

Issue Docket

Conference Committee on Senate Bill 1

2010-11 General Appropriations Bill

Article VII - Business and Economic Development

Article VII
ISSUE DOCKET

Conference Committee on General Appropriations Bill

Agency/Item	Senate		House		Biennial Difference	Explanation
	2010	2011	2010	2011		
<u>TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS</u>	VII-1		VII-1			
A.1.3. Housing Trust Fund - Single Family	\$ 8,160,768	\$ 8,160,768	\$ 24,660,768	\$ 24,660,768	\$ 33,000,000	<p>Senate includes \$5,000,000 in General Revenue to expand the Housing Trust Fund.</p> <p>See also Article XI Senate, page XI-6</p> <p>House includes \$38,000,000 in General Revenue and 3 FTEs to expand the Housing Trust Fund.</p> <p>See also Article XI House, page XI-19</p>
Reporting on Weatherization Efforts	VII-7, Rider 16 Rider Packet, VII-1		VII-8, Rider 18 Rider Packet, VII-1			<p>Senate requires TDHCA to:</p> <ul style="list-style-type: none"> a. coordinate with investor-owned utilities; b. report the amount of overall and peak electric energy saved; and c. report the amount of pollution and carbon dioxide emissions averted. <p>House requires TDHCA to:</p> <ul style="list-style-type: none"> a. coordinate with investor-owned utilities from which TDHCA receives funds; and b. report on overall electric energy saved.

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Capacity Building Performance Measures		VII-8, Rider 17 Rider Packet, VII-2				Senate includes: a. out of funds appropriated the agency shall develop or contract to develop a performance measure assessment tool for any organization receiving awards for the purpose of capacity building; b. the assessment tool must prioritize housing unit production as a key measure along with other benchmarks including board capacity, human resources, fundraising, grants, households served, and financial administration; and c. prior to any transfers pursuant to Rider 10, Housing Trust Fund Deposits to the Texas Treasury Safekeeping Trust Company, the agency shall use funds necessary from appropriations in Strategy A.1.3 Housing Trust Fund - Single Family and Strategy A.1.7 Housing Trust Fund - Multifamily for these purposes.
Contingency Appropriation for Housing and Health Services Coordination Council			VII-7, Rider 16 Rider Packet, VII-1		\$ 600,000	House includes \$600,000 in General Revenue and 3 FTEs contingent upon the enactment of House Bill 3219 to establish a housing and health services coordination council. Additional funding would support the council to carry out its responsibilities and to reimburse travel expenses of council members.

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Homeless Housing and Services			VII-8, Rider 17 Rider Packet, VII-2		\$ 1,000,000	<p>House includes:</p> <p>a. \$1,000,000 in General Revenue funds for the purposes of assisting regional urban areas in providing services to homeless individuals and families, including services such as case management, and housing placement and retention;</p> <p>b. The agency shall distribute these funds on a pro rata basis to lead agencies in urban areas that have locally sponsored homeless shelters/programs and with populations larger than 225,000 persons per the latest U.S. Census figures;</p> <p>c. The agency shall provide an annual funding allocation for the Homeless Grant Program on or before September 1st of each fiscal year; and</p> <p>d. The agency may use up to 1 percent of funds appropriated to administer the oversight and support the operation of the Texas Interagency Council on the Homeless.</p> <p>See also Article XI House, page XI-19</p>

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Report to United States Census Bureau			VII-8, Rider 19 Rider Packet, VII-3			House includes a rider requiring TDHCA to: <ul style="list-style-type: none"> a. use an appropriate portion of funds appropriated to determine the occupancy of multi-unit residential properties in this state; b. collect information on the number of units in each multi-unit residential property and the number of occupants in each unit of a multiunit residential property and send the information to the United States Census Bureau; c. establish rules to require an applicant to provide information relating to the number of units and the occupancy of each unit in a housing development as a condition of receiving a housing tax credit; and d. develop a method for collecting information relating to the occupancy of multiunit residential properties not later than January 1, 2010.
Contingency Appropriation for House Bill 3168			VII-8, Rider 20 Rider Packet, VII-3			House includes a rider, contingent upon the enactment of House Bill 3168, relating to the creation of a natural disaster reconstruction demonstration initiative, requiring TDHCA to implement the provisions of the bill from amounts appropriated and from any federal funding that the agency is able to identify and obtain. It is the intent of the Legislature that the agency seek any federal funding available for that purpose.

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Long-Range State Low Income Housing Plan			VII-9, Rider 21 Rider Packet, VII-4			House includes a rider requiring the Executive Director of TDHCA to prepare and submit to the governing board of the agency an integrated long-range state low income housing plan that covers at least six years and that establishes policy goals for meeting low income housing needs on a statewide and regional basis and prescribes strategies to meet those goals.
Financial Assistance for Local Initiatives Regarding the Homeless			VII-10, Rider 22 Rider Packet, VII-6			House includes a rider requiring TDHCA to use appropriated funds to provide financial assistance to political subdivisions, housing finance corporations, for-profit corporations, and nonprofit organizations to support local initiatives regarding homeless individuals and families and the agency is directed to seek any federal funding available for this purpose.
Administration of Programs by Department of Housing and Community Affairs			VII-10, Rider 23 Rider Packet, VII-6			House includes a rider requiring TDHCA to: <ul style="list-style-type: none"> a. develop and implement procedures to improve efficiency of, and maximize the federal funding for the programs administered by the agency; b. develop and implement procedures to ensure that all programs administered by the agency comply with applicable state and federal laws; and

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Travel Expenditures			VII-10, Rider 24 Rider Packet, VII-7			<p>c. conduct a study to determine whether the creation of new programs or expansion of existing resources would improve the agency's ability to perform assigned duties.</p> <p>House includes a rider stating that the limitation on out-of-state travel shall not apply to travel associated with federal programs if the cost of such travel is paid for or reimbursed by the federal government.</p>
			See also Article XI House, page XI-19			

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<u>TEXAS LOTTERY COMMISSION</u>		VII-8		VII-10		
Limitation on Transfer Authority				VII-13, Rider 5 Rider Packet, page VII-8		House includes a rider prohibiting the transfer of funds into Strategy A.1.8, Mass Media Advertising Contracts, from other appropriation items. See also Article XI House, page XI-19.
Retailer Commissions		VII-11, Rider 10 Rider Packet, page VII-8		VII-13, Rider 11 Rider Packet, page VII-8		Senate: a. authorizes an additional 1/2% retailer commission for the payment of retailer sales performance commissions b. requires report to the Governor and LBB prior to implementing the additional 1/2% retailer commission House includes a rider authorizing a 5% retailer commission.
Bingo Administrative Expenses		VII-12, Rider 16 Rider Packet, page VII-8				Senate includes a rider authorizing the use of appropriations in Goal A, Operate Lottery, for certain bingo administrative expenses contingent upon the enactment of legislation authorizing the use of lottery administrative funds in the GR-Dedicated Lottery Account No. 5025 for those purposes.
Contingent Capital Budget Increase		VII-12, Rider 17 Rider Packet, page VII-9				Senate includes a rider to increase capital budget authority by \$2.5 million for the acquisition of an Automated Charitable Bingo System contingent upon the agency realizing an increase in appropriated revenues and receiving a certification from the Comptroller that additional appropriations from Rider 12, Appropriations of Increased Revenues, are available to the agency.

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	2010	2011	2010	2011		
			See also Article XI House, page XI-19.			

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	2010	2011	2010	2011		
<u>OFFICE OF RURAL COMMUNITY AFFAIRS</u>	VIII-13		VIII-14			
A.1.1. Provide Grants	\$ 78,081,967	\$ 77,905,591	\$ 95,877,042	\$ 95,700,666	\$ 35,590,150	<p>House Includes:</p> <ul style="list-style-type: none"> a. \$8,000,000 in General Revenue Funds for additional rural sustainability grants and 4 FTEs. b. \$8,160,100 in General Revenue Funds for colonia grants and 1 FTE. c. \$19,430,050 in General Revenue Funds for unfunded mandate remediation 3 FTEs. <p>See also Article XI Senate, page XI-6 See also Article XI House, page XI-19</p>
B.1.1. Health Care Access Programs	\$ 3,444,670	\$ 3,437,628	\$ 4,027,170	\$ 4,020,128	\$ 1,165,000	<p>House Includes:</p> <ul style="list-style-type: none"> a. \$525,000 in General Revenue Funds for small rural hospital health information technology grants. b. \$320,000 in General Revenue Funds and \$320,000 in Appropriated Receipts for the outstanding rural scholarship recognition program. <p>See also Article XI Senate, page XI-6</p>
			See also Article XI House, page XI-19			

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<u>DEPARTMENT OF TRANSPORTATION</u>	VII-17		VII-19			
A.1.2. Contracted Planning and Design	\$ 147,520,658	\$ 134,106,369 & UB	\$ 174,220,658	\$ 144,106,369 & UB	\$ 36,700,000	House provides: a. \$11.7 million in General Revenue for rail relocation and improvement preliminary engineering and planning b. \$25 million in State Highway Funds for contracted planning and design
A.1.3. Right-of-way Acquisition	\$ 254,807,796	\$ 196,132,979 & UB	\$ 289,807,796	\$ 216,132,979 & UB	\$ 55,000,000	House provides \$55 million in State Highway Funds for right-of-way acquisition.
B.1.2. New Construction Contracts	\$ 270,213,268	\$ 2,594,345,878 & UB	\$ 220,213,268	\$ 564,345,878 & UB	\$ 2,080,000,000	Senate provides: a. \$80 million in State Highway Funds for new construction contracts b. \$2 billion in Proposition 12 (2007) General Obligation Bond Proceeds for new construction contingent upon the enactment of Senate Bill 263 (See Rider 59 below) See also House Rider 61 below and Article XI House, page XI-20
B.1.4. Aviation Services						House provides unexpended balance authority between fiscal years.

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F.1.1. General Obligation Bonds	\$ -	\$ 100,000,000	\$ -	\$ - & UB	\$ 100,000,000	Senate provides \$100 million in General Revenue for Proposition 12 bond debt service contingent upon the enactment of Senate Bill 263 (see also Senate Rider 59 below). House includes unexpended balance authority between fiscal years. See also House Rider 61 below and Article XI House, page XI-20.
F.1.4. Other Debt Service		& UB				Senate includes unexpended balance authority between fiscal years.
District Discretionary Funds	VII-24, Rider 15 Rider Packet, page VII-11		VII-26, Rider 15 Rider Packet, page VII-11			Senate requires annual report to LBB and the Governor on the amount of District Discretionary Category funds used for cost overruns.
Reporting Requirements	VII-25, Rider 19 Rider Packet, page VII-11		VII-26, Rider 19 Rider Packet, page VII-11			Senate rider refers to "Unified Transportation Plan" in (d)(1) and (3). House rider refers to "draft Unified Transportation Program" in (d)(1) and (3).
Bond Programs	VII-28, Rider 22 Rider Packet, page VII-14		VII-29, Rider 22 Rider Packet, page VII-14			Senate rider subsections (b) and (c) authorizes agency to repay short-term borrowing out of funds appropriated above. House rider subsections (b) and (c) authorizes agency to repay short-term borrowing using amounts in addition to amounts appropriated above.

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B22 Classification Salary Group	VII-29, Rider 29 Rider Packet, page VII-16		VII-30, Rider 29 Rider Packet, page VII-16			Senate authorizes two Assistant Executive Directors to be designated salary group B22 at a salary of no more than \$170,000. House authorizes five Assistant Executive Directors to be designated salary group B22 at a salary of no more than \$170,000.
Road Construction and Maintenance at State Facilities	VII-30, Rider 31 Rider Packet, page VII-16		VII-31, Rider 31 Rider Packet, page VII-16			Senate: a. requires use of appropriations for construction and maintenance of roads providing access to and from Camp Mabry facilities (subsection c) b. allows no more than \$15 million each year for state park roads (subsection d) House allows no more than \$10 million each year for state park roads (subsection c).
Comprehensive Development Agreements	VII-31, Rider 37 Rider Packet, page VII-17		VII-33, Rider 37 Rider Packet, page VII-17			Senate requires written LBB approval to expend appropriations to enter into a comprehensive development agreement (CDA). House authorizes expenditure of appropriations to enter into a CDA if LBB does not issue a written disapproval within 45 business days after LBB receives report/request.
Galveston Causeway			VII-35, Rider 45 Rider Packet, page VII-17			House requires use of State Highway Funds in Goal C, Maintenance, for the maintenance and preservation of fenderworks at the Galveston Causeway.

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Limitation on Capital Budget	VII-35, Rider 51 Rider Packet, page VII-18		VII-36, Rider 52 Rider Packet, page VII-18			Senate specifies that capital budget authority for the Enterprise Resource Planning System and Management Information System may not be used unless the Comptroller and Department of Transportation submit a joint report to LBB and the Governor and neither the LBB nor the Governor issues a written disapproval within 30 days.
Engineering Staff	VII-36, Rider 56 Rider Packet, page VII-18					House prohibits the transfer of appropriations into or between capital budget items listed under "Acquisition of Information Resource Technologies" in Rider 2, Capital Budget, or to an additional item not included in Rider 2 without the approval of LBB and the Governor.
Engineering and Project Delivery Staff			VII-37, Rider 57 Rider Packet, page VII-18			Senate: <ul style="list-style-type: none"> a. requires TxDOT to issue report on engineering staff use prior to January 1, 2010 b. specifies that cost comparison of internal and consultant design/engineering will be performed by an independent contracted cost accounting firm House: <ul style="list-style-type: none"> a. requires TxDOT to initiate a hiring freeze on external hiring for all positions paid out of A.1.1, Plan/Design/Manage b. requires the Comptroller to issue report on TxDOT engineering staff use prior to January 1, 2010 c. requires TxDOT to initiate an attrition plan prescribed by LBB based on findings of the report, beginning on April 1, 2010

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Sale of Surplus Property	VII-37, Rider 57 Rider Packet, page VII-20		VII-38, Rider 59 Rider Packet, page VII-20			Senate includes informational estimate of \$5 million each fiscal year from sale of surplus property.
State Highway 121 Project Subaccounts	VII-37, Rider 58 Rider Packet, page VII-20					Senate includes informational rider identifying the balance of funds in SH 121 project subaccounts.
Funds for Research of a Vehicle Miles Traveled Tax			VII-38, Rider 58 Rider Packet, page VII-20			House requires use of amount not to exceed \$600,000 from appropriations in A.1.4, Research, to provide matching funds to the Texas Transportation Institute upon the institute's receipt of a federal grant to conduct a study on a vehicle miles traveled tax.
Contingency for Senate Bill 263	VII-37, Rider 59 Rider Packet, page VII-21					Senate rider makes \$2 billion in Proposition 12 (2007) General Obligation Bond Proceeds and \$100 million in General Revenue for debt service appropriated in B.1.2, New Construction Contracts, contingent upon the enactment of Senate Bill 263.
Texas State Cemetery Enhancement Projects			VII-38, Rider 60 Rider Packet, page VII-21			House designates \$455,000 in federal Transportation Enhancement Funds for Texas State Cemetery beautification, repair, and security enhancement projects, contingent upon the projects meeting the necessary federal criteria.
Contingency for House Bill 2116 or Senate Bill 263			VII-38, Rider 61 Rider Packet, page VII-22		\$ 21,535,445	House rider makes appropriation of \$20.3 million in Proposition 12 General Obligation Bond Proceeds and \$1.3 million in General Revenue for debt service contingent upon the enactment of House Bill 2116 or Senate Bill 263. See also Article XI House, page XI-20.

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Use of Appropriated Funds for Certain Contracts			VII-38, Rider 62 Rider Packet, page VII-22			House prohibits use of appropriations to award contracts of \$50,000 or more with a term of 2 years or more unless a competitive bidding process is used.
Limitation on Expenditures: Prohibition on Lobbyists			VII-38, Rider 63 Rider Packet, page VII-22			House prohibits use of appropriations for the purpose of selecting, hiring, or retaining lobbyists.
Appropriation for Projects Authorized by Section 222.104, Transportation Code			VII-38, Rider 64 Rider Packet, page VII-23			House requires TxDOT to encumber an amount of funds not less than the total of reimbursements committed under pass-through financing agreements with qualified local sponsors.
Limitation on Expenditures: Prohibition on Using Department of Transportation Funds to Pre-existing Roads			VII-39, Rider 65 Rider Packet, page VII-23			House prohibits use of appropriations on construction, operation, or maintenance of any toll-related project on a pre-existing non-tolled road, except for certain projects selected by a metropolitan planning organization or the Transportation Commission on or before December 2008.
Metropolitan Planning Organizations: Notification to Members of the Legislature			VII-39, Rider 66 Rider Packet, page VII-23			House establishes legislative intent that metropolitan planning organizations consult with the area state representative/senator before expending funds allocated by TxDOT for transportation-related improvement projects.
Use of Appropriated Funds for Certain Contracts Prohibited			VII-39, Rider 67 Rider Packet, page VII-23			House prohibits use of appropriations to contract with a vendor, contractor, or subcontractor if the contract includes a non-compete clause.
Use of Appropriated Funds for Certain Contracts Prohibited			VII-39, Rider 68 Rider Packet, page VII-24			House prohibits the use of appropriations to contract with a vendor, contractor, or subcontractor formed outside the United States if the term of the contract exceeds 40

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Allocation for Rail Relocation and Improvement Fund			VII-39, Rider 69 Rider Packet, page VII-24			House allocates \$91 million each year out of amounts appropriated to the agency from non-constitutionally dedicated State Highway Funds for transfer to the Texas Rail Relocation and Improvement Fund, only if the Comptroller issues a finding of fact that (1) enacted measures on State Highway Fund revenues, (2) reductions in State Highway Fund appropriations to agencies other than TxDOT, and (3) any increase in General Revenue appropriations to TxDOT total an increase of \$182 million in 2010-11 over the 2008-09 biennium.
Notice and Approval of Certain Waivers			VII-39, Rider 70 Rider Packet, page VII-25			House requires TxDOT to notify LBB and members of the Legislature of each waiver TxDOT intends to issue under agreements that permit the commission or TxDOT to waive any requirement that a toll-road entity compensate TxDOT or the commission and requires LBB to consider the waiver and notify TxDOT if LBB disagrees with TxDOT action.
Allocation of Funds			VII-40, Rider 71 Rider Packet, page VII-25			House establishes legislative intent that, out of funds appropriated in D.1.1, Public Transportation, the Transportation Commission may not distribute less than 90 percent of the total amount allocated under the formula program and more than 10 percent of the total amount allocated under the discretionary program provided by Subchapters B and C, Chapter 456, Transportation Code; and no recipient of state funding under those subchapters receives an amount of funding in a fiscal year that is less than the total amount received under those subchapters in fiscal year 2005.

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Approval of Funds for Transportation-related Enhancement Projects			VII-40, Rider 72 Rider Packet, page VII-26			House establishes legislative intent that the Transportation Commission's approval of funds for transportation-related enhancement projects recommended from metropolitan planning organizations be geographically balanced throughout the state.
			See also Article XI House, page XI-20			

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<u>TEXAS WORKFORCE COMMISSION</u>	VII-37		VII-40			
A.1.7. Project RIO	\$ 10,776,293	\$ 10,725,519	\$ 10,761,725	\$ 10,764,151	\$ 24,064	Senate includes \$2,575,936 in General Revenue for the Project Reintegration of Offenders (RIO). House includes \$2,600,000 in General Revenue for the Project Reintegration of Offenders (RIO).
A.2.1. Skills Development	\$ 25,482,305	\$ 25,503,971	\$ 35,482,305	\$ 35,503,971	\$ 20,000,000	House includes \$20,000,000 in General Revenue for the Skills Development Program. See also Senate Article IX Rider below See also Article XI Senate, page XI-6 See Also Article XI House, page XI-20
Capital Budget						House amends the Capital Budget rider Method of Financing: a. decreases GR- Dedicated - Unemployment Compensation Special Administration Account No. 165 authority by \$3,443,800 in fiscal year 2010 and by \$2,405,179 in FY 2011; and b. increases Workforce Commission Federal Account No. 5026 by \$3,443,800 in fiscal year 2010 and by \$2,405,179 in FY 2011

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School Readiness Models	VII-45, Rider 27 Rider Packet, VII-27		VII-48, Rider 27 Rider Packet, VII-27			<p>Senate rider requires up to \$50 million for the biennium to be made available to child care providers participating in integrated school readiness models developed by the State Center for Early Childhood Development at the University of Texas Health Science Center at Houston. This initiative shall be implemented in a way to avoid any decline in the number of children receiving child care during the 2010-11 biennium.</p> <p>House rider requires the commission to match the amount of available General Revenue for Early Childhood School Readiness Programs funded in Rider 41 following the appropriation in Article III, to the Texas Education Agency to provide for each year of the 2010-11 state fiscal biennium a total amount equal to the greater of \$11,700,000, or the maximum amount allowable under the approved match rate for the purpose of providing funds to child care providers participating in integrated school readiness models developed by the State Center for Early Childhood Development at the University of Texas Health Science Center at Houston.</p>

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The Women's Institute for Technology Employment Training	VII-46, Rider 30 Rider Packet, VII-27					Senate includes a rider allocating \$500,000 out of Strategy A.1.4, Employment and Community Services, for the biennium to the Women's Institute for Technology Employment Training to support a comprehensive program with statewide activity funds to develop curriculum, courses and programs to prepare single women with children who are economically disadvantaged or on state or federal assistance, for entry-level jobs and careers in Texas manufacturing and technology based industries.
American Recovery and Reinvestment Act Funds for Child Care			VII-49, Rider 30 Rider Packet, VII-27			House includes a rider stating the Texas Workforce Commission shall use its \$214 million in federal stimulus funds to avoid any decline in the number of children receiving child care during the 2010-11 biennium.
Job Skills Pilot Program			VII-49, Rider 31 Rider Packet, VII-28			House includes a rider directing the Texas Workforce Commission to partner with a nonprofit organization to establish a pilot program in at least one area of this state affected by a natural disaster to provide job skills training to individuals displaced from employment because of a natural disaster. The training must include training in areas of employment that are in demand in the pilot program area and the agency shall seek federal funding to fund the pilot program.

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Texas Workforce and Economic Development Rider: Texas Economic Stimulus	IX-69, Sec. 17.03					Senate includes a rider providing \$45,000,000 in General Revenue, which includes \$30 million for the Skills Development Fund and \$15 million for public-private partnerships with employers to move Texas off of public benefits and into the workforce.
	See also Article XI Senate, page XI-6		See also Article XI House, page XI-20			

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<u>REIMBURSEMENTS TO THE UNEMPLOYMENT COMPENSATION BENEFIT ACCOUNT</u> No Issues		VII-46		VII-49		