

Rider Comparison Packet

Conference Committee on Senate Bill 1

2010-11 General Appropriations Bill

Article VII - Business and Economic Development

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
332 Department of Housing and Community Affairs
DIFFERENCES ONLY

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16. Reporting on Weatherization Efforts. As part of its efforts to help low-income Texans eligible for weatherization to conserve energy and lower bills, Texas Department of Housing and Community Affairs (TDHCA) shall use funds appropriated above to coordinate with investor-owned utilities that offer energy efficiency programs for Texans meeting low-income eligibility criteria to make sure the monies available for low-income energy efficiency programs spent both through the agency and through utility programs are effectively and adequately spent. The TDHCA shall use funds appropriated above to produce an annual report with information about the number of low-income households benefiting from energy efficiency monies through state, federal and utility-funded programs, the amount of overall and peak electric energy saved, the amount of money saved, the number of jobs and job years created, and the amount of pollution and carbon dioxide emissions averted. A copy of the annual report shall be delivered to the Lieutenant Governor, Speaker and Governor, as well as made available on TDHCA's website by January 15th of 2010 and January 15th of 2011.

18. Reporting on Weatherization Efforts. As part of its efforts to help low-income Texans eligible for weatherization to conserve energy and lower bills, Texas Department of Housing and Community Affairs (TDHCA) shall use funds appropriated above to coordinate with investor-owned utilities, from which TDHCA receives funds, and that offer energy efficiency programs for Texans meeting low-income eligibility criteria to make sure the monies available for low-income energy efficiency programs spent both through the agency and through utility programs are effectively and adequately spent. The TDHCA shall use funds appropriated above to produce an annual report with information about the number of low-income household benefiting from energy efficiency monies through state, federal and utility-funded programs, the amount overall electric energy saved, the amount of money saved and the number of job and job years created. A copy of the annual report shall be delivered to the Lieutenant Governor, Speaker and Governor, as well as made available on TDHCA's website by January 15th of 2010 and January 15th of 2011.

16. Contingency Appropriation for Housing and Health Services Coordination Council. Contingent upon the enactment of House Bill 3219, 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, \$300,000 in General Revenue Funds in fiscal year 2010 and \$300,000 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 House Bill 3219, or similar legislation, the number of "Full-Time Equivalent (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.

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- 17. Capacity Building Performance Measures.** Out of funds appropriated above in Strategy A.1.3 Housing Trust Fund - Single Family and Strategy A.1.7 Housing Trust Fund - Multifamily, the agency shall develop or contract to develop a performance measure assessment tool for any organization receiving awards for the purpose of capacity building. 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. 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.

- 17. Homeless Housing and Services.** In addition to the amounts appropriated above, \$500,000 in each fiscal year in General Revenue is hereby appropriated to the Department of Housing and Community Affairs 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. 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. Lead agencies may include: political subdivisions, and nonprofit organizations serving homeless individuals and families. The agency shall provide an annual funding allocation for the Homeless Grant Program on or before September 1st of each fiscal year. The agency will be the fiscal agent for the disbursement of the funds. 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.

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19. Report to United States Census Bureau.

- a. It is the intent of the Legislature that the Department of Housing and Community Affairs use an appropriate portion of the funds appropriated to the department by this Act to determine the occupancy of multi-unit residential properties in this state.
- b. It is the intent of the Legislature that, in determining the occupancy of multiunit residential properties, the Department of Housing and Community Affairs collect the following information for each census tract in this state:
 - (1) the number of units in each multiunit residential property; and
 - (2) the number of occupants in each unit of a multiunit residential property.
- c. It is the intent of the Legislature that the Department of Housing and Community Affairs send to the United States Census Bureau the information described by subsections (a) and (b) and, if determined appropriate by the Department, any other statistical information that will assist the bureau in conducting a census.
- d. It is the intent of the Legislature that the Department of Housing and Community Affairs by rule may 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 under Chapter 2306, Government Code.
- e. It is the intent of the Legislature that the Texas Department of Housing and Community Affairs develop a method for collecting information relating to the occupancy of multiunit residential properties not later than January 1, 2010.

20. Contingency Appropriation for House Bill 3168. Contingent Upon the enactment and becoming law of House Bill 3168 or similar legislation by the 81st Legislature, Regular

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Session, 2009, relating to the creation of a natural disaster reconstruction demonstration initiative, the Department of Housing and Community Affairs shall implement the provisions of that Act from amounts appropriated to the department under this article and from any federal funding that the department is able to identify and obtain to implement the provisions of that Act. It is the intent of the Legislature that the department seek any federal funding available for that purpose.

21. Long-Range State Low Income Housing Plan.

a. It is the intent of the Legislature that, not later than March 18, 2010, the executive director of the Department of Housing and Community Affairs prepare and submit to the governing board of the department 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. It is the intent of the Legislature that the plan include:

(1) an estimate and analysis of the housing needs of the following populations in each uniform state service region:

(A) individuals and families of moderate, low, very low, and extremely low income;

(B) individuals with separate needs, with specific emphasis on the needs of elderly individuals and individuals with disabilities; and

(C) homeless individuals;

(2) a proposal to use all available housing resources to address the housing needs of the populations described by subdivision (1) by establishing funding levels for all housing-related programs;

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- (3) an estimate of the number of federally assisted housing units available for individuals and families of low and very low income and individuals with special needs in each uniform state service region;
- (4) a description of state programs that govern the use of all available housing resources;
- (5) a resource allocation plan that targets all available housing resources to individuals and families of low and very low income and individuals with special needs in each uniform state service region;
- (6) a description of the department's efforts to monitor and analyze the unused or underused federal resources of other state agencies for housing-related services and services for homeless individuals and the department's recommendations to ensure the full use by the state of all available federal resources for those services in each uniform state service region;
- (7) strategies to provide housing for individuals and families with special needs in each uniform state service region;
- (8) a description of the department's efforts to encourage in each uniform state service region the construction of housing units that incorporate energy efficient construction and appliances;
- (9) an estimate and analysis of the housing supply in each uniform state service region;
- (10) an inventory of all publicly and, where possible, privately funded housing resources, including public housing authorities, housing finance corporations, community housing development organizations, and community action agencies;
- (11) strategies for meeting rural housing needs;

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(12) an action plan for Colonias that addresses current policy goals for Colonia programs, strategies to meet the policy goals, and the projected outcomes with respect to the policy goals; and

(13) strategies for eliminating redundant and inefficient practices.

b. It is the intent of the Legislature that the priorities and policies in each housing plan adopted by the Department be consistent to the extent practical with the priorities and policies established in the long-range state low income housing plan described in subsection (a).

22. Financial Assistance for Local Initiatives Regarding the Homeless. It is the intent of the Legislature that the Department of Housing and Community Affairs:

(1) use funds appropriated to the department under this Act 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

(2) seek any federal funding available for the purpose of providing financial assistance described by subdivision (1).

23. Administration of Programs by Department of Housing and Community Affairs. It is the intent of the Legislature that the Department of Housing and Community Affairs, using funds appropriated to the department under this act, shall:

(1) develop and implement procedures to improve the efficiency of, and maximize the federal funding for, the programs administered by the department;

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(2) develop and implement procedures to ensure that all programs administered by the department comply with applicable state and federal laws; and

(3) conduct a study to determine whether the creation of new programs or expansion of existing resources would improve the department's ability to perform its assigned duties.

24. Travel Expenditures. Out of the funds appropriated to the Department of Housing and Community Affairs authorized for out-of-state travel. This limitation shall not apply to out-of-state travel associated with federal programs if the cost of such travel is paid for or reimbursed by the federal government.

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| <p>10. Retailer Commissions.</p> <p>a. Pursuant to Government Code, Chapter 466, an amount equal to 5 percent of gross sales shall be made available for the purpose of paying retailer commissions.</p> <p>b. In addition to the 5 percent retailer commission amount in subsection (a) above, an amount not to exceed an additional one-half of one percent of gross sales each fiscal year may be made available for the purpose of paying sales performance retailer commissions. Prior to providing an additional retail commission above 5 percent of gross sales, the Texas Lottery Commission shall provide a report to the Governor and the Legislative Budget Board outlining the Texas Lottery Commission's plans to implement a retailer sales performance commission or similar sales performance incentive program and the projected benefits of the program to lottery ticket sales and state revenues.</p> <p>16. 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 certain bingo administrative expenses and notwithstanding the provisions of Rider 3, Operate Lottery, the Texas Lottery Commission may use appropriations in Goal A, Operate Lottery, from the GR-Dedicated Lottery Account No. 5025 for bingo indirect administrative expenses.</p> | <p>5. Limitation on Transfer Authority. Funds appropriated above in Strategy A.1.8, Mass Media Advertising Contract(s), may be transferred into other items in the Lottery Commission appropriations, but none of the funds appropriated in other items may be transferred into Strategy A.1.8, Mass Media Advertising Contract(s).</p> <p>11. Retailer Commissions. Pursuant to Government Code, Chapter 466, an amount equal to 5 percent of gross sales shall be made available for the purpose of paying retailer commissions.</p> |
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- 17. Contingent Capital Budget Increase.** Contingent upon the Texas Lottery Commission realizing an increase in appropriated revenues and receiving a certification from the Comptroller of Public Accounts that additional appropriations in the amount of \$2,500,000 or more are available to the Texas Lottery Commission from Rider 12, Appropriation of Increased Revenue, the capital budget authority for the Texas Lottery Commission may be increased by \$2,500,000 for the acquisition of an Automated Charitable Bingo System, and appropriations from Rider 12, Appropriation of Increased Revenue, may be used to acquire this capital budget item.

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15. District Discretionary Funds. Out of the funds appropriated above in Goal B, Transportation Construction, the Department of Transportation shall allocate a minimum of \$2.5 million for each district to the State District Discretionary Category each fiscal year. In addition, the Department of Transportation shall submit to the Legislative Budget Board and the Governor's Office an annual report no later than November 1st each fiscal year detailing the amount of District Discretionary category funds used by each district for project cost overruns.

15. District Discretionary Funds. Out of the funds appropriated above in Goal B, Transportation Construction, the Department of Transportation shall allocate a minimum of \$2.5 million for each district to the State District Discretionary Category each fiscal year.

19. Reporting Requirements.

19. Reporting Requirements.

- a. The Department of Transportation shall provide a report to the department's border district legislators and to the respective metropolitan planning organizations on department's trade transportation activities in such border districts during the 2010-11 biennium. The department shall report annually no later than January 1, each year of the biennium. The report shall also be provided to the Governor and the Legislative Budget Board.
- b. In addition to other information that might be requested by the Legislative Budget Board, the Department of Transportation shall submit to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, a monthly revenue report to the Legislative Budget Board and the Governor on state and federal funds received in State Highway Fund No. 006 as specified by the Legislative Budget Board. At any time, if the department becomes aware of any variances to estimated amounts appropriated above out of state and federal funds received in State Highway Fund No. 006, the department shall immediately notify the Legislative Budget Board and the Governor in writing specifying the affected funds and the reason for the anticipated change. The monthly revenue report shall include detailed explanations of the causes and effects of current and anticipated fluctuations in the cash balance. In addition, the monthly cash forecast shall report expenditure information at the same level as the Department of Transportation's appropriation bill pattern strategies.

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- b. In addition to other information that might be requested by the Legislative Budget Board, the Department of Transportation shall submit to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, a monthly revenue report to the Legislative Budget Board and the Governor on state and federal funds received in State Highway Fund No. 006 as specified by the Legislative Budget Board. At any time, if the department becomes aware of any variances to estimated amounts appropriated above out of state and federal funds received in State Highway Fund No. 006, the department shall immediately notify the Legislative Budget Board and the Governor in writing specifying the affected funds and the reason for the anticipated change. The monthly revenue report shall include detailed explanations of the causes and effects of current and anticipated fluctuations in the cash balance. In addition, the monthly cash forecast shall report expenditure information at the same level as the Department of Transportation's appropriation bill pattern strategies.

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- c. The Department of Transportation shall provide to each member of the House and Senate, unless a member requests it not be provided, a status report on all highway construction projects, airport projects, Trans-Texas Corridor projects, rail projects, toll road projects, turnpike projects, toll authorities, regional mobility authorities, and toll road conversion projects by legislative district, currently under contract or awaiting funding. The report shall include projects that would be funded fully or in part by state, federal, or toll funds. The report shall be filed prior to January 1, each fiscal year. In addition, 90 days prior to any loan being granted by the department for any project, all members of the district shall be notified on the status of the project and how other projects in any district would be affected.
- d. The Department of Transportation shall create a report detailing the reasons for the immediate and future needs for each mode of transportation in each segment of a Trans-Texas Corridor project, as well as detailing the reasonableness and necessity for each mode of transportation within each segment of a Trans-Texas Corridor project in the report. The department shall provide a report to the affected members at the same time that it submits a Tier 1 environmental impact statement and a Tier 2 environmental impact statement to the federal government for any segment of a Trans-Texas Corridor route. The reports shall be posted on the department's website, as well as provided to each state senator, state representative, and commissioners court of the county in which a proposed Trans-Texas Corridor project is being studied.

In addition, the Department of Transportation shall provide to each member of the House and Senate, unless a member requests it not be provided, notification of:

- (1) all Trans-Texas Corridor projects included in the Unified Transportation Plan located within each member of the House and Senate's district no later than 10 days after being identified as Trans-Texas Corridor Projects and at least 2 business days prior to public release;

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- c. The Department of Transportation shall provide to each member of the House and Senate, unless a member requests it not be provided, a status report on all highway construction projects, airport projects, Trans-Texas Corridor projects, rail projects, toll road projects, turnpike projects, toll authorities, regional mobility authorities, and toll road conversion projects by legislative district, currently under contract or awaiting funding. The report shall include projects that would be funded fully or in part by state, federal, or toll funds. The report shall be filed prior to January 1, each fiscal year. In addition, 90 days prior to any loan being granted by the department for any project, all members of the district shall be notified on the status of the project and how other projects in any district would be affected.
- d. The Department of Transportation shall create a report detailing the reasons for the immediate and future needs for each mode of transportation in each segment of a Trans-Texas Corridor project, as well as detailing the reasonableness and necessity for each mode of transportation within each segment of a Trans-Texas Corridor project in the report. The department shall provide a report to the affected members at the same time that it submits a Tier 1 environmental impact statement and a Tier 2 environmental impact statement to the federal government for any segment of a Trans-Texas Corridor route. The reports shall be posted on the department's website, as well as provided to each state senator, state representative, and commissioners court of the county in which a proposed Trans-Texas Corridor project is being studied.

In addition, the Department of Transportation shall provide to each member of the House and Senate, unless a member requests it not be provided, notification of:

- (1) all Trans-Texas Corridor projects included in the draft Unified Transportation Program located within each member of the House and Senate's district no later than 10 days after being identified as Trans-Texas Corridor Projects and at least 2 business days prior to public release of the draft Unified Transportation Program;

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| <p>(2) all eminent domain proceedings located within each member of the House and Senate's district related to Trans-Texas Corridor projects no later than 10 days before the proceedings begin;</p> <p>(3) all rail projects, toll road projects, and turnpike projects included in the Unified Transportation Plan located within each member of the House and Senate's district no later than 10 days after being identified and at least 2 business prior to public release;</p> <p>(4) the receipt of an application requesting approval to create a regional mobility authority or regional tollway authority located within each member of the House and Senate's district no later than 10 days after receipt of an application and of the Transportation Commission's consideration of an application no later than 10 days prior to commission action; and</p> <p>(5) any toll authority or regional mobility authority board member that owns or participates in any holding included in a proposed project immediately.</p> <p>e. The Department of Transportation shall develop and submit an annual report to the Legislature no later than January 1, each fiscal year on public transportation activities in Texas. The report shall at a minimum include monthly data on industry utilized standards which best reflect: ridership, mileage, revenue by source, and service effectiveness, such as passengers per revenue mile. In order to meet the mandates of Chapter 461, Transportation Code, relating to the coordination of public transportation and to implement the legislative intent of § 461.001, Transportation Code, the Department of Transportation is directed to engage the services of the Texas Transportation Institute, or any entity that the Department of Transportation deems appropriate, to maintain an inventory of all public transportation providers in the state to determine the types and levels of services being provided by each of them and the extent to which those providers can assist the state in meeting the mandates of the statute.</p> | <p>(2) all eminent domain proceedings located within each member of the House and Senate's district related to Trans-Texas Corridor projects no later than 10 days before the proceedings begin;</p> <p>(3) all rail projects, toll road projects, and turnpike projects included in the draft Unified Transportation Program located within each member of the House and Senate's district no later than 10 days after being identified and at least 2 business prior to public release of the draft Unified Transportation Program;</p> <p>(4) the receipt of an application requesting approval to create a regional mobility authority or regional tollway authority located within each member of the House and Senate's district no later than 10 days after receipt of an application and of the Transportation Commission's consideration of an application no later than 10 days prior to commission action ; and</p> <p>(5) any toll authority or regional mobility authority board member that owns or participates in any holding included in a proposed project immediately.</p> <p>e. The Department of Transportation shall develop and submit an annual report to the Legislature no later than January 1, each fiscal year on public transportation activities in Texas. The report shall at a minimum include monthly data on industry utilized standards which best reflect: ridership, mileage, revenue by source, and service effectiveness, such as passengers per revenue mile. In order to meet the mandates of Chapter 461, Transportation Code, relating to the coordination of public transportation and to implement the legislative intent of § 461.001, Transportation Code, the Department of Transportation is directed to engage the services of the Texas Transportation Institute, or any entity that the Department of Transportation deems appropriate, to maintain an inventory of all public transportation providers in the state to determine the types and levels of services being provided by each of them and the extent to which those providers can assist the state in meeting the mandates of the statute.</p> |
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- f. The Department of Transportation shall report annually to the Legislative Budget Board and the Governor on the progress of the Congestion Mitigation and Air Quality (CMAQ) Improvement Program at achieving credit in the State Implementation Plan (SIP) for air quality under the Federal Clean Air Act. The report shall include a listing of each CMAQ project, the amount of CMAQ funds designated, and the amount of quantifiable credit received in the SIP. The report shall be provided no later than September 1, each year of the biennium.
- g. For each fiscal year in the biennium, the Department of Transportation shall provide a report, with results statewide by district, on the percentage of projects listed in the State Transportation Improvement Program (STIP) that were let on or before the letting date provided in the STIP.
- h. All reports to the Legislature outlined in this Rider and elsewhere in this Act relating to Toll Road and Trans-Texas Corridor Projects must be delivered to the Legislature in electronic formats and, if requested, in paper format.

22. Bond Programs. The Department of Transportation:

- a. in accordance with Section 49-k of Article III of the Texas Constitution; is hereby appropriated during each year of the biennium:
 - (1) all revenue of the state that is dedicated or appropriated to the Texas Mobility Fund No. 365 in accordance with Section 49-k (e) of Article III of the Texas Constitution, and such funds shall be deposited as received into the Texas Mobility Fund No. 365;
 - (2) all available funds in the Texas Mobility Fund No. 365, including any investment income, for the purposes outlined in Chapter 201, Subchapter M, Transportation Code; and

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- f. The Department of Transportation shall report annually to the Legislative Budget Board and the Governor on the progress of the Congestion Mitigation and Air Quality (CMAQ) Improvement Program at achieving credit in the State Implementation Plan (SIP) for air quality under the Federal Clean Air Act. The report shall include a listing of each CMAQ project, the amount of CMAQ funds designated, and the amount of quantifiable credit received in the SIP. The report shall be provided no later than September 1, each year of the biennium.
- g. For each fiscal year in the biennium, the Department of Transportation shall provide a report, with results statewide by district, on the percentage of projects listed in the State Transportation Improvement Program (STIP) that were let on or before the letting date provided in the STIP.
- h. All reports to the Legislature outlined in this Rider and elsewhere in this Act relating to Toll Road and Trans-Texas Corridor Projects must be delivered to the Legislature in electronic formats and, if requested, in paper format.

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 - (2) all available funds in the Texas Mobility Fund No. 365, including any investment income, for the purposes outlined in Chapter 201, Subchapter M, Transportation Code; and

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- (3) such amounts to be transferred to the Texas Mobility Fund No. 365 in accordance with Section 49-k (g) of Article III of the Texas Constitution and Chapter 201, Subchapter M, Transportation Code, as may be necessary to make payments when due on any bonds, notes, other obligations, or credit agreements issued or entered into pursuant to Chapter 201, Subchapter M, Transportation Code, to the extent that the available funds in the Texas Mobility Fund No. 365 are insufficient for such purposes.
- b. in accordance with Subchapter N of Chapter 201, Transportation Code, is authorized during the biennium to pay out of amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, debt service payments for notes issued or money borrowed in anticipation of a temporary cash shortfall in the State Highway Fund No. 006.
- c. in accordance with Section 49-m of Article III of the Texas Constitution and Section 201.115 of Chapter 201, Transportation Code, is authorized to pay out of amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, debt service payments for notes issued or money borrowed on a short-term basis to carry out the functions of the department.
- d. in accordance with Section 49-n of Article III of the Texas Constitution and Subchapter A of Chapter 222, Transportation Code, is authorized during each fiscal year of the biennium to pay out of amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, amounts due under bonds, other public securities and bond enhancement agreements that are issued or entered into to fund highway improvement projects and that are secured by and payable from revenue deposited to the credit of the State Highway Fund No. 006.

- (3) such amounts to be transferred to the Texas Mobility Fund No. 365 in accordance with Section 49-k (g) of Article III of the Texas Constitution and Chapter 201, Subchapter M, Transportation Code, as may be necessary to make payments when due on any bonds, notes, other obligations, or credit agreements issued or entered into pursuant to Chapter 201, Subchapter M, Transportation Code, to the extent that the available funds in the Texas Mobility Fund No. 365 are insufficient for such purposes.
- b. in accordance with Subchapter N of Chapter 201, Transportation Code, is authorized during the biennium to pay in addition to amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, debt service payments for notes issued or money borrowed in anticipation of a temporary cash shortfall in the State Highway Fund No. 006.
- c. in accordance with Section 49-m of Article III of the Texas Constitution and Section 201.115 of Chapter 201, Transportation Code, is authorized to pay in addition to amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, debt service payments for notes issued or money borrowed on a short-term basis to carry out the functions of the department.
- d. in accordance with Section 49-n of Article III of the Texas Constitution and Subchapter A of Chapter 222, Transportation Code, is authorized during each fiscal year of the biennium to pay out of amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, amounts due under bonds, other public securities and bond enhancement agreements that are issued or entered into to fund highway improvement projects and that are secured by and payable from revenue deposited to the credit of the State Highway Fund No. 006.

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- 29. B22 Classification Salary Group.** Notwithstanding the classification schedule under Section 2.01, Article IX, of this Act, the following positions at the Department of Transportation are designated to be salary group B22 with an annual salary of no more than \$170,000:

TxDOT Deputy Executive Director (1)
TxDOT Assistant Executive Director (2)
TxDOT District Engineer
TxDOT Division Director (7)

The State Classification Office may update the classification schedule under Section 2.01, Article IX, of this Act, to conform to this rider.

- 31. Road Construction and Maintenance at State Facilities.** Out of funds appropriated above, the Department of Transportation shall:

- a. maintain paved surfaces on the State Capitol Grounds according to the Historic Capitol Grounds Master Plan adopted by the State Preservation Board;
- b. construct, repair, and maintain roads in and providing access to and from Department of State Health Services and Department of Aging and Disability Services mental health and mental retardation facilities;
- c. construct, repair, and maintain roads in and providing access to and from Camp Mabry facilities; and
- d. expend no more than \$15,000,000 each fiscal year to construct and maintain state park roads.

House

- 29. B22 Classification Salary Group.** Notwithstanding the classification schedule under Section 2.01, Article IX, of this Act, the following positions at the Department of Transportation are designated to be salary group B22 with an annual salary of no more than \$170,000:

TxDOT Deputy Executive Director (1)
TxDOT Assistant Executive Director (5)
TxDOT District Engineer
TxDOT Division Director (7)

The State Classification Office may update the classification schedule under Section 2.01, Article IX, of this Act, to conform to this rider.

- 31. Road Construction and Maintenance at State Facilities.** Out of funds appropriated above, the Department of Transportation shall:

- a. maintain paved surfaces on the State Capitol Grounds according to the Historic Capitol Grounds Master Plan adopted by the State Preservation Board;
- b. construct, repair, and maintain roads in and providing access to and from Department of State Health Services and Department of Aging and Disability Services mental health and mental retardation facilities; and
- c. expend no more than \$10,000,000 each fiscal year to construct and maintain state park roads.

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- 37. Comprehensive Development Agreements.** The Department of Transportation may not expend any funds appropriated by this Act to enter into a comprehensive development agreement pursuant to Transportation Code § 223.201, unless:
- a. the department submits a report to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, that provides information regarding the location, project costs, and projected benefits to the state for each project proposed under a comprehensive development agreement; and
 - b. the Legislative Budget Board issues a written approval.

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- 37. Comprehensive Development Agreements.** The Department of Transportation may not expend any funds appropriated by this Act to enter into a comprehensive development agreement pursuant to Transportation Code § 223.201, unless:
- a. the department submits a report to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, that provides information regarding the location, project costs, and projected benefits to the state for each project proposed under a comprehensive development agreement; and
 - b. the Legislative Budget Board does not issue a written disapproval not later than 45 business days after the Legislative Budget Board's receipt of a report submitted under the provisions of subsection (a), above.
- 45. Galveston Causeway.** Out of funds appropriated above in Goal C, Maintenance and Preservation, State Highway Funds shall be used for the maintenance and preservation of the fenderworks at the Galveston Causeway. Any unexpended balances from this appropriation remaining as of August 31, 2009, are hereby appropriated in the fiscal year beginning September 1, 2009, for the same purpose.

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51. Limitation on Capital Budget - Acquisition of Information Resource Technologies.

52. Limitation on Capital Budget - Acquisition of Information Resource Technologies.

- a. Notwithstanding the general transfer provisions of this Act, the Department of Transportation may not transfer any appropriations into or between any capital budget items listed under "Acquisition of Information Resource Technologies" in Rider 2, Capital Budget, or to an additional information resource technology capital budget item not presented in Rider 2 without the approval of the Legislative Budget Board and the Governor. This limitation does not apply to the Data Center Consolidation capital budget item.
- b. None of the capital budget authority provided in Rider 2, Capital Budget, for the Enterprise Resource Planning System and the Management Information System may be used by the Department of Transportation unless the Comptroller of Public Accounts and the Department of Transportation submit a joint report outlining planned expenditures and project timelines, including estimated continuing costs beyond the 2010-11 biennium, and neither the Governor nor the Legislative Budget Board issues a written disapproval not later than:
- (1) the 30th day after the date the staff of the Legislative Budget Board concludes its review of the joint report and forwards the joint report along with the conclusions or comments of the Legislative Budget Board staff to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor; and
 - (2) within 30 business days of the receipt of the joint report by the Governor.

Notwithstanding the general transfer provisions of this Act, the Department of Transportation may not transfer any appropriations into or between any capital budget items listed under "Acquisition of Information Resource Technologies" in Rider 2, Capital Budget, or to an additional information resource technology capital budget item not presented in Rider 2 without the approval of the Legislative Budget Board and the Governor. This limitation does not apply to the Data Center Consolidation capital budget item.

56. Engineering Staff. Prior to January 1, 2010, the Department of Transportation shall submit a report produced in consultation with the Texas Board of Professional Engineers, the Texas State Comptroller, the Association of General Contractors and the Consultant Engineer Council, to the Legislative Budget Board and the Governor which details:

57. Engineering and Project Delivery Staff. The Department of Transportation shall initiate a hiring freeze on external hiring for all positions paid out of Strategy A.1.1, Plan/Design/Manage, until a staffing plan is approved by the Legislative Budget Board. Before January 1, 2010, the comptroller of public accounts shall submit a report produced in

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- a. the number of professionally licensed engineers and graduate engineers by work function and by strategy employed at the Department of Transportation for each of the last five (5) fiscal years;
- b. the dollar volume of highway and bridge projects awarded by the department in each of the last five (5) fiscal years;
- c. the cost, including all direct and indirect costs, per \$100 million of highway and bridge projects awarded by the Department in each of the last five (5) fiscal years that were produced by (i) Department of Transportation personnel; and, (ii) by consultants; this analysis will be performed by an independent contracted cost accounting firm knowledgeable of governmental accounting practices;
- d. an analysis of the dollar volume impact to the Department of Transportation's highway and bridge construction and maintenance program per \$100 million of project awards for each one percent increase in production by consultants offset by a reduction to production by Department of Transportation personnel, considering cost to produce as developed in subsection (c);
- e. a recommended staffing and consultant usage plan for the Department of Transportation to develop plans for highways and bridges in Texas for the next 10 years based on projected funding levels;
- f. an attrition plan to reach recommended Department of Transportation staffing levels developed in subsection (e) by January 1, 2013 should they be lower than the current Department of Transportation levels; and
- g. a detailed description for how this analysis will be incorporated in the Department of Transportation's ongoing restructuring effort.

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consultation with the Department of Transportation, the Texas Board of Professional Engineers, the Association of General Contractors, and the Consultant Engineer Council, to the Legislative Budget Board and the Governor which details:

- a. the number of professionally licensed engineers and graduate engineers by work function and by strategy employed at the Department of Transportation for each of the last five (5) fiscal years;
- b. the dollar volume of highway and bridge projects awarded by the department in each of the last five (5) fiscal years;
- c. the cost, including all direct and indirect costs, per \$100 million of highway and bridge projects awarded by the Department of Transportation in each of the last five (5) fiscal years that were produced by (i) Department of Transportation personnel; and, (ii) by consultants;
- d. an analysis of the dollar volume impact to the Department of Transportation's highway and bridge construction and maintenance program per \$100 million of project awards for each one percent increase in production by consultants offset by a reduction to production by Department of Transportation personnel, considering cost to produce as developed in subsection (c);
- e. a recommended staffing and consultant usage plan for the Department of Transportation to develop plans for highways and bridges in Texas for the next 10 years based on projected funding levels;
- f. an attrition plan to reach recommended Department of Transportation staffing levels developed in subsection (e) by January 1, 2013 should they be lower than the current Department of Transportation levels; and
- g. a detailed description for how this analysis will be incorporated in the Department of

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Transportation's ongoing restructuring effort.

At the direction of the Legislative Budget Board, beginning on April 1, 2010, the Department of Transportation shall initiate an attrition plan prescribed by the Legislative Budget Board based on the findings of the report.

57. Sale of Surplus Property. Notwithstanding the provisions of Article IX, Sec. 8.04, Surplus Property, in this Act, all receipts (estimated to be \$5,000,000 each fiscal year) from the sale of Department of Transportation surplus property, equipment, commodities, or salvage (including recycled products), pursuant to the provisions of Chapter 2175, Government Code, are appropriated to the Department of Transportation for expenditure during the fiscal year in which the receipts are received.

58. State Highway 121 Project Subaccounts. The amounts appropriated above to the Department of Transportation in Goal G, SH 121 Transportation Projects, are made from fund balances and interest earnings on fund balances held in State Highway 121 toll project subaccounts in the State Highway Fund. The balance of funds held the State Highway 121 toll project subaccounts as of February 28, 2009, is \$2,979,558,560.

59. Sale of Surplus Property. Notwithstanding the provisions of Article IX, Sec. 8.04, Surplus Property, in this Act, all receipts from the sale of Department of Transportation surplus property, equipment, commodities, or salvage (including recycled products), pursuant to the provisions of Chapter 2175, Government Code, are appropriated to the Department of Transportation for expenditure during the fiscal year in which the receipts are received.

58. Funds for Research of a Vehicle Miles Traveled Tax. Out of amounts appropriated above in Strategy A.1.4, Research, the Department of Transportation shall provide necessary matching funds, not to exceed \$600,000, to the Texas Transportation Institute upon the Texas Transportation Institute's receipt of a federal grant to conduct a study a Vehicle Miles Traveled tax.

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59. Contingency for Senate Bill 263. Out of funds appropriated above in strategy B.1.2, New Construction Contracts, \$2,000,000,000 in Proposition 12 General Obligation Bond proceeds and in strategy F.1.1, General Obligation Bonds, \$100,000,000 in General Revenue are contingent upon the enactment of Senate Bill 263, or similar legislation relating to the issuance by the Texas Transportation Commission of general obligation bonds for highway improvement projects, by the Eighty-first Legislature, Regular Session.

60. Texas State Cemetery Enhancement Projects. Out of the amounts appropriated above, the Texas Department of Transportation shall make available, to the Texas Facilities Commission, during the biennium \$455,000 in federal Transportation Enhancement Program funds administered by the department for Texas State Cemetery beautification, repair and security enhancement projects if the Texas State Cemetery beautification, repair and security enhancement projects meet federal funding requirements of the Transportation Enhancement Program as defined by federal Department of Transportation, Federal Highway Administration federal regulations in Title 23 of the United States Code. The Texas Department of Transportation will review the Texas State Cemetery beautification, repair and security enhancement projects to determine if they meet the federal Transportation Enhancement Program guidelines. It is the intent of the Legislature that funds appropriated above would cover the administration costs of the Texas State Cemetery beautification, repair and security enhancement projects approved for federal Transportation Enhancement Program funds.

In addition, the Texas Department of Transportation may redirect obligated funds previously

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obligated for the Texas State Cemetery beautification, repair and security enhancement projects under the Transportation Enhancement Program to other available projects should the Texas State Cemetery beautification, repair and security enhancement projects fail to receive federal approval or federal Transportation Enhancement Program funds are not available due to changes in federal laws, rules, regulations, or appropriations.

- 61. Contingency Appropriation for House Bill 2116 or Senate Bill 263.** Contingent on enactment of House Bill 2116 or Senate Bill 263, or similar legislation relating to the issuance by the Texas Transportation Commission of general obligation bonds for highway improvement projects, by the Eighty-first Legislature, Regular Session, the Department of Transportation is appropriated \$8,211,142 in fiscal year 2010 and \$12,043,647 in fiscal year 2011 from General Obligation Bond Proceeds (Proposition 12, 2007) for highway planning, design, right-of-way acquisition, transportation construction, and maintenance, and \$228,250 in fiscal year 2010 and \$1,052,406 in fiscal year 2011 from the General Revenue Fund for bond debt service payments.
- 62. Use of Appropriated Funds for Certain Contracts.** No money appropriated to the Department of Transportation by this Act may be used to award a contract with a value of \$50,000 or more and a term of longer than two years to a vendor, contractor, or subcontractor unless the contract is awarded using a competitive bidding process.
- 63. Limitation on Expenditures: Prohibition on Lobbyists.** The Department of Transportation shall not expend any funds appropriated above for the purpose of selecting, hiring, or retaining a person required to register under Chapter 305, Government Code, or the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq).

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- 64. Appropriations for Projects Authorized by Section 222.104, Transportation Code.** Unless there is an insufficient number of proposals for projects to be developed under agreements authorized under Section 222.104, Transportation Code, during the 2010-2011 biennium the Department of Transportation shall, for purposes of reimbursing project costs for new projects developed pursuant to agreements under Section 222.104, Transportation Code, encumber an amount not less than the total of reimbursements committed under agreements entered into during the 2008-09 biennium between the Department of Transportation and qualified local sponsors.
- 65. Limitation on Expenditures: Prohibition on Using Department of Transportation Funds to Pre-existing Roads.** The Department of Transportation shall not expend any funds appropriated above on the construction, operation, or maintenance of any toll-related project, including managed lanes, on a pre-existing non-tolled road, except for a project that has been approved by and for which funds have been allocated by the metropolitan planning organization for a region and authorized or assigned by the Texas Transportation Commission under Section 228.012, Transportation Code, on or before December 2008.
- 66. Metropolitan Planning Organizations: Notification to Members of the Legislature.** It is the intent of the Legislature that before metropolitan planning organizations can expend funds allocated from the Department of Transportation for transportation-related improvement projects, the metropolitan planning organizations must consult with their area state representative and state senator.
- 67. Use of Appropriated Funds for Certain Contracts Prohibited.** No money appropriated to the Department of Transportation by this Act may be used to contract with a vendor, contractor, or subcontractor if the contract includes a non-compete clause.

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(Continued)

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- 68. Use of Appropriated Funds for Certain Contracts Prohibited.** No money appropriated to the Department of Transportation by this Act may be used to contract with a vendor, contractor, or subcontractor organized or formed outside the United States of America if the term of the contract is longer than 40 years.
- 69. Allocation for Rail Relocation and Improvement Fund.**
- 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 total an 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;
 - (2) the amount of any reduction in appropriations made from the State Highway Fund to state agencies other than the Department of Transportation; and
 - (3) any increase in appropriations made to the Department of Transportation from the General Revenue Fund.

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- c. 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.
- d. 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.

70. Notice and Approval of Certain Waivers. The Department of Transportation shall notify the Legislative Budget Board and each member of the Legislature of each waiver the Department of Transportation intends to issue under an agreement that permits the commission or Department of Transportation to waive any requirement that a toll-road entity compensate the Department of Transportation or commission. The notice shall be delivered to the board and each member not later than the 30th day before the waiver would take effect. The Legislative Budget Board shall consider the waiver and notify the Department of Transportation if it disagrees with the Department of Transportation's action.

71. Allocation of Funds.

- a. It is the intent of the Legislature that, subject to subsection (b) of this rider, of the total amount of money distributed to designated recipients under Chapter 456, Transportation Code, from amounts appropriated above in Strategy D.1.1, Public Transportation, to the Department of Transportation, the Texas Transportation Commission may not distribute:
 - (1) less than 90 percent of the total amount allocated under the formula program provided by Subchapter B, Chapter 456, Transportation Code; and
 - (2) more than 10 percent of the total amount allocated under the discretionary program provided by Subchapter C, Chapter 456, Transportation Code.

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- b. It is the intent of the Legislature that no recipient of state funding under Subchapter B or C, Chapter 456, Transportation Code, receive an amount of funding under those subchapters in a fiscal year of the biennium that is less than the total amount of state funding received under those subchapters in the state fiscal year that began September 1, 2004.

- 72. **Approval of Funds for Transportation-related Enhancement Projects.** It is the intent of the legislature that the Texas Transportation Commission's approval of funds for projects recommended from the metropolitan planning organizations for transportation-related enhancement projects be geographically balanced throughout the state.

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320 Texas Workforce Commission
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27. School Readiness Models. Out of federal funds appropriated to the Texas Workforce Commission in Strategies A.3.1, TANF Choices Child Care; A.3.2, Transitional Child Care; and A.3.3, At-Risk Child Care, up to \$50 million for the biennium shall 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. Not later than December 1st of each even-numbered year, the State Center for Early Childhood Development shall report to the Legislative Budget Board and the Office of the Governor the detailed use of all state funds expended by the center for early childhood education services.

30. The Women's Institute for Technology Employment Training. Out of funds appropriated above in Strategy A.1.4, Employment and Community Services, the Texas Workforce Commission shall allocate \$250,000 in fiscal year 2010 and \$250,000 in fiscal year 2011 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.

27. School Readiness Models. Out of federal funds appropriated to the Texas Workforce Commission in Strategies A.3.1, TANF Choices Child Care; A.3.2, Transitional Child Care; and A.3.3, At-Risk Child Care, the commission shall match the amount of available General Revenue for the 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. Not later than December 1st of each even-numbered year, the State Center for Early Childhood Development shall report to the Legislative Budget Board and the Office of the Governor the detailed use of all state funds expended by the center for early childhood education services.

30. American Recovery and Reinvestment Act Funds for Child Care. 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.

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- 31. Job Skills Pilot Program.** The Texas Workforce Commission shall 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 the natural disaster. The job skills training must include training in areas of employment that are in demand in the pilot program area. The Texas Workforce Commission shall seek federal funding to fund the pilot program.

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32A Reimbursements to the Unemployment Compensation Benefit Account
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