

**Rider Comparison Packet**

**Conference Committee on Senate Bill 1**

**2010-11 General Appropriations Bill**

**Article V - Public Safety and Criminal Justice**

**ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE**  
**401 Adjutant General's Department**  
**DIFFERENCES ONLY**

**Senate**

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**13. Cash Flow Contingency.** Contingent upon the receipt of federal funds and the approval of the Legislative Budget Board and the Governor's Office, the Adjutant General's Department may temporarily utilize additional general revenue funds, pending receipt of federal reimbursement, in an amount not to exceed \$10,000,000 in each fiscal year of the biennium. The request to access the additional funds by the Adjutant General's Department shall include justification for the additional funds. The general revenue amounts utilized above the department's general revenue method of finance must be repaid upon receipt of federal reimbursement and shall be utilized only for the purpose of temporary cash flow needs. At the end of each fiscal year, the \$10,000,000 must be repaid by November 30 of the following fiscal year. These transfers and repayments shall be credited to the fiscal year being reimbursed and shall be in accordance with procedures established by the Comptroller of Public Accounts.

**13. Cash Flow Contingency.** Contingent upon the receipt of federal funds, the Adjutant General's Department may temporarily utilize additional general revenue funds, pending receipt of federal reimbursement, in an amount not to exceed \$10,000,000 in each fiscal year of the biennium. The Adjutant General's Department shall provide written notification and justification to the Governor and the Legislative Budget Board prior to accessing the additional funds. The general revenue amounts utilized above the department's general revenue method of finance must be repaid upon receipt of federal reimbursement and shall be utilized only for the purpose of temporary cash flow needs. At the end of each fiscal year, the \$10,000,000 must be repaid by November 30 of the following fiscal year. These transfers and repayments shall be credited to the fiscal year being reimbursed and shall be in accordance with procedures established by the Comptroller of Public Accounts.

**28. Leave Requirement.**

- a. The Adjutant General's Department shall use funds appropriated above for the following purpose:
  - (1) Provide a report to the Governor's Office and the State Auditor's Office every 30 days of the overtime payment and emergency leave approved for all employees for the previous 30 days;
  - (2) Have any emergency leave for more than three (3) days or for reasons other than death in the immediate family be pre-approved by the Governor's Office and the Legislative Budget Board; or
  - (3) Have any emergency leave taken by an officer with a rank above major pre-approved by the Governor's Office and the Legislative Budget Board.
- b. This section does not apply to emergency leave used for the purposes of differential pay.

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**401 Adjutant General's Department**  
**DIFFERENCES ONLY**  
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- 29. Internal Audit.** The Adjutant General's Department shall use funds appropriated above for the following purposes:
- a. To report to the Governor's Office, Legislative Budget Board, and State Auditor's Office every 30 days on all internal audit work performed. Each month the director of Internal Audit of the Adjutant General's Department shall report to the State Auditor's Office to brief an individual designated by the State Auditor; and
  - b. To hold meetings by the internal audit committee at the Adjutant General's Department at least once each fiscal quarter and to provide minutes of these meetings to the Governor's Office and the State Auditor's Office.

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**458 Alcoholic Beverage Commission**  
**DIFFERENCES ONLY**

**Senate**

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No Differences

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**696 Department of Criminal Justice**  
**DIFFERENCES ONLY**

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**32. Project RIO.** The Texas Workforce Commission, the Texas Department of Criminal Justice, and the Texas Youth Commission shall together enhance the effectiveness of Project RIO by improving cohesive program delivery among the three agencies. The agencies shall together develop and implement a biennial strategic plan for the implementation of a more cohesive and effective Project RIO program which will emphasize necessary skill development, rehabilitation, and appropriate assessment of the offender prior to release. Not later than March 1, 2010, the biennial strategic plan, jointly prepared by the three agencies, and including specific strategies, measures, timeframes for program improvement, and a methodology for program evaluation, shall be submitted to the Legislative Budget Board and the Governor. The Texas Workforce Commission shall maintain interagency contracts at \$3,259,735 in each fiscal year of the biennium to the Texas Department of Criminal Justice to fund Project RIO. The agencies shall enter into interagency contracts, to include the reporting of performance levels, for the 2010-11 biennium.

**40. Appropriation Transfers Between Fiscal Years.** In addition to the transfer authority provided elsewhere in this Act, the Texas Department of Criminal Justice may transfer appropriations in an amount not to exceed \$150,000,000 made for fiscal year 2011 to fiscal year 2010, subject to the following conditions provided by this section:

- a. Transfers under this section may be made only:
  - (1) if correctional populations exceed the capacity of the department, or
  - (2) if Federal Funds for Incarcerated Aliens appropriated in fiscal year 2010 to the department are not received in the amount identified in the method of finance for that year, or
  - (3) for any other emergency expenditure requirements, including expenditures necessitated by public calamity.
- b. The transfer authority provided above is exclusive of expenditure needs for Strategy

**32. Project RIO.** The Texas Workforce Commission, the Texas Department of Criminal Justice, and the Texas Youth Commission shall together enhance the effectiveness of Project RIO by improving cohesive program delivery among the three agencies. The agencies shall together develop and implement a biennial strategic plan for the implementation of a more cohesive and effective Project RIO program which will emphasize necessary skill development, rehabilitation, and appropriate assessment of the offender prior to release. Not later than March 1, 2010, the biennial strategic plan, jointly prepared by the three agencies, and including specific strategies, measures, timeframes for program improvement, and a methodology for program evaluation, shall be submitted to the Legislative Budget Board and the Governor. The Texas Workforce Commission shall maintain interagency contracts at \$4,559,735 in each fiscal year of the biennium to the Texas Department of Criminal Justice to fund Project RIO. The agencies shall enter into interagency contracts, to include the reporting of performance levels, for the 2010-11 biennium.

**40. Appropriation Transfers Between Fiscal Years.** In addition to the transfer authority provided elsewhere in this Act, the Texas Department of Criminal Justice may transfer appropriations in an amount not to exceed \$150 million made for fiscal year 2011 to fiscal year 2010, subject to the following conditions provided by this section:

- a. Transfers under this section may be made only:
  - (1) if correctional populations exceed the capacity of the department, or
  - (2) if Federal Funds for Incarcerated Aliens appropriated in fiscal year 2010 to the department are not received in the amount identified in the method of finance for that year, or
  - (3) for any other emergency expenditure requirements, including expenditures necessitated by public calamity.
- b. A transfer authorized by this section above must receive the prior approval of the

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C.1.7, Psychiatric Care, and Strategy C.1.8, Managed Healthcare.

Governor and the Legislative Budget Board.

- c. A transfer authorized by this section above must receive the prior approval of the Governor and the Legislative Budget Board.
- d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

- c. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

**70. Permian Basin Mental Health Deputy Pilot Program.** Out of the funds appropriated above in Strategy B.1.1, Special Needs Projects, up to \$280,000 per fiscal year shall be used to provide grants to counties in the Permian Basin to establish the Permian Basin Mental Health Deputy Pilot Program. The Permian Basin Mental Health Deputy Pilot Program shall provide funding for two deputies in both Ector and Midland counties. The deputies shall promote the diversion of mentally ill individuals from incarceration and facilitate assessments for appropriate treatment.

**86. Permian Basin Mental Health Deputy Program.** Out of the funds appropriated above in Strategy B.1.1, Special Needs Projects, up to \$280,000 per fiscal year shall be used to provide grants to counties in the Permian Basin to establish the Permian Basin Mental Health Deputy Program. The Permian Basin Mental Health Deputy Program shall provide funding for two deputies in both Ector and Midland counties. The deputies shall promote the diversion of mentally ill individuals from incarceration and facilitate assessments for appropriate treatment.

**80. Appropriation Authority for General Obligation Bond Proceeds.** Appropriated above in Strategy D.1.1, Facilities Construction, in fiscal year 2010 is \$50,000,000 and in fiscal year 2011 is \$40,000,000 in general obligation bond proceeds for projects for the Department of Criminal Justice as described in Article IX, Sec. 17.01, Informational Listing: General Obligation Bond Proceeds.

All projects funded herein with general obligation bond proceeds are subject to approval by the Legislative Budget Board prior to issuance of the bond proceeds by the Texas Public Finance Authority. Any unexpended and unobligated balances in general obligation bond proceeds described herein and remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose(s).

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**81. Community Supervision Officers and Direct Care Staff Salary Increases.** From funds appropriated above in Strategy A.1.2, Diversion Programs, the Department of Criminal Justice (TDCJ) shall provide \$12,500,000 in fiscal year 2010 and \$12,500,000 in fiscal year 2011 in General Revenue Funds to local community supervision and corrections departments for salary increases for existing community supervision officers and direct care staff. These funds may not be used by local community supervision and corrections departments to pay the salaries or costs associated with the employment of staff hired after September 1, 2009. These funds shall not be used to supplant existing expenditures associated with programs and services within local community supervision and corrections departments.

**81. Jail Diversion: Pre-adjudication Diversion Projects.** Out of the funds appropriated in Strategy A.1.2, Diversion Programs, at least \$2,244,378 in fiscal year 2010 and \$2,244,378 in fiscal year 2011 shall be available to local governments for projects that divert non-violent offenders with severe mental illness prior to adjudication. Priority shall be given to projects involving jail populations with the largest number of mentally ill offenders who have high rates of recidivism.

**82. Salary Increase for Certain Department Employees.** Out of funds appropriated to the Texas Department of Criminal Justice above, the department shall increase the annual compensation of department employees employed in the following areas or categories in an amount equal to five percent of the employee's annual compensation as of August 31, 2009:

- a. TCI Industrial Specialists,
- b. Agricultural Unit Operations,
- c. Unit Maintenance Operations,
- d. Unit Clerical Staff,
- e. Mailroom Operations,
- f. Countroom Operations,

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- g. Commissary Operations,
- h. Intake Operations/Photo and ID,
- i. Property and Supply Officers,
- j. Unit Classification Operations,
- k. Unit Human Resource Assistants,
- l. Chaplaincy,
- m. Unit Project RIO,
- n. Counsel Substitute,
- o. Substance Abuse Treatment Program,
- p. Grievance Investigators,
- q. Risk Management,
- r. Law Librarians,
- s. Sex Offender Treatment Program,
- t. TCI Accountants,
- u. Health Care/Diagnostics and Evaluation,
- v. Treatment Services - Unit Staff, and
- w. Truck Drivers and Correctional Transportation Officers

**82. University of Texas Health Science Center at Tyler.** From funds appropriated above in Strategy C.1.8, Managed Healthcare, the Department of Criminal Justice (TDCJ) shall provide \$1,000,000 in General Revenue Funds in fiscal year 2010 to the University of Texas Health Science Center at Tyler for the construction of secure elevators, remodeling of Intensive Care and Emergency Treatment Areas, remodeling of Detention Units, entrances, and other security features to accommodate, more safely, the treatment of offenders at the state teaching hospital in Tyler, Texas.

**83. Managed Health Care Staff Loan Repayment.** From the amounts appropriated above in Strategy C.1.7, Psychiatric Care, and Strategy C.1.8, Managed Healthcare, the Correctional Managed Health Care Committee established under Subchapter E, Chapter 501, Government



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Code, may use not more than a total of \$500,000 for fiscal year 2010 and \$500,000 for fiscal year 2011 for loan repayment assistance for medical and mental health care staff in accordance with guidelines established by the committee. Not later than December 1, 2011, the committee shall submit to the Legislative Budget Board and the Office of the Governor a report detailing the use and disposition of those funds.

**84. Correctional Managed Health and Psychiatric Care Appropriation Transfers Between Fiscal Years.** In addition to the transfer authority provided elsewhere in this Act, the Correctional Managed Healthcare Committee may transfer appropriations in an amount not to exceed \$15,000,000 made for fiscal year 2011 to fiscal year 2010, subject to the following conditions provided by this section:

a. Transfers under this section may be made only:

- (1) if correctional managed health and psychiatric care populations exceed performance measure targets, or

**79. Managed Health Care - Appropriation Transfer Between Fiscal Years.** In addition to transfer authority provided elsewhere in this Act, the Correctional Managed Health Care Committee may transfer appropriations in an amount not to exceed \$20 million made for fiscal year 2011 to fiscal year 2010, subject to the following conditions provided by this section:

a. Transfers under this section may be made only if:

- (1) costs of providing correctional managed health care exceed available funding due to increases in prison population, increases in medical care needs among the prison population, or increases in health care staffing costs, or

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- (2) if expenditures for correctional managed health and psychiatric care exceed amounts appropriated for this purpose, or
- (3) for any other emergency expenditure requirements, including expenditures necessitated by public calamity.
- b. The transfer authority provided above only applies to appropriations for Strategy C.1.7, Psychiatric Care, and Strategy C.1.8, Managed Healthcare.
- c. A transfer authorized by this section above must receive the prior approval of the Governor and the Legislative Budget Board.
- d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

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- (2) for any other emergency expenditure requirements, including expenditures necessitated by public calamity.
- b. A transfer authorized by this section above must receive the prior approval of the Governor and the Legislative Budget Board.
- c. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

**85. Evaluation of Services Required.** Out of the funds appropriated above, the Department of Criminal Justice and the Managed Care Advisory Committee shall identify, evaluate, and may pilot, mechanisms to lower the cost of, or increase the quality of care in health or pharmacy services.

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**411 Commission on Fire Protection**  
**DIFFERENCES ONLY**

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- 6. Contingency for Fire Fighter Certification Fees.** Included in the amounts appropriated above in Strategy B.1.1, Certify and Regulate Fire Service, and Strategy C.1.1, Indirect Administration, is \$366,500 in fiscal year 2010 and \$321,000 in fiscal year 2011 out of the General Revenue Fund (Fund 8042 - Insurance Companies Maintenance Tax and Insurance Department Fees) for the purpose of certifying and regulating the fire service. These appropriations are contingent upon the Commission on Fire Protection increasing revenues from certification fees, pursuant to Government Code, Chapter 419, by \$857,206 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 on the finding of fact, the "Number of Full-time-equivalents (FTE)" indicated above includes 7 FTEs in fiscal year 2010, and 7 FTES in fiscal year 2011.

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- 6. Contingency for Fire Fighter Certification Fees.** Included in the amounts appropriated above in Strategy B.1.1, Certify and Regulate Fire Service, and Strategy C.1.1, Indirect Administration, is \$430,100 in fiscal year 2010 and \$371,600 in fiscal year 2011 out of the General Revenue Fund (Fund 8042 - Insurance and Maintenance Tax and Insurance Department Fees) for the purpose of certifying and regulating the fire service. These appropriations are contingent upon the Commission on Fire Protection increasing revenues from certification fees, pursuant to Government Code, Chapter 419, by \$971,406 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 on the finding of fact, the "Number of Full-time-equivalents (FTE)" indicated above includes 7 FTEs in fiscal year 2010, and 7 FTEs in fiscal year 2011.

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**409 Commission on Jail Standards**  
**DIFFERENCES ONLY**

**Senate**

**House**

No Differences

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**665 Juvenile Probation Commission**  
**DIFFERENCES ONLY**

**Senate**

**House**

- 6. Residential Facilities.** Juvenile Boards may use funds appropriated in Goal A, Basic Probation, and Goal B, Community Corrections, to lease, contract for, or reserve bed space with public and private residential facilities for the purpose of providing rehabilitation and treatment to juvenile offenders.
- 7. Funding for Progressive Sanctions.**
- a. Out of the funds appropriated above in Strategy A.1.2, Progressive Sanctions Levels 1-3, \$10,200,000 in fiscal year 2010 and \$10,200,000 in fiscal year 2011 in General Revenue Funds can be distributed only to local probation departments for funding juvenile probation services associated with sanction levels described in §§ 59.003(a)(1), 59.003(a)(2), and 59.003(a)(3) of the Family Code, or for salaries of juvenile probation officers hired after the effective date of this Act. These funds may not be used by local juvenile probation departments for salary increases, employee benefits, or other costs (except salaries) associated with the employment of juvenile probation officers hired after the effective date of this Act.
- b. Out of the funds appropriated above in Strategy B.1.3, Level 5 Post-adjudication Facilities, \$4,394,436 in fiscal year 2010 and \$4,394,436 in fiscal year 2011 in General Revenue Funds can be used only for the purpose of funding secure post-adjudication placements for (1) juveniles who have a progressive sanction guideline level of 5 or higher as described by §§ 59.003(a)(5), 59.003(a)(6), and 59.003(a)(7) of the Family Code; (2) are adjudicated for a felony offense that includes as an element of the offense the possession, carrying, using, or exhibiting of a deadly weapon; (3) the juvenile court's order of adjudication contains a finding that the child committed a felony offense and the child used or exhibited a deadly weapon during the commission of the conduct or during immediate flight from commission of the conduct; or (4) are adjudicated for a sex offense of the grade of felony that requires registration under the Texas Sexual Offender Registration Program.

- 6. Residential Facilities.** Juvenile Boards may use funds appropriated in Goal A, Basic Probation, and Goal B, Community Corrections, to lease, contract for, or reserve bed space with public and private residential facilities for the purpose of providing rehabilitation and treatment to juvenile offenders. Funds used for placements may not exceed the Commission's Tier Level of Care Rates.
- 7. Funding for Progressive Sanctions.** From the amounts appropriated above:
- a. Progressive Sanctions Levels 1-3 program funding in the amount of \$5,100,000 shall be moved from Strategy A.1.2. and appropriated to Strategy A.1.1, Basic Probation Services. The Juvenile Probation Commission shall ensure these funds are utilized by the local juvenile probation departments to provide community programs and services to juvenile offenders in the early stages of delinquency.
- b. Level 5 Post-Adjudication Facilities funds shall be moved from Strategy B.1.3. and appropriated to Strategy B.1.1, Community Corrections Services. The Juvenile Probation Commission shall ensure that these funds are utilized for the administration of juvenile probation services, programs and residential placements to chronic and serious offenders.

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**665 Juvenile Probation Commission**  
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The Juvenile Probation Commission shall reimburse a county juvenile probation department a specified number of placements under this section, as determined by the Juvenile Probation Commission, after the requirements for reimbursement as outlined herein have been met to the satisfaction of the Juvenile Probation Commission.

- c. The Juvenile Probation Commission shall maintain procedures to ensure that only those juvenile offenders identified above are submitted for reimbursement of secure post-adjudication placements under this section. The Juvenile Probation Commission shall no later than March 1 of each fiscal year submit an expenditure report for the prior fiscal year reflecting all secure post-adjudication placement costs to the Legislative Budget Board and the Governor.

**16. Appropriation: Refunds of Unexpended Balances from Local Juvenile Probation Departments.** The Juvenile Probation Commission (JPC) shall maintain procedures to ensure that the state is refunded all unexpended and unencumbered balances of state funds held as of the close of each fiscal year by local juvenile probation departments. All fiscal year 2010 and fiscal year 2011 refunds received from local juvenile probation departments by JPC are appropriated above in Strategy B.1.1, Community Corrections Services. Any Basic Probation refunds received in excess of \$650,000 in fiscal year 2010 and \$650,000 in fiscal year 2011 shall lapse to the General Revenue Fund. Any Community Corrections refunds received in excess of \$500,000 in fiscal year 2010 and \$500,000 in fiscal year 2011 shall lapse to the General Revenue Fund.

**17. Reporting Requirements to the Legislative Budget Board (LBB).** The Juvenile Probation Commission shall report juvenile population data as requested by the Legislative Budget Board on a monthly basis for the most recent month available. JPC shall report to the Legislative Budget Board on all populations specified by the LBB, including, but not limited to, additions, releases, and end-of-month populations. End of fiscal year data shall be submitted indicating each reporting county to the LBB no later than two months after the close of each fiscal year.

**16. Appropriation: Refunds of Unexpended Balances from Local Juvenile Probation Departments.** Out of the funds appropriated in Basic Probation and Strategy B.1.1, Community Corrections Services, any unexpended balances remaining at the end of each fiscal year may be allocated to the local juvenile probation departments as an incentive payment if the department's total number of commitments of youth to the Texas Youth Commission was less than the total number of felony commitments in state fiscal year 2007 or 2008, whichever is less.

**17. Reporting Requirements to the Legislative Budget Board (LBB).** From funds appropriated above, the Juvenile Probation Commission shall maintain a specific accountability system for tracking basic probation and community corrections funds targeted at making a positive impact on youth. JPC shall implement a monitoring system so that the use of funds appropriated in each strategy in Goals A and B can be specifically identified.

**ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE**  
**665 Juvenile Probation Commission**  
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- a. The Juvenile Probation Commission shall report juvenile population data as requested by the Legislative Budget Board (LBB) on a monthly basis for the most recent month available. JPC shall report to the LBB on all populations specified by the LBB, including, but not limited to, additions, releases, and end-of-month populations. End of fiscal year data shall be submitted indicating each reporting county to the LBB no later than two months after the close of each fiscal year.
- b. JPC shall require juvenile probation departments to submit requests for reimbursement for residential placements at least quarterly as a means of tracking residential placement data throughout the fiscal year.
- c. The agency shall produce on an annual basis, detailed monitoring, tracking, utilization, and effectiveness information on the above mentioned funds. This information shall include information on the impact of any new initiatives. Examples include, but are not limited to residential placements, community-based services for serious and chronic felons, and community-based services for misdemeanants no longer eligible for commitment to the Youth Commission. In addition to any other requests for information, the agency shall report the above information for the previous fiscal year to the LBB and the Governor's Office by December 1st of each year.
- d. Each report submitted to the LBB and the Governor pursuant to this provision must be accompanied by supporting documentation detailing the sources and methodologies utilized to access program effectiveness and any other supporting material specified by the LBB.
- e. Each report submitted pursuant to this provision must contain a certification by the person submitting the report that the information provided is true and correct based upon information and belief together with supporting documentation.

**ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE**  
**665 Juvenile Probation Commission**  
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- 19. Community Corrections Funding and Residential Facilities.** From funds appropriated above in Strategy B.1.1, Community Corrections Services, the Juvenile Probation Commission shall distribute \$4,366,500 in fiscal year 2010 and \$4,366,500 in fiscal year 2011 in General Revenue Funds to local juvenile probation departments for enhanced community-based services, including, but not limited to, sex offender treatment, intensive supervision, and specialized supervision, for serious and chronic felony offenders.

From funds appropriated above in Strategy B.1.1, Community Corrections Services, the Juvenile Probation Commission shall distribute \$6,901,835 in fiscal year 2010 and \$6,901,835 in fiscal year 2011 in General Revenue Funds to local juvenile probation departments for enhanced community-based services to misdemeanor offenders no longer eligible for Youth Commission commitment.

From funds appropriated above in Strategy B.1.1, Community Corrections Services, the Juvenile Probation Commission shall distribute \$17,678,250 in fiscal year 2010 and \$17,678,250 in fiscal year 2011 in General Revenue Funds to local juvenile probation departments for youth placement in secure or non-secure residential facilities at a rate not to exceed \$90 per youth per day as a diversion from the Youth Commission. These funds may be used only for placement of youth who have been adjudicated for: a violent felony offense; a non-violent felony offense with one or more prior adjudications; or a misdemeanor offense or violation of misdemeanor probation with two or more prior adjudications. These funds may not be used for purposes other than secure or non-secure residential facilities.

These funds shall not be used by local juvenile probation departments for salary increases or costs associated with the employment of staff hired prior to September 1, 2007. These funds shall not be used to supplant existing expenditures associated with programs, services, and residential placement of youth within the local juvenile probation departments.

- 20. Juvenile Justice Alternative Education Program (JJAEP) Disaster Compensation.** Out of funds appropriated above in Strategy D.1.1, the Commission may compensate a mandatory



**ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE**  
**665 Juvenile Probation Commission**  
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JJAEP for missed mandatory student attendance days in which a disaster, flood, extreme weather condition, or other calamity has a significant effect on the program's attendance.

- 21. Title IV-E Federal Funds.** Included in the amounts appropriated above in Strategy A.1.1, Basic Probation Services, \$11,500,000 in General Revenue Funds in fiscal year 2010 and \$11,500,000 in General Revenue Funds in fiscal year 2011 is appropriated for enhanced community-based services for youth. In the event that Federal Title IV-E Funds are received in excess of \$19,209,156 per fiscal year, General Revenue Funds equal to the difference between the amount of Federal Title IV-E Funds received and \$19,209,156 shall lapse to the General Revenue Fund.

- 21. Diversion Pilot Programs in Dallas and Travis Counties.** Out of the funds appropriated above in Strategy B.1.1, Community Corrections Services, \$17,500,000 in General Revenue Funds in fiscal year 2010 and \$17,500,000 in General Revenue Funds in fiscal year 2011, may be expended only for the purpose of providing pilot programs through Dallas County and Travis County juvenile probation departments for the diversion of youth from the Youth Commission (TYC). The pilot programs may include, but are not limited to, residential, community-based, family, and aftercare programs.

These funds shall not be used by local juvenile probation departments for salary increases or costs associated with the employment of staff hired prior to September 1, 2009. These funds shall not be used to supplant existing expenditures associated with programs, services, and residential placement of youth within the local juvenile probation departments.

The Dallas County and Travis County Juvenile Probation Departments shall report to the Juvenile Probation Commission (JPC) regarding the use of the funds within thirty days after the end of each quarter. JPC shall report to the Legislative Budget Board regarding the use of the funds within thirty days after receipt of each county's quarterly report. Items to be included in the report include, but are not limited to, the amount of funds expended, the number of youth

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**665 Juvenile Probation Commission**  
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served by the pilot programs, the types of programs for which the funds were used, and the number of youth committed to TYC.

The Juvenile Probation Commission shall develop a mechanism for tracking youth served by the pilot programs to determine the long-term success for diverting youth from TYC and the adult criminal justice system. A report on the program's results shall be submitted to the Legislative Budget Board by December 1 of each year.

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**407 Commission on Law Enforcement Officer Standards and Education**  
**DIFFERENCES ONLY**

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No Differences

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**405 Department of Public Safety**  
**DIFFERENCES ONLY**

**Senate**

**53. Local Border Security.** From funds appropriated above, the Governor's Division of Emergency Management in Strategy D.1.5, Local Border Security, within the Department of Public Safety's bill pattern, is appropriated \$21,852,357 in fiscal year 2010 and \$21,852,357 in fiscal year 2011 in General Revenue - Dedicated Operators and Chauffeurs License Account No. 099, for the following border security expenditures:

- (a) \$3,250,000 in fiscal year 2010 and \$3,250,000 in fiscal year 2011 may only be used to equip and operate Joint Operations and Intelligence Centers and the Border Operation Center.
- (b) \$10,000,000 in fiscal year 2010 and \$10,000,000 in fiscal year 2011 may only be expended for payment of overtime, per diem, and related travel expenses for commissioned peace officers or National Guard cooperating in a surge operation by working in a county other than the county of their employment or assigned duty station.
- (c) \$8,602,357 in fiscal year 2010 and \$8,602,357 in fiscal year 2011 may only be used to provide grants to local law enforcement agencies for overtime and per diem when cooperating with a surge operation, or for training, equipment, and technology acquisition.

Any unexpended balances from appropriations listed above that are remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose(s).

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**53. Local Border Security.** From funds appropriated above, the Governor's Division of Emergency Management in Strategy D.1.5, Local Border Security, within the Department of Public Safety's bill pattern, is appropriated \$21,852,357 in fiscal year 2010 and \$21,852,357 in fiscal year 2011 in General Revenue - Dedicated Operators and Chauffeurs License Account No. 099, for the following border security expenditures:

- (a) \$3,250,000 in fiscal year 2010 and \$3,250,000 in fiscal year 2011 may only be used to equip and operate Joint Operations and Intelligence Centers and the Border Operation Center.
- (b) \$10,000,000 in fiscal year 2010 and \$10,000,000 in fiscal year 2011 may only be expended for payment of overtime, per diem, and related travel expenses for commissioned peace officers or National Guard cooperating in a surge operation by working in a county other than the county of their employment or assigned duty station.
- (c) \$8,602,357 in fiscal year 2010 and \$8,602,357 in fiscal year 2011 may only be used to provide grants to local law enforcement agencies for overtime and per diem when cooperating with a surge operation, or for training, equipment, and technology acquisition.

Eligible activities for overtime, per diem, and related travel expenses are limited to criminal investigations, arrests, and prosecutions of the following activities: (1) Drug transportation or smuggling; (2) Stolen vehicles used for arms smuggling, drug transportation or smuggling; (3) Currency seizures connected to organized crime arrests; (4) Drug interdictions in drug trafficking quantities; (5) Alien smuggling; (6) Arms smuggling; and (7) Kidnapping or extortion.

The grants must be allocated using a funding formula that fully considers the needs of the applicants for the grants and that gives emphasis to:

- (1) the quality of homeland security or border security information collected by the applicants;

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- (2) the number of suspects with authority in a criminal enterprise apprehended by the applicants; and
- (3) the amount of illegal substances, contraband currency, firearms, ammunition, and stolen vehicles seized by the applicants.

Any unexpended balances from appropriations listed above that are remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose(s).

**55. Additional Department of Public Safety Border Security Funding.** In addition to funds appropriated above, the Department of Public Safety is appropriated \$20 million in General Revenue - Dedicated Operators and Chauffeurs License Account No. 099 for the biennium starting September 1, 2009 for enhanced border security operations.

**55. Additional Department of Public Safety Border Security Funding.** In addition to funds appropriated above, the Department of Public Safety is appropriated \$641,308 in General Revenue - Dedicated Operators and Chauffeurs License Account No. 099 for the biennium starting September 1, 2009 for enhanced border security operations.

**56. Additional Capital Budget - Helicopter.** In addition to the provisions of Rider 4, Additional Capital Budget Authority, the Department of Public Safety is authorized to make the capital purchase of one additional helicopter in the amount of \$4,284,032 to be stationed in Longview utilizing seized asset funds. From funds appropriated above, the Department may pay for the personnel and operating costs to support the additional helicopter.

**58. Helicopter.** Out of the amounts collected under federal forfeiture programs that are appropriated in Rider 8, the amount of \$4,284,032 is allocated to the Department of Public Safety of the State of Texas for the state fiscal year beginning September 1, 2009, for the purpose of purchasing one helicopter to be stationed in Longview.

**56. Additional Border Security Funds.** From funds appropriated above, \$11,600,000 in fiscal year 2010 and \$758,692 in fiscal year 2011 in General Revenue - Dedicated Operators and Chauffeurs License Account No. 099, is appropriated for the following border security expenditures:

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- (a) \$5,500,000 in fiscal year 2010 may only be expended to create a Regional Emergency Operations Center in Laredo, Texas.
- (b) \$6,100,000 in fiscal year 2010 and \$758,692 in fiscal year 2011 may only be expended to construct, equip, and operate a Department of Public Safety Crime Lab in Laredo. The Department is also authorized one additional technical DNA leader, two additional DNA Forensic Scientists, two Firearm Forensic Scientists, and one Evidence Technician. The "Number of Full-Time-Equivalent Positions (FTE)" figure indicated above includes six additional FTEs in fiscal year 2011 for this purpose.

**57. Texas Task Force II.** From funds appropriated above in Strategy D.1.2, Response Coordination, \$1,000,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011 in General Revenue - Dedicated Operators and Chauffeurs License Account No. 099, may only be expended to upgrade Texas Task Force II in Dallas to a Type I Urban Search and Rescue Team.

**57. Appropriation Authority for General Obligation Bond Proceeds.** Appropriated above in Strategy F.1.6, Physical Plant, in fiscal year 2010 is \$10,000,000 in general obligation bond proceeds for projects for the Department of Public Safety as described in Article IX, Sec. 17.01, Informational Listing: General Obligation Bond Proceeds.

All projects funded herein with general obligation bond proceeds are subject to approval by the Legislative Budget Board prior to issuance of the bond proceeds by the Texas Public Finance Authority. Any unexpended and unobligated balances in general obligation bond proceeds described herein and remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose(s).

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- 3. Appropriation of Other Agency Funds.** Any unexpended balances remaining in Independent School District Funds (not to exceed \$155,000 and included in the amounts above), the Student Benefit Fund (not to exceed \$250,000 and included in the amounts above), the Canteen Revolving Funds (not to exceed \$7,500 and included in the amounts above), and the Conference Account (not to exceed \$3,500 and included in the amounts above), any gifts, grants, and donations as of August 31, 2009, and August 31, 2010 (estimated to be \$247,000 per year and included in the amounts above), and any revenues accruing to those funds are appropriated to those funds for the succeeding fiscal years. Funds collected by vocational training shops at Youth Commission institutions, including unexpended balances as of August 31, 2009 (not to exceed \$35,000 and included in the amounts above), are hereby appropriated for the purpose of purchasing and maintaining parts, tools, and other supplies necessary for the operation of those shops. Funds collected for the sale or license of a treatment program, including unexpended balances from August 31, 2009, and August 31, 2010 (estimated to be \$25,000 in fiscal year 2010 and \$25,000 in fiscal year 2011 and included in the amounts above), shall be appropriated for the purpose of training and development related to the program.
- 13. State-owned Housing Authorized.** As of September 1, 1998, the chief superintendent, assistant superintendent, and the director of security are authorized to live in state-owned housing at a rate determined by the commission. Other commission employees may live in state-owned housing as set forth in Article IX, § 11.05, State Owned Housing - Recover Housing Costs, of this Act. Fees for employee housing are hereby appropriated to be used for maintaining employee housing.
- 23. West Texas State School and Victory Field Correctional Academy.** Funds appropriated by this Act shall not be used for the operation of West Texas State School or Victory Field Correctional Academy after September 1, 2009.

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- 3. Appropriation of Other Agency Funds.** Any unexpended balances remaining in Independent School District Funds (not to exceed \$155,000 and included in the amounts above), the Student Benefit Fund (not to exceed \$250,000 and included in the amounts above), the Canteen Revolving Funds (not to exceed \$7,500 and included in the amounts above), and the Conference Account (not to exceed \$3,500 and included in the amounts above), any gifts, grants, and donations as of August 31, 2009, and August 31, 2010 (estimated to be \$247,000 per year and included in the amounts above), and any revenues accruing to those funds are appropriated to those funds for the succeeding fiscal years. Funds collected by vocational training shops at Youth Commission institutions, including unexpended balances as of August 31, 2009 (not to exceed \$35,000 and included in the amounts above), are hereby appropriated for the purpose of purchasing and maintaining parts, tools, and other supplies necessary for the operation of those shops. Funds collected for the sale or license of a treatment program, including unexpended balances from August 31, 2009, and August 31, 2010 (estimated to be \$25,000 in fiscal year 2010 and \$25,000 in fiscal year 2011 and included in the amounts above), shall be appropriated for the purpose of training and development related to the program.
- 13. State-owned Housing Authorized.** As of September 1, 1998, the chief superintendent, assistant superintendent, and the director of security are authorized to live in state-owned housing at a rate determined by the commission. Notwithstanding general provisions of this Act, commission employees first employed at the West Texas State School on or after September 1, 1999, are authorized to live in state-owned housing at the same rate as persons employed prior to September 1, 1999. Other commission employees may live in state-owned housing as set forth in Article IX, § 11.05, State Owned Housing - Recover Housing Costs, of this Act. Fees for employee housing are hereby appropriated to be used for maintaining employee housing.

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- 23. Transfer Authority between Strategies.** Notwithstanding any other provision of this bill, the Youth Commission (TYC) may transfer up to 35 percent of appropriations between Strategy A.1.2, Institutional Services, Strategy A.1.3, Contracted Capacity, Strategy B.1.1, Education and Workforce, Strategy C.1.1, Correctional Treatment, and Strategy C.1.2, Specialized Correctional Treatment, subject to the approval of the Legislative Budget Board (LBB). TYC shall report to the LBB each transfer made within the authority provided in Article IX, Section 14.01, between the affected strategies. Once the cumulative effect of the transfers between these strategies exceeds the limits established under Article IX, Section 14.01, TYC shall submit a written request for approval to the LBB. Requests shall include the strategy from which the transfer is to be made and the strategy for which the transfer is to be made; the amount of the transfer; the need to be served through the original appropriation and the reason for the decrease in need; the need to be served in the strategy receiving the funds; and any other information requested by the LBB. By December 1 of each year, TYC shall report to the LBB the net effect of all transfers between strategies for the previous fiscal year.
- 24. Interagency Contracts Authorized, West Texas State School.** The Youth Commission is authorized to lease from The University of Texas for a term of years and upon conditions that are mutually agreeable to the Youth Commission and The University of Texas, under authority of the Interagency Cooperation Act, certain facilities situated at Pyote Air Force Base, in Ward County, Texas (same being located in Block 16, University Lands). The Youth Commission is authorized to pay to The University of Texas as rental for such a lease a sum not to exceed \$3,000 per year.
- 24. Appropriation Authority for General Obligation Bond Proceeds.** Appropriated above in Strategy A.1.10, Construct and Renovate Facilities, in fiscal year 2010 is \$15,000,000 in general obligation bond proceeds for projects for the Youth Commission as described in Article IX, §17.01, Informational Listing: General Obligation Bond Proceeds.



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All projects funded herein with general obligation bond proceeds are subject to approval by the Legislative Budget Board prior to issuance of the bond proceeds by the Texas Public Finance Authority. Any unexpended and unobligated balances in general obligation bond proceeds described herein and remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose(s).

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No Differences