000	\$ 0
<b>Item 3:</b> Senior Community Service Employment Program (SCSEP)	\$ 1,300,000	\$ 0
<b>Item 4:</b> Workforce Investment Act (WIA) - Adults	\$ 24,300,000	\$ 0
<b>Item 5:</b> Workforce Investment Act - Adult - Skills Development Program	\$ 10,000,000	\$ 0
<b>Item 6:</b> Workforce Investment Act (WIA) - Dislocated Workers	\$ 53,800,000	\$ 0
<b>Item 7:</b> Workforce Investment Act (WIA) - Youth	\$ 82,000,000	\$ 0
<b>Item 8:</b> Unemployment Insurance - Improve Systems	\$ 39,700,000	\$ 0
<b>Grand Total, TEXAS WORKFORCE COMMISSION</b>	<u>\$ 436,811,767</u>	<u>\$ 0</u>

## SPECIAL PROVISIONS AMERICAN RECOVERY AND REINVESTMENT ACT

**Sec. 2. Informational Item: Fiscal Year 2009 Allocations.** In addition to the amounts appropriated above, it is estimated that the following amounts will be distributed in fiscal year 2009 under provisions of the American Recovery and Reinvestment Act for the following purposes:

Health and Human Services Commission: Enhanced Federal Medical Assistance Percentage	\$1,619,843,693
Office of the Attorney General: Child Support Enforcement	27,300,000
Texas Department of Transportation: Highway & Bridge Construction	<u>662,200,000</u>
<b>Total, Fiscal Year 2009 Allocation</b>	<b>\$2,309,343,693</b>

**Sec. 3. Informational Item: American Recovery and Reinvestment Act funding not included in this Act.** In addition to the amounts appropriated in this Article, it is estimated that the following amounts will not be appropriated to state agencies but available for distribution to local entities.

Urban and Non-Urban Transit Funds	\$ 325,000,000
Byrne Justice Assistance Grants	\$ 57,000,000
Medicaid Disproportionate Share Hospital Funds Allocated to Hospitals	\$ 71,000,000
Homelessness Prevention Funds Allocated to Locals	\$ 63,000,000

**SPECIAL PROVISIONS**  
**AMERICAN RECOVERY AND REINVESTMENT ACT**  
(Continued)

Clean Water State Revolving Fund	\$ 181,000,000
<u>Safe Drinking Water State Revolving Fund</u>	<u>\$ 161,000,000</u>
Total	\$ 858,000,000

**Sec. 4. Unexpended Balances.** Any unexpended balances as of August 31, 2010, out of appropriations made above in this Article are hereby appropriated for the fiscal year beginning September 1, 2010, for the same purposes.

**Sec. 5. Reporting Requirements.**

- (a) Each state agency and institution of higher education receiving appropriations under this article shall develop and submit a plan to the Legislative Budget Board and the Governor providing details on the entity's intended use of their appropriations from the American Recovery and Reinvestment Act (ARRA). The plan shall include a summary of any ARRA funds spent, allocated or encumbered prior to August 31, 2009. The report shall be delivered by September 30, 2009. If the Legislative Budget Board and the Governor do not issue a written disapproval within fifteen business days of receiving the agency's notification, the agency may expend the funds.
- (b) Each of the agencies and institutions receiving appropriations under this Article shall submit quarterly reports on expenditure of funds appropriated from the American Recovery and Reinvestment Act Fund. The report shall be in the format prescribed by the Legislative Budget Board, including the following:
  - (1) the estimated number of jobs to be created or retained; and
  - (2) the number of full-time equivalents positions.

Reports shall be submitted no later than the following dates each year: December 31, March 31, June 30, and September 30. The reports shall be submitted to the Governor, Legislative Budget Board, State Auditor's Office, and Comptroller of Public Accounts.

- (c) Each state agency or institution that receives funds as a result of the American Recovery and Reinvestment Act and that provides reports to the Legislative Budget Board and federal agencies regarding funding received under ARRA shall post on the agency's or institution's internet website, the agency's or institution's ARRA report and provide a link to the State Auditor's Office fraud hotline.

**Sec. 6. Limitation on Use of Funds.**

- (a) None of the funds appropriated in this Article may be expended for any purpose other than those identified above without prior written approval of the Governor and Legislative Budget Board.
- (b) If the federal Government or its agencies fail to approve an application by an entity receiving funds in this act, of funds appropriated in this act, the affected state agency shall notify the Governor, Comptroller, LBB and State Auditor of such federal determination. Such notice may include a proposed alternate use of the subject funds if consistent with the purposes identified above, and if the Governor and LBB do not issue a written disapproval within fifteen business days of receiving the agency's notification, the agency may expend the funds. If the Governor and LBB issue a written disapproval of the proposed alternate use, the Governor and Legislative Budget Board may modify the purposes for which such appropriation may be expended.
- (c) Prior to the expenditure of any funds appropriated in this Article, each agency shall report to the Legislative Budget Board, the Governor, and Comptroller of Public Accounts any changes in federal law, rules, or regulations related to programs that receive appropriations under this Article that could create a future fiscal obligation beyond fiscal year 2011 to the state. If the Legislative Budget Board and the Governor do not issue a written disapproval within fifteen business days of receiving the agency's notification, the agency may expend the funds.
- (d) Each state agency that receives funds appropriated under this Article shall certify to the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts how these funds or the programs receiving these funds under this Article comply with applicable state

**SPECIAL PROVISIONS**  
**AMERICAN RECOVERY AND REINVESTMENT ACT**  
(Continued)

law, federal law, rules, regulations, and other relevant guidance, including any changes in guidance or interpretation and any information reported under Subsection (b). Such certification shall include a statement that the agency's chief executive and executive staff have knowledge of ARRA law and federal agency actions regarding that law and in their official capacity accept responsibility that its use of funds appropriated under this Article is in compliance with federal law, state law, rules, regulations and relevant guidance.

- (e) The Comptroller, in cooperation with the State Auditor, may prescribe and implement any payment and post-payment audit procedures deemed necessary to ensure compliance with this section. The Comptroller may provide consultation and training for agencies prior to obligation or expenditure of funds, and will provide technical assistance as needed during the biennium. The Comptroller will coordinate with the State Auditor to ensure appropriate use of the funds throughout the biennium. Each state agency that receives funds under this Article must comply with reporting requirements implemented by the Comptroller and State Auditor.

**Sec. 7. Priority of Funding.** To the extent allowed under the American Recovery and Reinvestment Act (ARRA), from funds appropriated in this Article, agencies shall give priority to expenditures that do not recur beyond the 2010-11 fiscal biennium.

Further, to the extent allowed under ARRA, agencies shall not create a liability on behalf of the State of Texas to make:

- (a.) repayment to the United States treasury (i.e. "clawback") in the event of a future discontinuation of payments to the direct or indirect beneficiaries from those American Recovery and Reinvestment Act funds already expended; or
- (b.) payments to direct or indirect beneficiaries of a program or strategy in excess of those funds actually received by the State of Texas from the United States treasury.

**Sec. 8. Discontinuance of Position Associated with American Recovery and Reinvestment Act.** It is the intent of the legislature that a position of employment created as a result of the receipt of funds received as a result of the American Recovery and Reinvestment Act shall be eliminated by an agency or institution upon exhaustion or discontinued availability of funds received as a result of the American Recovery and Reinvestment Act for that position.

**Sec. 9. Maximization of American Recovery and Reinvestment Act Funds.** In order to maximize the amount of American Recovery and Reinvestment Act federal funds that might become available to the State of Texas, state funds from any source used by a state agency or institution to provide services or benefits may be counted in any manner consistent with then existing law towards any required state matching contribution for such American Recovery and Reinvestment Act funds.

**Sec. 10. Cooperation of Agency Audit and Investigation Personnel with State Auditor.** All inspectors general, internal auditors, external contracted auditors, and all other personnel at state agencies and institutions of higher education shall cooperate with any and all requests by the State Auditor's Office related to funds received under the American Recovery and Reinvestment Act or any subsequent Federal economic stimulus legislation.

**Sec. 11. Informational Rider: Reduction in General Revenue.** The amounts of general revenue reductions shown above in certain agency appropriations in this Article are in accordance with Title V, State Fiscal Relief, of the American Recovery and Reinvestment Act.

**Sec. 12. FMAP Allocations.** Appropriations above to the Health and Human Services Commission for Medicaid Enhanced FMAP shall be allocated by the Commission to affected agencies. The Commission shall submit a plan for that allocation to the Legislative Budget Board and the Governor by September 30, 2009.

**Sec. 13. State Energy Projects Funding.** From funds appropriated to the Comptroller of Public Accounts in this Article for the State Energy Program, the Comptroller of Public Accounts shall grant to the Texas Facilities Commission in fiscal year 2010 funds to the fullest extent allowed by federal law and regulations for energy efficiency upgrades on the following state-owned buildings: Disaster Recovery Operations Computer Center, James E. Rudder, Lyndon B. Johnson, Sam Houston, E. O. Thompson, Brown Heatly, John H. Winters, William P. Clements, Robert E. Johnson, State Records Center, Insurance Annex, Thomas J. Rusk, Department of Assistive Rehabilitation Services, and Price

**SPECIAL PROVISIONS**  
**AMERICAN RECOVERY AND REINVESTMENT ACT**  
(Continued)

Daniels subject to approval by the United States Department of Energy and, if not approved, shall be used for the state energy program at the discretion of the Comptroller.

**Sec. 14. Informational Item: Border Security Appropriations.** It is the intent of the legislature that the Byrne Justice Assistance Grants appropriated above be distributed based on the following priorities first to:

- (1) \$3,600,000 to the Department of Public Safety for overtime and operational costs for increased patrol and investigative capacity for certified peace officers (DPS and local); then to
- (2) \$6,500,000 to the Department of Public Safety for border-wide crime mapping and surveillance capability to support resource deployment and assessments; then to
- (3) \$1,500,000 to the Department of Public Safety to establish a multi-agency gang intelligence section in the Texas Fusion Center; then to
- (4) \$1,200,000 to the Texas Parks and Wildlife Department for 2 deep water patrol boats, 6 jet-drive flat bottom river patrol boats, and 5 lake patrol boats and related capital budget authority; then to
- (5) \$500,000 to the Texas Parks and Wildlife Department for overtime and operational costs for increased patrol and investigative capacity; then to
- (6) \$10,000,000 to the Trusteed Programs within the Office of the Governor for expanding radio interoperability, communications and night vision capabilities; then to
- (7) \$2,000,000 to the Trusteed Programs within the Office of the Governor to provide funding for equipment and training to support patrol operations; then to
- (8) \$2,500,000 to the Trusteed Programs within the Office of the Governor to fund overtime to expand gang enforcement patrols; and then to
- (9) \$1,750,000 to the Trusteed Programs within the Office of the Governor to fund overtime to expand multi-jurisdictional gang investigations.

**Sec. 15. Green Jobs Training Program.** To the extent allowed by federal law, the Texas Workforce Commission shall use Workforce Investment Act federal funds under the American Recovery and Reinvestment Act (ARRA), to facilitate a green jobs training program. The Commission shall report to the Legislative Budget Board before September 30, 2009, regarding programs and recovery funding streams in other state and local agencies that could be part of a coordinated green jobs strategy including funds allocated for child care programs, vocational training initiatives, energy efficiency measures, the Weatherization Assistance Program (WAP), and/or any other recovery funds.

**Sec. 16. Minority Participation in Certain Contracts.** It is the intent of the legislature that each state agency or institution shall take appropriate action ensuring minority participation in contract procurement for goods and services when contracting for the expenditure of federal funds appropriated to the state under the American Recovery and Reinvestment Act.

**Sec. 17. Prevention and Wellness Pilot.** Contingent upon the receipt of Prevention and Wellness federal stimulus funds in excess of amounts reflected in Article XII of this Act, the Department of State Health Services (DSHS) shall allocate up to \$1,500,000 in federal stimulus funds in each fiscal year of the 2010-11 biennium to develop a pilot project that would create an online medical home targeting obesity and other chronic diseases for selected populations. DSHS shall report annually on the progress of the pilot program as required by the American Reinvestment and Recovery Act of 2009.

**Sec. 18. Vocational Rehabilitation Stimulus Grants Funds.** The Department of Assistive and Rehabilitative Services (DARS) is authorized to utilize Vocational Rehabilitation Stimulus Grant Funds appropriated by Article XII of this Act for contracted workers, temporary enhanced services, and one-time equipment purchases for the 2010-11 biennium, to the extent allowed under the American Recovery and Reinvestment Act. Vocational Rehabilitation Stimulus Grant funds may not be expended for any purpose other than those identified above without prior written approval of the Governor and Legislative Budget Board.

**SPECIAL PROVISIONS**  
**AMERICAN RECOVERY AND REINVESTMENT ACT**  
(Continued)

**Sec. 19. IDEA, Part C, Special Education Grants for Infants and Families Stimulus Funds.** The Department of Assistive and Rehabilitative Services (DARS) is authorized to utilize IDEA, Part C, Special Education Grants for Infants and Families Stimulus funds appropriated by Article XII of this Act to provide temporary provider rate increases to early childhood intervention (ECI) providers in the 2010-11 biennium, contingent upon the following:

1. The agency retains the current eligibility criteria;
2. The agency retains no less than the current service levels per child;
3. The agency attests that a temporary provider rate increase will not create a need for supplemental funding or a transfer from another agency, including transfers pursuant to rider 9 in the bill pattern of the Department of Assistive and Rehabilitative Services in this Act;
4. The agency attests that it can reasonably and proportionately reduce or eliminate the temporary provider rate increase authorized by this rider after the American Recovery and Reinvestment Act funding is reduced or eliminated; and
5. To the extent allowed under the American Recovery and Reinvestment Act.

Forty-five calendar days prior to implementing a temporary provider rate increase to ECI providers, the Commissioner of DARS shall submit a letter to the Legislative Budget Board and Governor confirming that the five conditions outlined above are met and estimating the amount by fiscal year for the 2010-11 biennium of IDEA, Part C, Special Education Grants for Infants and Families Stimulus funds that are budgeted for the temporary provider rate increases. Additionally, DARS shall submit a budget for Strategy A.1.1, ECI Services for both fiscal years of the 2010-11 biennium, detailing the Method of Finance, Unexpended Balances, carryforwards, caseload assumptions, and average cost assumptions. The budget shall be submitted in a format specified by the Legislative Budget Board.

**Sec. 20. Federal Stimulus Match Assumptions.** The following percentages reflect federal match assumptions used in this Article.

**Federal Medical Assistance Percentage (FMAP)**

	<b>2010</b>	<b>2011</b>
Federal Fiscal Year	68.26%	60.91%
State Fiscal Year	68.43%	61.56%

In the event that the actual FMAP exceeds these levels, a health and human services agency is authorized to expend the General Revenue Funds within the Medicaid program thereby made available only upon prior written approval from the Legislative Budget Board and Governor. Any additional General Revenue Funds made available should first be used to reduce any anticipated supplemental need related to maintaining current Medicaid entitlement services; this includes the transfer of funds made available at any health and human services agency to any other health and human services agency that anticipates a shortfall.

To request authorization to expend available General Revenue Funds resulting from a higher FMAP, an agency shall submit a written request to the Legislative Budget Board and the Governor. At the same time, the agency shall provide a copy of the request to the Comptroller of Public Accounts. The request shall include the following information, by fiscal year:

- a. a detailed explanation of the proposed use(s) of the available General Revenue Funds and whether the expenditure(s) will be one-time or ongoing;
- b. the amount available by strategy;
- c. the strategy(ies) in which the funds will be expended and the associated amounts, including any matching federal funds;
- d. an estimate of performance levels and, where relevant, a comparison to targets included in this Act; and
- e. the capital budget and/or full-time equivalent impact.

Any request to use funds for purposes other than to maintain current Medicaid entitlement services must be accompanied by a certification from the Executive Commissioner of the Health and Human Services Commission that no health and human services agency anticipates a supplemental need related

**SPECIAL PROVISIONS**  
**AMERICAN RECOVERY AND REINVESTMENT ACT**  
(Continued)

to Medicaid entitlement services based upon the commission's most recent caseload and cost projections.

Additional information requested by the Legislative Budget Board or the Governor should be provided in a timely manner. The request and information provided subsequently shall be prepared in a format specified by the Legislative Budget Board.

The request shall be considered to be approved unless the Legislative Budget Board or the Governor issue a written disapproval within 15 business days of the date on which the staff of the Legislative Budget Board concludes its review of the proposal to expend the funds and forwards its review to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor.

The Comptroller of Public Accounts shall not allow the expenditure of General Revenue Funds made available if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the requirements of this provision have not been satisfied.

**Sec. 21. Quality Infant and Toddler Programs.** Out of the funds appropriated above to the Department of Family and Protective Services for fiscal year 2010, \$4,000,000 in Child Care Development Block Grant funds may only be used to invest in high quality programs for infants and toddlers based on a plan that is approved by the Governor and the Legislative Budget Board.

**Sec. 22. Temporary Assistance for Needy Families Emergency Contingency Funding.** Notwithstanding Rider 25 in the General Appropriations Act, Article II, Health and Human Services Commission (Conference Committee Report on Senate Bill No. 1, 81<sup>st</sup> Legislature, Regular Session), the Health and Human Services Commission may use Temporary Assistance for Needy Families (TANF) Emergency Contingency Funds received under the federal American Recovery and Reinvestment Act (ARRA) of 2009 to fund up to an additional \$75 for each TANF child for one-time grants (for a total of up to \$105 for each TANF child) in August 2010 in an effort to maximize federal ARRA funding to the state. Any additional ARRA TANF Emergency Contingency Funds that become available are hereby appropriated for the biennium beginning September 1, 2009 for the purpose of refinancing expenditures that have been made from regular TANF federal block grant funds and increasing the TANF reserves balance. The refinancing is expected to yield an estimated increase in the TANF reserves balance of \$3,100,000 by August 2011.

**Sec. 23. Education Stabilization Funds - Necessary Adjustments.** The Texas Education Agency, with the prior approval of the Legislative Budget Board, is hereby authorized to make any necessary adjustments to the agency's appropriation authority provided by this Act for federal Education Stabilization Funds, including allocations across fiscal years and strategies, as well as necessary adjustments to appropriate rider provisions, in order to conform these items to the state application for the Education Stabilization Funds as approved by the U.S. Department of Education. The Texas Education Agency shall notify the Governor and the Comptroller of Public Accounts of any adjustments made under this provision.

General Revenue amounts identified above in Item 7 for the Texas Education Agency represent the same reductions made in Rider 85, Foundation School Funds for Improving Equity, Reducing Recapture, and Providing Educator Salary Increases, of the Texas Education Agency's bill pattern in Article III of this Act, as a contingency in the event school finance legislation described by that rider should fail to pass.

Should school finance legislation as described by Rider 85 fail to pass, the Texas Education Agency is hereby authorized to establish a method for distributing funds identified above in Item 9, in the amount of \$933 million in each year of the 2010-11 biennium, to school districts through the state's primary funding formulas, pursuant to the provisions of the American Recovery and Reinvestment Act of 2009. The Texas Education Agency shall consult with the Office of the Governor prior to the establishment of a distribution method under this provision. The Texas Education Agency may not expend any funds appropriated under this provision without the prior approval of the Legislative Budget Board.

**Sec. 24. Informational Rider: Government Services Stabilization.** Funds appropriated above from Title XIV (b), Other Government Services, of the American Recovery and Reinvestment Act are a one-time expenditure for the 2010-11 biennium.



**SPECIAL PROVISIONS**  
**AMERICAN RECOVERY AND REINVESTMENT ACT**  
(Continued)

**Sec. 25. Allocation of Higher Education and Other Government Programs Stimulus Funding.**

Appropriations made above for Higher Education and Other Government Programs Stimulus Funding shall be allocated as follows:

Angelo State University	Nursing & Allied Health	\$2,000,000
Blinn College	Star of Texas	\$100,000
Coastal Bend Community College	Mobile Simulation Lab	\$500,000
Commission on the Arts	Cultural Trust	\$1,000,000
Department of State Health Services	Vernon State Hospital	\$2,500,000
Historical Commission	Renovate Presidio de San Saba	\$1,000,000
Lamar Port Arthur	Centennial Scholarships	\$500,000
Lamar University	Institutional Enhancement	\$2,500,000
Midwestern University	Autism Support Program	\$220,000
Office of the Governor Trusteed Programs	Defense Economic Adjustment Assistance Grants	\$5,000,000
Sam Houston University	Institutional Enhancement	\$4,000,000
Temple College	Eastern Williamson County Higher Education Center	\$805,000
Texas A&M Health Science Center	College of Medicine Expansion	\$8,000,000
Texas A&M Health Science Center in McAllen	Biosecurity and Import Safety	\$1,000,000
Texas A&M Texarkana	Downward Expansion	\$6,000,000
Texas A&M University-Commerce	BS Construction Engineering	\$1,000,000
Texas Department of Agriculture	Fairpark Agriculture Buildings	\$1,000,000
Texas Education Agency	Houston Early College High School	\$1,000,000
Texas Engineering Experiment Station	Nuclear Power Institute	\$4,000,000
Texas State University-San Marcos	River Systems Monitoring	\$1,000,000
Texas Tech Health Science Center	West Texas Area Health Education Center	\$4,000,000
Texas Tech University	Emerging Technologies Research	\$4,000,000
University of Houston	Energy Research	\$3,000,000
University of Houston-Downtown	Community Development	\$250,000
University of North Texas	Institutional Enhancement	\$2,000,000
University of North Texas	State Historical Association	\$150,000
University of North Texas System	Law School Contingency	\$5,000,000
University of Texas Health Science Center-Houston	Heart Institute--Adult Stem Cell Program	\$5,000,000
University of Texas Health Science Center-Houston	Public Health	\$9,500,000
University of Texas Health Science Center-San Antonio	Life Science Institute	\$4,000,000
University of Texas Health Science Center-San Antonio	Regional Academic Health Center	\$6,500,000
University of Texas-San Antonio	Life Science Institute	\$4,000,000
University of Texas-Austin	Law School Clinical Program	\$420,000
University of Texas-Dallas	Middle School Brain Years	\$6,000,000
University of Texas-Dallas	Academic Bridge	\$462,500
University of Texas-Dallas	Center for Values in Medicine, Science and Technology	\$5,000,000
University of Texas-San Antonio	P-16 Council	\$500,000
University of Texas Southwestern Medical Center-Dallas	Institute for Genetic & Molecular Disease	\$8,000,000
Vernon Community College	Workforce Training Development	\$500,000

**Sec. 26. University of North Texas.** Amounts appropriated above to the University of North Texas include \$75,000 in each year of the 2010-11 biennium for support of K-12 education programs sponsored by the Texas State Historical Association to enhance the study of history and mastery of the applicable TEKS.

**SPECIAL PROVISIONS**  
**AMERICAN RECOVERY AND REINVESTMENT ACT**  
(Continued)

**Sec. 27. Midwestern State University.**<sup>1</sup> Amounts appropriated above to Midwestern State University include \$106,500 in fiscal year 2010 and \$114,500 in fiscal year 2011 to be used for the Autism Support Program for students with autism spectrum disorder.

**Sec. 28. Vernon State Hospital.** Contingent upon the Department of State Health Services (DSHS) submitting and the Legislative Budget Board and Governor approving a plan detailing the capacity expansion at Vernon State Hospital, \$1,250,000 in funds appropriated above in each year of the 2011-2011 biennium to DSHS shall be used to increase the number of beds at Vernon State hospital by up to 16. The number of full time equivalents is increased by 49 in each fiscal year of the 2010-11 biennium.

**Sec. 29. American Recovery and Reinvestment Act (ARRA) Compliance Costs.** State agencies, including the Comptroller and the Governor's Office, are expected to incur additional expenses as a cost of compliance with the federal ARRA. To the extent that Texas receives more than \$700,000,000 from Title XIV (b), Other Government Services, of the American Recovery and Reinvestment Act, the first \$10,000,000 plus any statewide cost allocation plan recoveries, is hereby appropriated to the Office of the Governor for compliance costs associated with the American Recovery and Reinvestment Act. These funds may be transferred, or expended by interagency contract as necessary to cover the costs of federal compliance. Any excess funds in addition to the amounts described above are hereby appropriated to the Texas Commission on Environmental Quality for the Texas Emissions Reduction Plan.

**Sec. 30. Reduction of Appropriations.** General revenue appropriations made in Article III of this Act are hereby reduced by \$588,592,500 in amounts to correspond with the following Government Stabilization Funds appropriated above:

Texas Education Agency	Proclamation 2010 Textbooks	\$361,592,500
Higher Education Coordinating Board	Incentive Funding	\$80,000,000
General Academic Institutions	Formula Funding	\$81,000,000
Health Related Institutions	Formula Funding	\$51,000,000
Public Community/Junior Colleges	Formula Funding	\$15,000,000

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<sup>1</sup> Amounts in Section 27 describe the appropriation of \$220,000 made in Section 25. To match the appropriation, the Section 27 annual amounts should be \$106,000 in Fiscal Year 2010 and \$114,000 in Fiscal Year 2011.

**RECAPITULATION - ARTICLE XII  
AMERICAN RECOVERY AND REINVESTMENT ACT  
(General Revenue)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
Office of the Attorney General	\$ (27,300,000)	\$ 0
Department of Aging and Disability Services	(4,200,000)	0
Health and Human Services Commission	(2,513,000,000)	0
Texas Education Agency	(3,250,200,000)	0
Article XII, Special Provisions, Rider Appropriations	(588,592,500)	0
 TOTAL, ARTICLE XII - AMERICAN RECOVERY AND REINVESTMENT ACT	 <u>\$ (6,383,292,500)</u>	 <u>\$ 0</u>

**RECAPITULATION - ARTICLE XII  
AMERICAN RECOVERY AND REINVESTMENT ACT  
(Federal Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
Commission on the Arts	\$ 427,300	\$ 0
Office of the Attorney General	37,400,000	0
Fiscal Programs - Comptroller of Public Accounts	284,800,000	0
Trusted Programs within the Office of the Governor	101,400,000	0
Department of Aging and Disability Services	10,200,000	0
Department of Assistive and Rehabilitative Services	87,600,000	0
Department of Family and Protective Services	64,370,942	0
Department of State Health Services	5,698,070	0
Health and Human Services Commission	2,560,594,804	0
Texas Education Agency	5,874,392,500	0
Higher Education Coordinating Board	80,000,000	0
General Academic Institutions	81,000,000	0
Health Related Higher Education Institutions	51,000,000	0
Higher Education and Other Government Programs	111,407,500	0
Public Community/Junior Colleges	15,000,000	0
Department of Agriculture	21,800,000	0
Commission on Environmental Quality	12,509,000	0
Department of Housing and Community Affairs	565,075,732	0
Office of Rural Community Affairs	19,500,000	0
Department of Transportation	1,637,800,000	0
Texas Workforce Commission	436,811,767	0
 TOTAL, ARTICLE XII - AMERICAN RECOVERY AND REINVESTMENT ACT	 <u>\$ 12,058,787,615</u>	 <u>\$ 0</u>

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE XII  
AMERICAN RECOVERY AND REINVESTMENT ACT  
(All Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Commission on the Arts	\$ 427,300	\$ 0
Office of the Attorney General	10,100,000	0
Fiscal Programs - Comptroller of Public Accounts	284,800,000	0
Trusted Programs within the Office of the Governor	101,400,000	0
Department of Aging and Disability Services	6,000,000	0
Department of Assistive and Rehabilitative Services	87,600,000	0
Department of Family and Protective Services	64,370,942	0
Department of State Health Services	5,698,070	0
Health and Human Services Commission	47,594,804	0
Texas Education Agency	2,624,192,500	0
Higher Education Coordinating Board General Academic Institutions	80,000,000	0
	81,000,000	0
Health Related Higher Education Institutions	51,000,000	0
Higher Education and Other Government Programs	111,407,500	0
Public Community/Junior Colleges	15,000,000	0
Department of Agriculture	21,800,000	0
Commission on Environmental Quality	12,509,000	0
Department of Housing and Community Affairs	565,075,732	0
Office of Rural Community Affairs	19,500,000	0
Department of Transportation	1,637,800,000	0
Texas Workforce Commission	436,811,767	0
Article XII, Special Provisions, Rider Appropriations	(588,592,500)	0
Less Interagency Contracts	\$ 0	\$ 0
 TOTAL, ARTICLE XII - AMERICAN RECOVERY AND REINVESTMENT ACT	 \$ 5,675,495,115	 \$ 0

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

### **ARTICLE XIII. SAVINGS CLAUSE**

If any section, sentence, clause or part of this Act shall for any reason be held to be invalid, such decision shall not affect the remaining portions of this Act; and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof irrespective of the fact that any other sentence, section, clause or part thereof may be declared invalid.

### **ARTICLE XIV. EMERGENCY CLAUSE**

The importance of the legislation to the people of the State of Texas and the crowded condition of the calendars in both Houses of the Legislature create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.



David Neuhorst

President of the Senate

[Signature]

Speaker of the House

I hereby certify that S.B. No. 1 passed the Senate on April 1, 2009, by the following vote: Yeas 26, Nays 5; April 24, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; April 28, 2009, House granted request of the Senate; May 28, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 29, Nays 2; passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

[Signature]  
Secretary of the Senate

I hereby certify that S.B. No. 1 passed the House, with amendments, on April 17, 2009, by the following vote: Yeas 149, Nays 0; April 28, 2009, House granted request of the Senate for appointment of Conference Committee; May 29, 2009, House adopted Conference Committee Report by the following vote: Yeas 142, Nays 2, one present not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

[Signature]  
Chief Clerk of the House

Approved:

19 JUN '09

Date

[Signature]  
Governor

I, Susan Combs, Comptroller of Public Accounts, do hereby certify that the amounts appropriated in the herein S.B. No. 1, Regular Session, 81st Legislature, are within the amount estimated to be available in the affected fund.

Certified June 8, 2009.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:00 O'CLOCK

[Signature]  
Secretary of State

[Signature]  
Comptroller of Public Accounts

# PROCLAMATION

BY THE

## Governor of the State of Texas

41-3223

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

Senate Bill No. 1, the General Appropriations Act, having been duly certified by the Comptroller of Public Accounts pursuant to Article 3, Section 49a of the Texas Constitution, has been presented to me for action. The bill would appropriate approximately \$182.3 billion from all funding sources, including \$80.7 billion from the General Revenue Fund, for the fiscal biennium beginning September 1, 2009. General revenue spending would decrease by \$1.6 billion, or 1.9 percent, compared to the current biennium, which has happened only once before in Texas since World War II.

At the beginning of the session, Lieutenant Governor Dewhurst, Speaker Straus and I announced our shared commitment to working together to ensure a balanced budget, even in light of a significantly lower revenue estimate than last biennium. We worked collectively throughout the session to ensure our state's priorities were met while remembering that every dollar spent is that of a hard-working Texan. The legislature has done a commendable job in reducing the general revenue appropriation to live within the revenue estimate the comptroller issued in January. It is particularly noteworthy that this balanced budget was produced without making appropriations from the state's "Rainy Day Fund," and without a tax increase. In fact, the Rainy Day Fund is projected to have a balance of more than \$9 billion at the end of the 2010-2011 biennium, and taxes were reduced on approximately 40,000 small businesses across Texas.

This budget makes many investments that I support, including continuing investments in water infrastructure and border security, which are essential to the growth and security of our state. It continues funding for the Texas Enterprise Fund and the Emerging Technology Fund, two of the greatest tools our state has in creating a competitive business climate and investing in new technologies to attract world-class researchers to the state's institutions of higher education. It also makes a significant increase in funding for financial aid for higher education, and for the Skills Development Fund, which will be critical to helping more Texans pursue their dreams of going to college and continuing to ensure the state has an educated and trained workforce to compete in the global marketplace.

While the Texas Legislature has crafted a budget that meets the state's continued obligations despite the tightening economy, I would be remiss if I did not sound three notes of caution. First, funding from the American Recovery and Reinvestment Act has been isolated in a single article of the budget to ensure the greatest transparency in how these funds are appropriated, which will be critical to writing the budget next session. However, just as I have repeatedly warned against spending stimulus dollars on things that will create ongoing obligations once this money runs out, I must reiterate that state agencies and organizations receiving these funds should not expect them to be renewed by the state in the next biennium.

Additionally, I continue to believe that state spending should be transparent and easy to understand for the more than 24 million people living in Texas. While some areas of this document have become more transparent, other items of appropriation have become harder to identify. Texans have a right to understand how their tax dollars are being spent. Providing more transparent items of appropriation and increasing the number of specific line items would add precision and clarity to the appropriations act.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

JUN 19 2009



Finally, although the legislature took steps to further reduce diversions in the budget, truth-in-budgeting is an important part of our commitment to transparency, and we must continue to reduce and eliminate these diversions in future budgets. I have been on record, along with others in state leadership, calling to end diversions from the State Highway Fund that reduce the funds available for important road construction and maintenance throughout the state. We must continue to improve our truth-in-budgeting so that Texans' taxes and fees are spent for the purposes for which they are collected.

My line-item vetoes total \$97.2 million in general revenue and \$288.9 million from all funding sources. I hereby object to and veto the following items from Senate Bill No. 1, and include a statement of my objections to each of those items:

**Article II – Health and Human Services**  
Department of State Health Services

**Sec. 77. Contingency for Regulating Independent Freestanding Emergency Rooms and Urgent Care Clinics.** ~~Contingent on passage of House Bill 2183, or similar legislation relating to the licensure of independent freestanding emergency rooms and urgent care clinics, and creation of the respective licensing fees, by the Eighty-first Legislature, Regular Session, the Department of State Health Services is appropriated \$1,074,136 for fiscal year 2010 and \$633,658 for fiscal year 2011 from the fees collected and deposited in the General Revenue Fund to implement the provisions of the legislation. The number of "Full-Time Equivalents (FTE)" is increased by 19.5 FTEs in fiscal year 2010 and 11 FTEs in fiscal year 2011.~~

*This veto deletes a contingent rider for a bill that did not pass.*

**Article V – Public Safety and Criminal Justice**  
Texas Department of Criminal Justice

**Sec. 81. Contingency for Reducing and Increasing Texas Department of Criminal Justice Appropriations.** ~~Contingent on the enactment of Senate Bill 1206, House Bill 1899, House Bill 1958, or similar legislation relating to the release of certain inmates who complete a rehabilitation tier program from the Texas Department of Criminal Justice, by the Eighty-first Legislature, Regular Session, funding in Goal C, Incarcerate Felons, is reduced by \$9,039,832 in General Revenue Funds in fiscal year 2010 and \$5,742,667 in General Revenue Funds in fiscal year 2011. Also contingent on the enactment of this legislation, funding in Strategy F.2.1 Parole Supervision, is increased by \$736,746 in General Revenue Funds in fiscal year 2010 and \$468,027 in General Revenue Funds in fiscal year 2011 to provide for the supervision of these offenders.~~

*This veto deletes a contingent rider for a bill that I vetoed.*

**Article VIII – Regulatory**

Residential Construction Commission  
All Items of Appropriation

	<u>2010</u>	<u>2011</u>
All Items of Appropriation	\$ 8,995,102	\$ 8,995,103

*This veto deletes a contingent appropriation for the agency. Rider 4 provides that funds appropriated for fiscal year 2011 were made contingent on the continuation of the Texas Residential Construction Commission. House Bill No. 2295, or similar legislation providing for the continuation of the agency, failed to pass the 81<sup>st</sup> Legislature.*

**Article IX – General Provisions**

**Sec. 17.31. Contingency Appropriation for House Bill No. 373, House Bill No. 3556, Senate Bill No. 362 or Senate Bill No. 363.** ~~Contingent on passage of House Bill 373, House Bill 3556, Senate Bill 362, or Senate Bill 363, or similar legislation relating to requiring a voter to present proof of identification, by the Eighty-first Legislature,~~

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~~Regular Session, the Secretary of State is appropriated \$2,000,000 for fiscal year 2010 from the General Revenue Fund for voter education.~~

~~Any unexpended balances remaining in appropriations made herein as of August 31, 2010, are hereby appropriated for the fiscal year beginning September 1, 2010.~~

*This veto deletes a contingent rider for a bill that did not pass.*

**Sec. 17.36. Contingency Appropriation for House Bill No. 518.** ~~Contingent on enactment of House Bill 518 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the creation of a student loan repayment program for certain correctional officers and a loan repayment assistance program for certain speech pathologists and audiologists, the Higher Education Coordinating Board is hereby appropriated \$391,551 in fiscal year 2010 and \$869,117 in fiscal year 2011 out of the General Revenue Fund to implement provisions of the legislation.~~

*This veto deletes a contingent rider for a bill that I vetoed.*

**Sec. 17.39. Contingency Appropriation for House Bill No. 821.** ~~Contingent upon passage of House Bill 821, or similar legislation by the Eighty-first Legislature, Regular Session, 2009, relating to the sale, recovery, and recycling of certain television equipment, and in addition to amounts appropriated herein to the Texas Commission on Environmental Quality (TCEQ), there is hereby appropriated out of the General Revenue Fund in Strategy C.1.3, Pollution Prevention and Recycling, an amount not to exceed \$127,500 in each fiscal year of the 2010-11 biennium in new fee revenues generated as a result of the bill's passage. The funds shall be used to implement the television manufacturers registration program created by the bill. This appropriation is contingent upon the TCEQ assessing fees to generate revenue sufficient to cover these appropriations.~~

*This veto deletes a contingent rider for a bill that I vetoed.*

**Sec. 17.40. Contingency Appropriation for House Bill No. 982.** ~~Notwithstanding any other provisions in this act, contingent on passage of House Bill 982, or similar legislation relating to the imposition of a 10 percent tax on the gross receipts from admissions fees charged by sexually oriented businesses and the repeal of the sexually oriented business fee, by the Eighty-first Legislature, Regular Session, the Supreme Court is appropriated \$750,000 in fiscal year 2010 and \$1,250,000 in fiscal year 2011 from taxes on admission fees charged by sexually oriented businesses deposited to the General Revenue Fund and transferred to the General Revenue Dedicated Sexual Assault Fund No. 5010 for Basic Civil Legal Services (Strategy B.1.1). Any unexpended balances in appropriations made for this purpose in fiscal year 2010 are appropriated to the Supreme Court in fiscal year 2011 for the same purposes.~~

*This veto deletes a contingent rider for a bill that did not pass.*

**Sec. 17.52. Contingency Appropriation for House Bill No. 2248.** ~~Contingent upon the enactment of House Bill 2248, or similar legislation relating to an emergency management plan for certain health care facilities, by the Eighty-first Legislature, Regular Session, 2009, the Department of Public Safety is appropriated \$244,314 in General Revenue Dedicated Operators and Chauffeurs License Account No. 099 in fiscal year 2010 and \$191,664 in General Revenue Dedicated Operators and Chauffeurs License Account No. 099 in fiscal year 2011 to implement the provisions of the legislation. Also contingent upon the enactment of House Bill 2248 or similar legislation, the "Number of Full Time Equivalents (FTE)" for the Department of Public Safety is increased by 5.0 for each fiscal year of the 2010-11 biennium.~~

*This veto deletes a contingent rider for a bill that did not pass.*

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**Sec. 17.53. Contingency Appropriation for House Bill No. 2250 or Senate Bill No. 1106.** ~~Contingent on enactment of Senate Bill 1106 or House Bill 2250, or similar legislation relating to payment of claims to pharmacies and pharmacists, by the Eighty-first Legislature, Regular Session, the Texas Department of Insurance is appropriated \$190,939 in fiscal year 2010 and \$177,115 in fiscal year 2011 from General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees to implement the provisions of the legislation. The "Number of Full Time Equivalents" in the agency bill pattern is increased by 3.0 FTEs in each fiscal year.~~

*This veto deletes a contingent rider for a bill that did not pass.*

**Sec. 17.55. Contingency Appropriation for House Bill No. 2295.** ~~Contingent on the enactment of House Bill 2295, or similar legislation relating to the continuation and functions of the Texas Residential Construction Commission, by the Eighty-first Legislature, Regular Session, the Residential Construction Commission is appropriated \$764,463 for fiscal year 2010 and \$814,463 in fiscal year 2011 from the General Revenue Fund to implement the provisions of the legislation. This appropriation is also contingent on the Residential Construction Commission assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2010-11 biennium, \$1,884,258 in excess of \$22,064,000 (Object Codes 3175 and 3846), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-time Equivalents (FTEs)" indicated in agency's bill pattern is increased by 10.0 FTEs in each fiscal year contingent upon agency meeting the above revenue target. The Residential Construction Commission, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Residential Construction Commission's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.~~

*This veto deletes a contingent rider for a bill that did not pass.*

**Sec. 17.63. Contingency Appropriation for House Bill No. 2740.** ~~Contingent on passage of House Bill 2740, or similar legislation relating to the Licensing and Regulation of Youth Camps, by the Eighty-first Legislature, Regular Session, the Department of State Health Services is hereby appropriated revenue not to exceed \$261,411 in fiscal year 2010, and \$282,974 for fiscal year 2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to House Bill 2740. The "Number of Full-Time Equivalent Positions" indicated in the agency's bill pattern is increased by 2.3 in fiscal year 2010 and 3.1 in fiscal year 2011.~~

*This veto deletes a contingent rider for a bill that did not pass.*

**Sec. 17.64. Contingency Appropriation for House Bill No. 2962 or Senate Bill No. 841.** ~~Contingent on passage of House Bill 2962, Senate Bill 841, or similar legislation relating to the child health plan program, by the Eighty-first Legislature, Regular Session, the Health and Human Services Commission is appropriated the following to implement the provisions of the legislation: \$10,849,180 in fiscal year 2010 and \$27,332,502 in fiscal year 2011 from General Revenue Funds; \$10,180,970 in fiscal year 2010 and \$29,013,610 in fiscal year 2011 from Premium Copayments; \$683,448 in fiscal year 2010 and \$1,844,449 in fiscal year 2011 from Experience Rebates for CHIP; \$734,476 in fiscal year 2010 and \$1,974,601 in fiscal year 2011 from Vendor Drug Rebates for CHIP; and \$27,455,209 in fiscal year 2010 and \$69,653,071 in fiscal year 2011 from Federal Funds.~~

*This veto deletes a contingent rider for a bill that did not pass.*

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~~Sec. 17.65. Contingency Appropriation for House Bill No. 3180. Contingent upon the enactment of House Bill 3180 or similar legislation relating to the licensing and regulation of commercial dog and cat breeders and the regulation of dog and cat dealers; providing penalties, and contingent upon the Texas Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2010-2011 biennium, \$2,028,668 in excess of \$62,551,340 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011 and in excess of revenue requirements elsewhere in this act, the Texas Department of Licensing and Regulation shall be appropriated \$862,505 in Fiscal Year 2010 and \$775,455 in Fiscal Year 2011 in General Revenue. Also, the "Number of Full-time Equivalents (FTEs)" indicated in agency's bill pattern shall be increased by 14.5 FTEs in each fiscal year contingent upon agency meeting the above revenue target. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.71. Contingency Appropriation for House Bill No. 3595. Contingent on passage of House Bill 3595, or similar legislation relating to the provision of drug court programs, by the Eighty first Legislature, Regular Session, the Office of Court Administration is appropriated \$149,374 in fiscal year 2010 and \$145,516 in fiscal year 2011 in General Revenue to implement the provisions of the legislation. Also contingent on passage of House Bill 3595, or similar legislation, the "Number of Full-Time-Equivalents (FTE)" for the Office of Court Administration is increased by 2.0 FTEs each fiscal year.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.79. Contingency Appropriation for Senate Bill No. 8. Contingent on passage of Senate Bill 8, or similar legislation relating to the Texas Health Services Authority, by the Eighty first Legislature, Regular Session, the Health and Human Services Commission is hereby appropriated \$1,000,000 in General Revenue for fiscal year 2010, and \$1,000,000 in General Revenue for fiscal year 2011 to implement the provisions of the legislation. Additionally, the agency's FTE cap is increased by 5.0 in fiscal year 2010 and 5.0 in fiscal year 2011.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.83. Contingency Appropriation for Senate Bill No. 81. Contingent on passage of Senate Bill 81, or similar legislation relating to the certain providers of subsidized child care, by the Eighty first Legislature, Regular Session, the Department of Public Safety is hereby appropriated revenue not to exceed \$70,725 in fiscal year 2010, and \$62,100 for fiscal year 2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to Senate Bill 81.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.88. Contingency Appropriation for Senate Bill No. 485. Contingent on enactment of Senate Bill 485 or similar legislation relating to medical loss ratios of preferred provider benefit plan issuers, by the Eighty first Legislature,~~

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~~the Texas Department of Insurance is appropriated \$150,442 in fiscal year 2010 and \$61,361 in fiscal year 2011 from General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees to implement the provisions of the legislation. The "Number of Full Time Equivalents" in the agency bill pattern is increased by 1.0 FTEs in each fiscal year.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.90. Contingency Appropriation for Senate Bill No. 499. Contingent on passage of Senate Bill 499, or similar legislation relating to the Birth Records of Adopted Children, by the Eighty first Legislature, Regular Session, the Department of State Health Services is hereby appropriated revenue not to exceed \$49,500 in fiscal year 2010, and \$75,000 for fiscal year 2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to Senate Bill 499.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.91. Contingency Appropriation for Senate Bill No. 546. Contingent upon the enactment of Senate Bill 546, or similar legislation relating to energy efficiency goals and programs and demand reduction targets; creating an office of energy efficiency deployment in the state energy conservation office, the Public Utility Commission shall be appropriated \$55,354 in fiscal year 2010 and \$55,453 in fiscal year 2011 in General Revenue and 1.0 FTE each fiscal year.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.98. Contingency Appropriation for Senate Bill No. 1001 or House Bill No. 2233. Contingent upon the enactment of Senate Bill 1001 or House Bill 2233, or similar legislation relating to the continuation and operation of the office of public insurance counsel by the Eighty first Legislature, Regular Session, the Office of Public Insurance Counsel shall be appropriated the amounts of \$61,786 in fiscal year 2010 and \$59,286 in fiscal year 2011 out of General Revenue for the purpose of implementing that Act. The "Number of Full Time Equivalents (FTE)" indicated in the Office of Public Insurance Counsel's bill pattern shall be increased by 1.0 FTE in each fiscal year.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.101. Contingency for Senate Bill No. 1007 or House Bill No. 2203. Contingent upon the enactment of Senate Bill 1007 or House Bill 2203, or similar legislation relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties, by the Eighty first Legislature, Regular Session, appropriations to the Texas Department of Insurance shall be reduced in the amounts of \$805,576 in fiscal year 2010 and \$805,576 in fiscal year 2011 from General Revenue Dedicated Texas Department of Insurance Operating Account Fund No. 036 and \$491,997 in fiscal year 2010 and \$491,997 in fiscal year 2011 from General Revenue.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.107. Contingency Appropriation for Senate Bill No. 1329. Contingent on passage of Senate Bill 1329, or similar legislation relating to the licensing of food manufacturers, wholesalers, and warehouse operators, by the Eighty first Legislature, Regular Session, the Department of State Health Services is hereby appropriated revenue not to exceed \$224,758 in Food and Drug Registration funds in fiscal year 2011 to implement the provisions of the legislation. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to Senate Bill~~

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~~1329. The "Number of Full Time Equivalent Positions" indicated in the agency's bill pattern is increased by 3.0 in fiscal year 2011.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.110. Contingency Appropriation for Senate Bill No. 1388. Contingent on passage of Senate Bill 1388, or similar legislation relating to process server certification and the establishment of a certification division within the Office of Court Administration, by the Eighty-first Legislature, Regular Session, the Office of Court Administration is appropriated \$265,466 in fiscal year 2010 and \$246,300 in fiscal year 2011 from the new General Revenue Dedicated Process Server Certification Account and is provided 4.0 FTEs in each fiscal year to implement the provisions of the legislation.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.111. Contingency Appropriation for Senate Bill No. 1414. In addition to amounts appropriated herein to the Texas Commission on Environmental Quality (TCEQ) and contingent upon passage of Senate Bill 1414 or similar legislation relating to the regulation of aggregate production operations by the Eighty-first Legislature, 2009, there is hereby appropriated out of the Water Resource Management Account No. 153 in Strategy C.1.1, Field Inspection and Complaint Response, \$257,314 in fiscal year 2010 and \$194,314 in fiscal year 2011 in new fee revenues generated as a result of the bill's passage. The funds shall be used to regulate aggregate production operations as required by the bill. These appropriations are contingent upon the TCEQ assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover the appropriations for the aggregate productions operations regulation program as well as "Other direct and indirect costs" for the program appropriated elsewhere in this Act. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Comptroller of Public Accounts may reduce the appropriation authority provided above to be within the amount of revenue expected to be available.~~

~~In addition, contingent upon passage of Senate Bill 1414 or similar legislation, the Number of Full Time Equivalents indicated herein for the TCEQ is hereby increased by 4.0 in each fiscal year of the 2010-11 biennium.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.112. Contingency Appropriation for Senate Bill No. 1548 or Senate Bill No. 2567. Contingent on passage of Senate Bill 1548, Senate Bill 2567, or similar legislation relating to the monitoring and oversight of certain public retirement systems and public investments, and establishing the State Pension and Investment Review Board by the Eighty-first Legislature, Regular Session, the Pension Review Board or successor agency is hereby appropriated an additional \$1,000,000 out of the General Revenue Fund in each fiscal year of the 2010-11 biennium and is authorized to employ an additional 11 Full-Time Equivalents each fiscal year of the biennium, to implement the provisions of the legislation.~~

*This veto deletes a contingent rider for a bill that did not pass.*

~~Sec. 17.113. Contingency Appropriation for Senate Bill No. 1830. Contingent upon enactment of Senate Bill 1830 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the establishment, operation, and funding of open enrollment charter schools, the Texas Education Agency is hereby appropriated \$5,000,000 in General Revenue for Fiscal Year 2010 to implement the provisions of the bill. Any unexpended balances from fiscal year 2010 from this provision are hereby appropriated to the agency in fiscal year 2011 for the same purpose.~~

*This veto deletes a contingent rider for a bill that did not pass.*

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**Sec. 17.116. Contingency Appropriation for Senate Bill No. 1879.** ~~Contingent upon the enactment of Senate Bill 1879, or similar legislation relating to the licensing and regulation of genetic counselors, by the Eighty first Legislature, Regular Session, the Texas Medical Board shall be appropriated the amounts of \$35,281 in fiscal year 2010 and \$18,382 in fiscal year 2011 in General Revenue Funds for the purpose of implementing that Act. This appropriation is also contingent on the Texas Medical Board assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2010-11 biennium, \$64,167 in excess of \$28,688,000 (Object Code 3560 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full Time-Equivalents (FTE)" indicated in the Texas Medical Board's bill pattern shall be increased by 0.5 FTEs in each fiscal year contingent upon the Texas Medical Board meeting the above revenue target. The Texas Medical Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Medical Board's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.~~

*This veto deletes a contingent rider for a bill that did not pass.*

**Sec. 17.119. Contingency Appropriation for Senate Bill No. 2233.** ~~Contingent upon the enactment of Senate Bill 2233, or similar legislation relating to the regulation of debt management services providers and providing a penalty, by the Eighty First Legislature, Regular Session, the Office of Consumer Credit Commissioner is hereby appropriated the amounts of \$250,600 in fiscal year 2010 and \$230,600 in fiscal year 2011 out of General Revenue for the purpose of implementing that Act. Also, the "Number of Full Time-Equivalents (FTE)" figure is increased by 4.0 FTEs in each fiscal year.~~

*This veto deletes a contingent rider for a bill that did not pass.*

**Sec. 17.121. Contingency Appropriation for Senate Bill No. 2313.** ~~Contingent on passage of Senate Bill 2313, or similar legislation relating to the creation and funding of the Water Plan Projects Fund to assist the Texas Water Development Board in the funding of certain projects identified in the state and regional water plans, by the Eighty-first Legislature, Regular Session, the Water Development Board is appropriated \$35,060,992 for fiscal year 2010 and \$57,834,840 for fiscal year 2011 out of the Water Plan Projects Fund to issue \$940,000,000 in G.O. Water Bonds. Included in this amount is \$3,781,250 in fiscal year 2010 and \$7,906,250 in fiscal year 2011 out of the Water Plan Projects Fund for debt service to issue \$150,000,000 in bonds for the State Participation Program; \$1,382,292 in fiscal year 2010 and \$2,847,292 in fiscal year 2011 out of the Water Plan Projects Fund for debt service to issue \$35,000,000 in bonds for the Economically Distressed Areas Program; and \$29,897,452 in fiscal year 2010 and \$47,081,298 in fiscal year 2011 to issue \$755,000,000 out of the Water Plan Projects Fund in Water Infrastructure Fund bonds.~~

~~Also contingent on passage and funding of Senate Bill 2313 or similar legislation, the General Revenue appropriated elsewhere in this Act for Debt Service Payments Non-Self Supporting G.O. Water Bonds is reduced by \$17,530,496 in fiscal year 2010 and \$28,917,420 in fiscal year 2011 or a total of \$46,447,916 for the 2010-11 biennium, the reduction to be distributed between the following strategies: Strategy A.1.1, \$691,145 in fiscal year 2010 and \$1,423,646 in fiscal year 2011; Strategy A.1.2, \$1,890,625 in fiscal year 2010 and \$3,953,125 in fiscal year 2011; and Strategy A.1.4, \$14,948,726 in fiscal year 2010 and \$23,540,649 in fiscal year 2011.~~

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~~Finally, contingent on passage and funding of Senate Bill 2313 or similar legislation, and the reduction in General Revenue appropriated elsewhere in this Act for Debt Service Payments—Non Self-Supporting G.O. Water Bonds, \$46,447,916 in General Revenue is hereby transferred to the General Revenue Dedicated Texas Emissions Reduction Plan Account No. 5071 as of September 1, 2009.~~

*This veto deletes a contingent rider for a bill that did not pass.*

I have signed Senate Bill No. 1 together with this proclamation stating my objections to individual items of appropriation therein. In accordance with Article IV, Section 14 of the Texas Constitution, individual items of appropriation objected to shall be of no force or effect. The remaining portions of the bill shall be effective according to their terms.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing this bill and these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I  
have signed my name officially  
and caused the Seal of the State  
to be affixed hereto at Austin,  
this 19th day of June, 2009.

*Rick Perry*  
\_\_\_\_\_  
RICK PERRY  
Governor of Texas

ATTESTED BY:

*Coby Shorter, III*  
\_\_\_\_\_  
COBY SHORTER, III  
Deputy Secretary of State

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