

**Rider Comparison Packet**

**Conference Committee on Senate Bill 1**

**2010-11 General Appropriations Bill**

**Article VIII - Regulatory**

**ARTICLE VIII - REGULATORY**  
**360 State Office of Administrative Hearings**  
**DIFFERENCES ONLY**

**Senate**

**House**

**ARTICLE VIII - REGULATORY  
451 Department of Banking  
DIFFERENCES ONLY**

**Senate**

**House**

**ARTICLE VIII - REGULATORY**  
**508 Board of Chiropractic Examiners**  
**DIFFERENCES ONLY**

**Senate**

**House**

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Chiropractic Examiners in Strategy A.1.1, Licensing System, the amounts of \$31,350 in fiscal year 2010 and \$26,850 in fiscal year 2011, and in Strategy A.2.1, Enforcement, the amounts of \$99,050 in fiscal year 2010 and \$85,550 in fiscal year 2011, and in Strategy B.1.1, Licensing Indirect Administration, the amounts of \$41,165 in fiscal year 2010 and \$41,166 in fiscal year 2011, and in Strategy B.1.2, Enforcement Indirect Administration, the amounts of \$1,166 in fiscal year 2010 and \$1,165 in fiscal year 2011 in General Revenue are contingent upon the Board of Chiropractic Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$410,315 in excess of \$2,150,000 (Object Code 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 2.5 FTEs in each fiscal year contingent upon the Board of Chiropractic Examiners generating the amount of revenue indicated above. The Board of Chiropractic Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Chiropractic Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Chiropractic Examiners in Strategy A.2.1., Enforcement, the amounts of \$5,000 in 2010 and \$5,000 in 2011, in Strategy B.1.1, Licensing Indirect Administration, the amounts of \$1,165 in fiscal year 2010 and \$1,166 in fiscal year 2011, and in Strategy B.1.2, Enforcement Indirect Administration, the amounts of \$1,166 in fiscal year 2010 and \$1,165 in fiscal year 2011 in General Revenue are contingent upon the Board of Chiropractic Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$14,662 in excess of \$2,150,000 (Object Code 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Chiropractic Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Chiropractic Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**466 Office of Consumer Credit Commissioner**  
**DIFFERENCES ONLY**

**Senate**

**House**

7. **Salary Supplement.** In addition to the amount specified in the schedule of exempt positions for the salary of the executive director, the Finance Commission may approve a salary supplement not to exceed \$12,000 annually if the commissioner also serves as the executive director of the Finance Commission.

7. **Salary Supplementation.** In addition to the amount specified in the schedule of exempt positions for the salary of the executive director, the Finance Commission may approve a salary supplement not to exceed \$12,000 annually if the commissioner also serves as the executive director of the Finance Commission.

**ARTICLE VIII - REGULATORY  
469 Credit Union Department  
DIFFERENCES ONLY**

**Senate**

**House**

**3. Contingency Appropriation: Regulatory Response.**

- a. Amounts appropriated above to the Credit Union Department not to exceed \$435,000 each fiscal year in General Revenue in Strategy C.1.1, Contingency Regulatory Response, and 5.0 Full-Time-Equivalents (FTE) positions in each fiscal year-included above in the "Number of Full-Time-Equivalents (FTE)" are contingent upon a finding of fact by the Credit Union Commission because:
- (1) the number of exams required for the state-chartered credit unions under the jurisdiction of the Credit Union Department, determined either as a function of assets or number of institutions, expanded specialty areas, or relative proportion of problem credit unions or problem credit union assets in the state system, increases to a point where additional appropriations are required to maintain adequate regulation of the industry; or
  - (2) a reduction of federal regulatory resources applied to the Texas state-chartered credit union industry, determined as a function of assets, have been reduced; or
  - (3) the Credit Union Department is unable to maintain adequate supervision of the industry and is unable to meet its examination frequency performance measures due to reductions in the quality or quantity of its examination staff, resulting either from examiner turnover, or an inability to recruit adequately qualified examiners because of salary levels, or the salary is at a level that is not competitive and is less than 95 percent of a comparable position with a state or federal regulatory agency with similar responsibilities considering the experience, knowledge, and skill sets required to undertake the requirements of a particular position.
- b. None of the funds appropriated above in Strategy C.1.1, Contingency Regulatory Response, may be expended and none of the 5.0 Full Time Equivalents (FTE) positions each year included above in the "Number of Full-Time-Equivalents (FTE)" may be used by the Credit Union Department unless the Finance Commission files a finding of fact with the Governor and the Legislative Budget Board and neither the Governor nor the

**3. Contingency Appropriation: Regulatory Response.**

- a. Amounts appropriated above to the Credit Union Department not to exceed \$435,233 each fiscal year in General Revenue in Strategy C.1.1, Contingency Regulatory Response, and 5.0 Full-Time-Equivalents (FTE) positions in each fiscal year-included above in the "Number of Full-Time-Equivalents (FTE)" are contingent upon a finding of fact by the Credit Union Commission because:
- (1) the number of exams required for the state-chartered credit unions under the jurisdiction of the Credit Union Department, determined either as a function of assets or number of institutions, expanded specialty areas, or relative proportion of problem credit unions or problem credit union assets in the state system, increases to a point where additional appropriations are required to maintain adequate regulation of the industry; or
  - (2) a reduction of federal regulatory resources applied to the Texas state-chartered credit union industry, determined as a function of assets, have been reduced; or
  - (3) the Credit Union Department is unable to maintain adequate supervision of the industry and is unable to meet its examination frequency performance measures due to reductions in the quality or quantity of its examination staff, resulting either from examiner turnover, or an inability to recruit adequately qualified examiners because of salary levels, or the salary is at a level that is not competitive and is less than 95 percent of a comparable position with a state or federal regulatory agency with similar responsibilities considering the experience, knowledge, and skill sets required to undertake the requirements of a particular position.
- b. None of the funds appropriated above in Strategy C.1.1, Contingency Regulatory Response, may be expended and none of the 5.0 Full Time Equivalents (FTE) positions each year included above in the "Number of Full-Time-Equivalents (FTE)" may be used by the Credit Union Department unless the Credit Union Commission files a finding of fact with the Governor and the Legislative Budget Board and neither the Governor nor the

**ARTICLE VIII - REGULATORY**  
**469 Credit Union Department**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

Legislative Budget Board issues a written disapproval not later than:

(1) the 10th day after the date the staff of the Legislative Budget Board concludes its review of the findings of fact and forwards those findings of fact 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 10 business days of the receipt of the finding of fact by the Governor.

- c. The appropriations above in Strategy C.1.1, Contingency Regulatory Response, and 5.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" are also contingent upon the Credit Union Department generating sufficient additional fee revenues to cover these contingency appropriations and related employee benefits, and providing such information as may be deemed necessary by the Comptroller of Public Accounts to issue a finding of fact that the increased revenues will be available to fund the increased appropriation. These increased revenues must exceed \$1,822,000 for fiscal year 2010 and \$1,822,000 for fiscal year 2011 (Object Code 3172) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate.
- d. Funds appropriated above in Strategy C.1.1, Contingency Regulatory Response, and 5.0 Full-Time-Equivalents (FTE) positions in each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" may only be used to address issues included in the finding of fact submitted to the Governor and the Legislative Budget Board pursuant to subsection (b) above.
- e. Notwithstanding transfer limits under Section 14.01, Article IX of this Act, at the discretion of the agency, amounts appropriated above may be transferred to another appropriation item in an amount not to exceed \$435,000 each fiscal year in General Revenue in Strategy C.1.1.

**House**

Legislative Budget Board issues a written disapproval not later than:

(1) the 10th day after the date the staff of the Legislative Budget Board concludes its review of the findings of fact and forwards those findings of fact 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 10 business days of the receipt of the finding of fact by the Governor.

- c. The appropriations above in Strategy C.1.1, Contingency Regulatory Response, and 5.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" are also contingent upon the Credit Union Department generating sufficient additional fee revenues to cover these contingency appropriations and related employee benefits, and providing such information as may be deemed necessary by the Comptroller of Public Accounts to issue a finding of fact that the increased revenues will be available to fund the increased appropriation. These increased revenues must exceed \$1,822,000 for fiscal year 2010 and \$1,882,000 for fiscal year 2011 (Object Code 3172) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate.
- d. Funds appropriated above in Strategy C.1.1, Contingency Regulatory Response, and 5.0 Full-Time-Equivalents (FTE) positions in each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" may only be used to address issues included in the finding of fact submitted to the Governor and the Legislative Budget Board pursuant to subsection (b) above.
- e. Notwithstanding transfer limits under Section 14.01, Article IX of this Act, at the discretion of the agency, amounts appropriated above may be transferred to another appropriation item in an amount not to exceed \$435,000 each fiscal year in General Revenue in Strategy C.1.1.

**ARTICLE VIII - REGULATORY**  
**469 Credit Union Department**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

**House**

**ARTICLE VIII - REGULATORY**  
**504 Texas State Board of Dental Examiners**  
**DIFFERENCES ONLY**

**Senate**

**House**

2. **Contingent Revenue.** Out of the amounts appropriated above to the Texas State Board of Dental Examiners in Strategy A.1.1, Complaint Resolution, the amounts of \$203,424 in fiscal year 2010 and \$199,424 in fiscal year 2011, in Strategy A.2.1, Licensure and Registration, the amounts of \$666,211 in fiscal year 2010 and \$80,939 in fiscal year 2011, in Strategy B.1.1, Indirect Administration - Licensure, the amounts of \$2,418 in fiscal year 2010 and \$2,418 in fiscal year 2011, in Strategy B.1.2, Indirect Administration - Complaint Resolution, the amounts of \$6,219 in fiscal year 2010 and \$6,219 in fiscal year 2011 in General Revenue are contingent upon the Texas State Board of Dental Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$1,309,310 in excess of \$7,328,204 (Object Codes 3570 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 2.0 FTEs in each fiscal year contingent upon the Texas State Board of Dental Examiners generating the amount of revenue indicated above. The Texas State Board of Dental Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas State Board of Dental Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

2. **Contingent Revenue.** Out of the amounts appropriated above to the Texas State Board of Dental Examiners in Strategy A.1.1, Complaint Resolution, the amounts of \$100,764 in fiscal year 2010 and \$96,764 in fiscal year 2011, in Strategy A.2.1, Licensure and Registration, the amounts of \$644,427 in fiscal year 2010 and \$59,155 in fiscal year 2011, in General Revenue are contingent upon the Texas State Board of Dental Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$956,401 in excess of \$7,328,204 (Object Codes 3570 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 2.0 FTEs in each fiscal year contingent upon the Texas State Board of Dental Examiners generating the amount of revenue indicated above. The Texas State Board of Dental Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas State Board of Dental Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY  
513 Funeral Service Commission  
DIFFERENCES ONLY**

Senate

House

2. **Contingent Revenue.** Out of the amounts appropriated above to the Funeral Service Commission in Strategy A.1.1, Licensing Requirements, the amounts of \$33,500 in fiscal year 2010 and \$33,500 in fiscal year 2011, in Strategy B.1.1, Inspections, the amounts of \$15,900 in fiscal year 2010 and \$15,900 in fiscal year 2011, in Strategy B.2.1, Rule Compliance, the amounts of \$20,100 in fiscal year 2010 and \$20,100 in fiscal year 2011, in Strategy C.1.1, Indirect Administration – Licensing, the amounts of \$4,500 in fiscal year 2010 and \$4,500 in fiscal year 2011, in Strategy C.1.2 Indirect Administration – Inspections, the amounts of \$1,500 in fiscal year 2010 and \$1,500 in fiscal year 2011, and in Strategy C.1.3, Indirect Administration – Rule Compliance, the amounts of \$1,500 in fiscal year 2010 and \$1,500 in fiscal year 2011 in General Revenue are contingent upon the Funeral Service Commission assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$197,998 in excess of \$2,734,000 (Object Code 3175), contained in the Comptroller of Public Accounts’ Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the “Number of Full-Time-Equivalents (FTE)” figure indicated above includes 1 FTE in each fiscal year contingent upon the Funeral Service Commission generating the amount of revenue indicated above. The Funeral Service Commission, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Funeral Service Commission minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**481 Board of Professional Geoscientists**  
**DIFFERENCES ONLY**

**Senate**

**House**

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Professional Geoscientists in Strategy A.1.1, Application Review, the amounts of \$85,404 in fiscal year 2010 and \$10,000 in fiscal year 2011, in Strategy A.1.3, Informational Services, the amounts of \$133,545 in fiscal year 2010 and \$111,165 in fiscal year 2011, in Strategy B.1.1, Enforcement, the amounts of \$110,675 in fiscal year 2010 and \$86,295 in fiscal year 2011, in Strategy C.1.1, Indirect Administration - Licensing, the amounts of \$6,251 in fiscal year 2010, in Strategy C.1.2, Indirect Administration - Enforcement, the amounts of \$6,251 in fiscal year 2010 in General Revenue are contingent upon the Board of Professional Geoscientists assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$650,152 in excess of \$2,043,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 4.0 FTEs in each fiscal year contingent upon the Board of Professional Geoscientists generating the amount of revenue indicated above. The Board of Professional Geoscientists, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Professional Geoscientists minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Professional Geoscientists in Strategy A.1.1, Application Review, the amounts of \$75,404 in fiscal year 2010 and \$10,000 in fiscal year 2011, in Strategy A.1.3, Informational Services, the amounts of \$7,702 in fiscal year 2010, in Strategy B.1.1, Enforcement, the amounts of \$7,702 in fiscal year 2010, in Strategy C.1.1, Indirect Administration - Licensing, the amounts of \$3,851 in fiscal year 2010, in Strategy C.1.2, Indirect Administration - Enforcement, the amounts of \$3,851 in fiscal year 2010 in General Revenue are contingent upon the Board of Professional Geoscientists assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$108,510 in excess of \$2,043,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Professional Geoscientists, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Professional Geoscientists minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

In addition, contingent appropriations in Strategy A.1.3, Informational Services, in the amounts of \$75,499 in fiscal year 2010 and \$73,960 in fiscal year 2011 and 1.0 FTE each fiscal year may only be used for the current Executive Director's salary upon his return from active military duty.

**ARTICLE VIII - REGULATORY**  
**448 Office of Injured Employee Counsel**  
**DIFFERENCES ONLY**

Senate

House

3. **Medical Fee Disputes.** In addition to funds appropriated above, the Office of Injured Employee Counsel is hereby appropriated \$128,072 in each fiscal year of the 2010-11 biennium from the Texas Department of Insurance Operating Fund No. 36 and 3 FTEs in each fiscal year of the biennium for the purposes of covering the costs of appeals of medical disputes handled either through the State Office of Administrative Hearings or through the completion of contested case hearings by the Texas Department of Insurance, Division of Workers' Compensation.

**ARTICLE VIII - REGULATORY  
454 Department of Insurance  
DIFFERENCES ONLY**

Senate

House

**13. Appropriation of Unexpended Balances.** Any unexpended balances as of August 31, 2010, not to exceed 5 percent for any item of appropriation above within Goals E and F, are hereby appropriated for the same purposes, in the same strategies, for the fiscal year beginning September 1, 2010.

**13. Appropriation of Unexpended Balances.** Any unexpended balances as of August 31, 2010, not to exceed 5 percent for any item of appropriation above, are hereby appropriated for the same purposes, in the same strategies, for the fiscal year beginning September 1, 2010.

**18. Contingency Appropriation: State Regulatory Response.**

- a. Amounts appropriated above to the Department of Insurance not to exceed \$530,960 each fiscal year in General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees and \$269,040 each fiscal year in General Revenue Dedicated - Texas Department of Insurance Operating Fund Account 36 in Goal J, Regulatory Response, Strategy J.1.1, Contingency Regulatory Response, and 20.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" are contingent upon a finding of fact by the Commissioner of Insurance that additional resources are needed by the Department of Insurance due to:
  - (1) deterioration in economic conditions, or deterioration in one or more lines of insurance;
  - (2) a weather related disaster in the State of Texas, a public health crisis, such as a pandemic, a fire that has been declared as a disaster situation in the State of Texas, and non-weather related disasters, to a point where additional appropriations are required to maintain adequate regulation of the industry.
- b. None of the funds appropriated above in Strategy J.1.1, Contingency Regulatory Response, may be expended and none of the 20.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" may be used by the

**ARTICLE VIII - REGULATORY**  
**454 Department of Insurance**  
**DIFFERENCES ONLY**  
(Continued)

Senate

House

Department of Insurance unless the Commissioner of Insurance files a finding of fact with the Governor and the Legislative Budget Board and neither the Governor nor the Legislative Budget Board issues a written disapproval not later than:

- (1) the 10th day after the date the staff of the Legislative Budget Board concludes its review of the findings of fact and forwards those findings of fact 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 10 business days of the receipt of the finding of fact by the Governor.
- c. The appropriations above in Strategy J.1.1, Contingency Regulatory Response, and 20.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" are also contingent upon the Department of Insurance maintaining a sufficient fund balance or generating sufficient additional revenue in General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees and General Revenue Dedicated - Texas Department of Insurance Operating Fund Account 36 to cover these contingency appropriations and related employee benefits, and providing such information as may be deemed necessary by the Comptroller of Public Accounts to issue a finding of fact that the revenues will be available to fund the increased appropriations. The increased revenues must exceed \$57,767,000 for fiscal year 2010 and \$58,114,000 for fiscal year 2011 for General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees (Object Codes 3203 and 3215) and \$34,632,000 for fiscal year 2010 and \$35,199,000 for fiscal year 2011 for General Revenue Dedicated - Texas Department of Insurance Operating Fund Account 36 (Object Codes 3149, 3175, 3206, 3210, 3211, 3212, 3213, 3215, 3216, 3219, and 3733) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate.
- d. Funds appropriated above in Strategy J.1.1, Contingency Regulatory Response, and 20.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of

**ARTICLE VIII - REGULATORY**  
**454 Department of Insurance**  
**DIFFERENCES ONLY**  
(Continued)

Senate

House

Full-Time-Equivalents (FTE)" may only be used to address issues included in the finding of fact submitted to the Governor and the Legislative Budget Board pursuant to subsection (b) above.

- e. Notwithstanding transfer limits under Section 14.01, Article IX of this Act, at the discretion of the agency, amounts appropriated above may be transferred to another appropriation item in an amount not to exceed \$530,960 in General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees each fiscal year and \$269,040 in General Revenue Dedicated - Texas Department of Insurance Operating Fund Account 36 each fiscal year in Strategy J.1.1.

**19. Medical Fee Disputes.** In addition to funds appropriated above, the Texas Department of Insurance is hereby appropriated \$927,207 in fiscal year 2010 and \$1,633,097 in fiscal year 2011 from the Texas Department of Insurance Operating Fund No. 36 and 5 FTEs in each fiscal year of the biennium for the purposes of covering the costs of appeals of medical disputes handled either through the State Office of Administrative Hearings or through the completion of contested case hearings by the Texas Department of Insurance, Division of Workers' Compensation.

**20. Health Insurance Premiums.**

- a. It is the intent of the Legislature that, out of funds appropriated under Strategy A.1.1, Consumer Ed. and Mkt. Analyses, the Texas Department of Insurance conduct reviews of the accessibility of health benefit plan coverage for and the affordability of health benefit plan premiums for:
  - (1) families with annual household incomes that are less than 200% of the federal poverty level for the applicable household size;
  - (2) families with annual household incomes that are \$100,000 or less and the members of

**ARTICLE VIII - REGULATORY**  
**454 Department of Insurance**  
**DIFFERENCES ONLY**  
(Continued)

Senate

House

which are not eligible for coverage under a health benefit plan issued by, paid for, or sponsored by an employer of a member of the family; and

(3) individuals with annual incomes that are \$55,000 or less and who are not eligible for coverage under a health benefit plan issued by, paid for, or sponsored by an employer.

b. The department shall include the results of those reviews in the biennial report submitted under Section 32.022, Insurance Code, to the appropriate committees of each house of the Legislature immediately preceding the 82<sup>nd</sup> Regular Legislative Session.

**21. Study of Data Mining.** It is the intent of the Legislature that, out of funds appropriated under Strategy A.1.1, Consumer Ed. and Mkt. Analyses, the Texas Department of Insurance, using data collected under Chapters 38 and 2151, Insurance Code:

a. conduct a review of insurance industry practices regarding:

1) the use of data mining and pattern recognition practices and technologies that are used to predict difference in expected losses of covered persons or applicants for personal automobile or residential property insurance coverage or health benefit plan coverage; and

2) the manner in which insurers use these technologies in underwriting and setting rates for personal automobile or residential property insurance or health benefit plans; and

b. include that review in the biennial report submitted under Section 32.033, Insurance Code, to the appropriate committees of each house of the Legislature on or before December 31, 2010.

**ARTICLE VIII - REGULATORY**  
**454 Department of Insurance**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

**House**

- 22. Coverage Reductions.** Out of funds appropriated above to the Department of Insurance, the department shall conduct a review of levels of coverage to determine what, if any, changes have occurred in the level of protection offered by homeowners insurance policies since the department's adoption of approved national forms in 2002. The department shall prepare a report for the 82<sup>nd</sup> Legislature quantifying effect of the change to national forms on the level of coverage for the average homeowner in this state.

**ARTICLE VIII - REGULATORY  
359 Office of Public Insurance Counsel  
DIFFERENCES ONLY**

**Senate**

**House**

**ARTICLE VIII - REGULATORY**  
**464 Board of Professional Land Surveying**  
**DIFFERENCES ONLY**

**Senate**

**House**

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Professional Land Surveying in Strategy A.1.1, Licensing and Education, the amounts of \$65,014 in fiscal year 2010 and \$20,644 in fiscal year 2011 in General Revenue are contingent upon the Board of Professional Land Surveying assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$98,889 in excess of \$1,298,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Professional Land Surveying, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Professional Land Survey's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Professional Land Surveying in Strategy A.1.1, Licensing and Education, the amounts of \$57,409 in fiscal year 2010 and \$5,094 in fiscal year 2011 in General Revenue are contingent upon the Board of Professional Land Surveying assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$62,503 in excess of \$1,298,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Professional Land Surveying, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Professional Land Survey's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**452 Department of Licensing and Regulation**  
**DIFFERENCES ONLY**

**Senate**

**House**

**10. Fee Rates.** The Department of Licensing and Regulation shall not reduce fees to generate less revenue for the 2010-11 biennium than \$62,551,340 (Object Codes 3146, 3147, 3160, 3161, 3035, 3164, 3175, 3366, 3727) that is included in the Comptroller's Biennial Revenue Estimate for fiscal years 2010 and 2011.

**15. Contingent Revenue.** Out of the amounts appropriated above to the Department of Licensing and Regulation, in Strategy B.1.1, Conduct Inspections, the amounts of \$575,186 in fiscal year 2010 and \$485,692 in fiscal year 2011, in Strategy B.1.2, Building Plan Reviews, the amounts of \$34,910 in fiscal year 2010 and \$34,910 in fiscal year 2011, in Strategy B.1.3, Resolve Complaints, the amounts of \$69,234 in fiscal year 2010 and \$69,234 in fiscal year 2011, in Strategy B.1.4, Investigation, the amounts of \$85,149 in fiscal year 2010 and \$85,149 in fiscal year 2011, and in Strategy C.1.2, Information Resources, the amounts of \$168,303 in fiscal year 2010 and \$104,521 in fiscal year 2011 in General Revenue are contingent upon the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$1,855,321 in excess of \$62,551,340 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 6.0 FTEs in each fiscal year contingent upon the Department of Licensing and Regulation generating the amount of revenue indicated above. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**14. Contingent Revenue.** Out of the amounts appropriated above to the Department of Licensing and Regulation in Strategy A.1.1, License, Register and Certify, the amounts of \$14,350 in fiscal year 2010 and \$14,350 in fiscal year 2011, in Strategy A.1.3, Examinations, the amounts of \$17,241 in fiscal year 2010 and \$17,242 in fiscal year 2011, in Strategy A.1.4, Continuing Education/Customer Service, the amounts of \$22,793 in fiscal year 2010 and \$22,793 in fiscal year 2011, in Strategy B.1.1, Conduct Inspections, the amounts of \$513,515 in fiscal year 2010 and \$454,314 in fiscal year 2011, in Strategy B.1.2, Building Plan Reviews, the amounts of \$34,910 in fiscal year 2010 and \$34,910 in fiscal year 2011, in Strategy B.1.3, Resolve Complaints, the amounts of \$157,559 in fiscal year 2010 and \$157,559 in fiscal year 2011, in Strategy B.1.4, Investigation, the amounts of \$89,176 in fiscal year 2010 and \$89,176 in fiscal year 2011, in Strategy C.1.1, Central Administration, the amounts of \$31,181 in fiscal year 2010 and \$31,182 in fiscal year 2011, and in Strategy C.1.2, Information Resources, the amounts of \$168,303 in fiscal year 2010 and \$104,521 in fiscal year 2011 in General Revenue are contingent upon the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$1,975,075 in excess of \$62,551,340 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**452 Department of Licensing and Regulation**  
**DIFFERENCES ONLY**  
(Continued)

Senate

House

15. **Weather Modification Activities.** In addition to the amount appropriated above, the Department of Licensing and Regulation shall be appropriated \$50,000 in fiscal year 2010 and \$50,000 in fiscal year 2011 in General Revenue for the purpose of funding Weather Modification Program Activities.

**ARTICLE VIII - REGULATORY**  
**503 Texas Medical Board**  
**DIFFERENCES ONLY**

**Senate**

**House**

7. **Contingent Revenue.** Out of the amounts appropriated above to the Texas Medical Board in Strategy A.1.1, Licensing, the amounts of \$105,945 in fiscal year 2010 and \$80,375 in fiscal year 2011, in Strategy B.1.1, Enforcement, the amounts of \$1,483,130 in fiscal year 2010 and \$1,290,543 in fiscal year 2011, in Strategy B.2.1, Public Education, the amounts of \$118,364 in fiscal year 2010 and \$103,566 in fiscal year 2011, in Strategy C.1.1, Indirect Administration - Licensing, the amounts of \$56,990 in fiscal year 2010 and \$51,066 in fiscal year 2011, and in Strategy C.1.2, Indirect Administration - Enforcement, the amounts of \$89,378 in fiscal year 2010 and \$77,937 in fiscal year 2011 in General Revenue are contingent upon the Texas Medical Board assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$4,223,600 in excess of \$28,688,000 (Object Code 3560 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 14.0 FTEs in each fiscal year contingent upon the Texas Medical Board generating the amount of revenue indicated above. The Texas Medical Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Medical Board's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

7. **Contingent Revenue.** Out of the amounts appropriated above to the Texas Medical Board in Strategy A.1.1, Licensing, the amounts of \$38,950 in fiscal year 2010 and \$13,380 in fiscal year 2011, in Strategy B.1.1, Enforcement, the amounts of \$1,283,203 in fiscal year 2010 and \$1,090,616 in fiscal year 2011, in Strategy B.2.1, Public Education, the amounts of \$116,798 in fiscal year 2010 and \$102,000 in fiscal year 2011, in Strategy C.1.1, Indirect Administration - Licensing, the amounts of \$30,600 in fiscal year 2010 and \$24,676 in fiscal year 2011, and in Strategy C.1.2, Indirect Administration - Enforcement, the amounts of \$49,793 in fiscal year 2010 and \$38,352 in fiscal year 2011 in General Revenue are contingent upon the Texas Medical Board assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$3,554,674 in excess of \$28,688,000 (Object Code 3560 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 14.0 FTEs in each fiscal year contingent upon the Texas Medical Board generating the amount of revenue indicated above. The Texas Medical Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Medical Board's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**507 Texas Board of Nursing**  
**DIFFERENCES ONLY**

Senate

House

3. **Texas Center for Nursing Workforce Studies Funding.** Out of amounts appropriated above in Strategy A.1.1, Licensing, the Board of Nursing shall establish an Interagency Contract with the Department of State Health Services to provide funding for the Texas Center for Nursing Workforce Studies of \$365,000 each year.

3. **Texas Center for Nursing Workforce Studies Funding.** Out of amounts appropriated above in Strategy A.1.1., Licensing, \$365,000 each year in General Revenue is contingent upon the Board of Nursing generating revenues in the amount of \$365,000 each year from fees collected pursuant to Texas Occupations Code, Section 301.155(c). The Board of Nursing, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Nursing's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes. The Board of Nursing shall establish an Interagency Contract with the Department of State Health Services for the purposes of funding the Texas Center for Nursing Workforce Studies

4. **Contingent Revenue.** Out of the amounts appropriated above to the agency name in Strategy A.1.1, Licensing, the amounts of \$19,000 in fiscal year 2010 and \$4,500 in fiscal year 2011, in Strategy B.1.2, Peer Assistance, the amounts of \$75,000 in fiscal year 2010 and \$75,000 in fiscal year 2011 in General Revenue are contingent upon the Board of Nursing assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$173,500 in excess of: (1) \$26,001,209 (Object Codes 3560 and 3570), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011, and (2) the \$730,000 required to be raised in rider 3, Texas Center for Nursing Workforce Studies Funding. The Board of Nursing, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Nursing's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**507 Texas Board of Nursing**  
**DIFFERENCES ONLY**  
(Continued)

Senate

House

**4. Contingency for SB 791: Regulation of Certified Nurse Aides.**

- a. **Regulation of Certified Nurse Aides.** Contingent upon the enactment of SB 791, or similar legislation relating to the certified nurse aide registry and the regulation of certified nurse aides by the Texas Board of Nursing, in strategy A.1.1, Licensing, the Board of Nursing is appropriated \$151,900 in General Revenue Funds in fiscal year 2010 for one-time start up costs related to the regulation of certified nurse aides. Also the Board of Nursing shall establish an interagency contract with the Department of Aging and Disability Services and the Health and Human Services Commission effective September 1, 2010 to provide to the Board of Nursing federal funds (estimated to be \$472,303) allocated for administrative costs incurred in the performance of activities relating to the Nurse Aide Testing and Competency Evaluation Program, Nurse Aide Registry, and other requirements mandated by the Omnibus Budget Reconciliation Act (OBRA) 1987 regarding certified nurse aides. Also contingent upon the enactment of SB 791, or similar legislation, the "Full-Time Equivalent (FTE)" cap for the Board of Nursing is hereby increased by 12.0 in fiscal year 2011 to administer the certified nurse aide program.
- b. **Certified Nurse Aide Certificate Fee and Appropriation.** Also contingent upon the enactment of SB 791, or similar legislation, in addition to the amounts appropriated above to the Texas Board of Nursing in fiscal year 2011, the Board of Nursing is authorized to collect and is appropriated all revenue collected from the Certified Nurse Aide Certificate fee and deposited to the General Revenue Fund during the 2010-11 biennium (estimated to be \$771,090). Appropriations from collected revenues shall only be used for the purposes of regulating certified nurse aides and for strengthening the certified nurse aide renewal process by verifying nurse aide compliance with state and federal renewal requirements.
- c. **Reimbursement of Travel Expenses for the CNA Advisory Committee.** Also contingent upon the enactment of SB 791, or similar legislation, the Board of Nursing is

**ARTICLE VIII - REGULATORY**  
**507 Texas Board of Nursing**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

authorized, pursuant to Chapter 2110, Texas Government Code, to reimburse travel expenses for advisory committee members. Reimbursement out of funds appropriated above to the Board of Nursing, is limited to the following advisory committee: CNA Advisory Committee.

**House**

**ARTICLE VIII - REGULATORY**  
**514 Optometry Board**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

3. **Contingent Revenue.** Out of the amounts appropriated above to the Optometry Board in Strategy A.1.1, Licensure and Enforcement, the amounts of \$52,668 in fiscal year 2010 and \$9,270 in fiscal year 2011, and in Strategy A.1.3, Indirect Administration, the amounts of \$1,047 in fiscal year 2010 and \$1,047 in fiscal year 2011, and in Strategy A.1.4, Peer Assistance, the amounts of \$36,000 in fiscal year 2010 and \$36,000 in fiscal year 2011 in General Revenue are contingent upon the Optometry Board assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$137,963 in excess of \$1,310,000 (Object Codes 3562 and 3570), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Optometry Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Optometry Board's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**House**

3. **Contingent Revenue.** Out of the amounts appropriated above to the Optometry Board in Strategy A.1.1, Licensure and Enforcement, the amounts of \$47,784 in fiscal year 2010 and \$4,386 in fiscal year 2011, and in Strategy A.1.4, Peer Assistance, the amounts of \$36,000 in fiscal year 2010 and \$36,000 in fiscal year 2011 in General Revenue are contingent upon the Optometry Board assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$124,170 in excess of \$1,310,000 (Object Codes 3562 and 3570), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Optometry Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Optometry Board's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**515 Board of Pharmacy**  
**DIFFERENCES ONLY**

**Senate**

**House**

**4. Contingent Revenue.** Out of the amounts appropriated above to the Board of Pharmacy in Strategy A.1.1, Licensing, the amounts of \$1,004,444 in fiscal year 2010 and \$140,353 in fiscal year 2011, in Strategy B.1.1, Enforcement, the amounts of \$790,677 in fiscal year 2010 and \$703,525 in fiscal year 2011, in Strategy B.1.2, Peer Assistance, the amounts of \$14,906 in fiscal year 2010, in Strategy C.1.1, Licensing - Indirect Administration, the amounts of \$1,721 in fiscal year 2010 and \$3,486 in fiscal year 2011, and in Strategy C.1.2, Enforcement - Indirect Administration, the amounts of \$9,752 in fiscal year 2010 and \$19,753 in fiscal year 2011 in General Revenue are contingent upon the Board of Pharmacy assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$3,056,074 in excess of \$12,081,060 (Object Codes 3570 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 9.0 FTEs in each fiscal year contingent upon the Board of Pharmacy generating the amount of revenue indicated above. The Board of Pharmacy, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Pharmacy's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**4. Contingent Revenue.** Out of the amounts appropriated above to the Board of Pharmacy in Strategy A.1.1, Licensing, the amounts of \$943,228 in fiscal year 2010 and \$86,583 in fiscal year 2011, and in Strategy B.1.2, Peer Assistance, the amount of \$14,906 in fiscal year 2010 are contingent upon the Board of Pharmacy assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$1,044,717 in excess of \$12,081,060 (Object Codes 3570 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Pharmacy, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Pharmacy's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**533 Executive Council of Physical Therapy & Occupational Therapy Examiners**  
**DIFFERENCES ONLY**

**Senate**

**House**

**2. Contingent Revenue.** Out of the amounts appropriated above to the Executive Council of Physical Therapy & Occupational Therapy Examiners in Strategy A.1.1, Operate Licensing System, the amounts of \$40,696 in fiscal year 2010 and \$31,120 in fiscal year 2011, in Strategy B.1.1, Administer Enforcement, the amounts of \$21,775 in fiscal year 2010 and \$16,231 in fiscal year 2011, in Strategy C.1.1, Licensing Indirect Administration, the amounts of \$1,074 in 2010 and \$786 in 2011, and in Strategy C.1.2, Enforcement Indirect Administration, the amounts of \$716 in 2010 and \$524 in 2011 in General Revenue are contingent upon the Executive Council of Physical Therapy & Occupational Therapy Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$129,185 in excess of \$7,625,000 (Object Code 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Executive Council of Physical Therapy & Occupational Therapy Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Executive Council of Physical Therapy & Occupational Therapy Examiners minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**2. Contingent Revenue.** Out of the amounts appropriated above to the Executive Council of Physical Therapy & Occupational Therapy Examiners in Strategy A.1.1, Operate Licensing System, the amount of \$21,266 in fiscal year 2010, in Strategy B.1.1, Administer Enforcement, the amount of \$11,319 in fiscal year 2010, in Strategy C.1.1, Licensing Indirect Administration, the amount of \$1,029 in 2010, and in Strategy C.1.2, Enforcement Indirect Administration, the amount of \$686 in General Revenue are contingent upon the Executive Council of Physical Therapy & Occupational Therapy Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$34,300 in excess of \$7,625,000 (Object Code 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Executive Council of Physical Therapy & Occupational Therapy Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Executive Council of Physical Therapy & Occupational Therapy Examiners minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**456 Board of Plumbing Examiners**  
**DIFFERENCES ONLY**

**Senate**

**House**

- 3. Contingent Revenue.** Out of the amounts appropriated above to the Board of Plumbing Examiners in Strategy A.1.1, Examine and License Plumbers, the amounts of \$448,385 in fiscal year 2010 and \$84,069 in fiscal year 2011, in Strategy A.1.3, Inspections and Enforcement, the amounts of \$276,736 in fiscal year 2010 and \$95,173 in fiscal year 2011, in Strategy B.1.1, Indirect Administration - Exam/Licensing, the amounts of \$750 in fiscal year 2010 and \$750 in fiscal year 2011, and in Strategy B.1.2, Indirect Administration- Inspections/Enforcement, the amounts of \$1,250 in fiscal year 2010 and \$1,250 in fiscal year 2011 in General Revenue are contingent upon the Board of Plumbing Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$974,645 in excess of \$6,164,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 2 FTEs in each fiscal year contingent upon the Board of Plumbing Examiners generating the amount of revenue indicated above. The Board of Plumbing Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Plumbing Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

- 2. Contingent Revenue.** Out of the amounts appropriated above to the Board of Plumbing Examiners in Strategy A.1.1, Examine and License Plumbers, the amounts of \$398,385 in fiscal year 2010 and \$36,569 in fiscal year 2011, and in Strategy A.1.3, Inspections and Enforcement, the amounts of \$170,736 in fiscal year 2010 and \$15,673 in fiscal year 2011, in General Revenue are contingent upon the Board of Plumbing Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$621,363 in excess of \$6,164,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Plumbing Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Plumbing Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**512 Board of Podiatric Medical Examiners**  
**DIFFERENCES ONLY**

**Senate**

**House**

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Podiatric Medical Examiners in Strategy A.1.1, Licensure and Enforcement, the amounts of \$5,612 in fiscal year 2010 and \$5,612 in fiscal year 2011, and in Strategy A.1.3, Indirect Administration, the amounts of \$803 in fiscal year 2010 and \$803 in fiscal year 2011 in General Revenue are contingent upon the Board of Podiatric Medical Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$17,875 in excess of \$862,000 (Object Code 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Podiatric Medical Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Podiatric Medical Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Podiatric Medical Examiners in Strategy A.1.1, Licensure and Enforcement, the amounts of \$2,000 in fiscal year 2010 and \$2,000 in fiscal year 2011 in General Revenue are contingent upon the Board of Podiatric Medical Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$4,000 in excess of \$862,000 (Object Code 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Podiatric Medical Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Podiatric Medical Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**520 Board of Examiners of Psychologists**  
**DIFFERENCES ONLY**

**Senate**

**House**

**2. Contingent Revenue.** Out of the amounts appropriated above to the Board of Examiners of Psychologists in Strategy A.1.1, Licensing, the amounts of \$81,503 in fiscal year 2010 and \$30,641 in fiscal year 2011, in Strategy B.1.1, Enforcement, the amounts of \$84,037 in fiscal year 2010 and \$42,128 in fiscal year 2011, in Strategy C.1.1, Indirect Administration - Licensing, the amounts of \$6,000 in fiscal year 2010 and \$6,000 in fiscal year 2011, and in Strategy C.1.2, Indirect Administration - Enforcement, the amounts of \$3,900 in fiscal year 2010 and \$3,900 in fiscal year 2011 in General Revenue are contingent upon the Board of Examiners of Psychologists assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$300,450 in excess of \$2,518,000 (Object Codes 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 1.5 FTEs in each fiscal year contingent upon the Board of Examiners of Psychologists generating the amount of revenue indicated above. The Board of Examiners of Psychologists, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Examiners of Psychologists' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**2. Contingent Revenue.** Out of the amounts appropriated above to the Board of Examiners of Psychologists in Strategy A.1.1, Licensing, the amounts of \$56,003 in fiscal year 2010 and \$5,141 in fiscal year 2011, and in Strategy B.1.1, Enforcement, the amounts of \$37,336 in fiscal year 2010 and \$3,427 in fiscal year 2011, in General Revenue are contingent upon the Board of Examiners of Psychologists assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$101,907 in excess of \$2,518,000 (Object Codes 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Examiners of Psychologists, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Examiners of Psychologists' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY  
476 Racing Commission  
DIFFERENCES ONLY**

**Senate**

**House**

- 12. Contingency for SB 1013.** Contingent on the enactment of Senate Bill 1013, or similar legislation, relating to the continuation and functions of the Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research, amending the Texas Racing Act, Section 3.09, by the Eighty-first Legislature, Regular Session:
- a. the Racing Commission, subject to prior approval by the Legislative Budget Board, shall be appropriated \$1,500,000 in fiscal year 2010 from General Revenue and shall have appropriations in the amount of \$1,500,000 from the General Revenue Dedicated Texas Racing Commission Account No. 597 decreased in fiscal year 2010;
  - b. the revenue amounts included in rider 8, Contingent Appropriation: New Horse Racetrack and Accredited Texas Bred Program, and rider 11, Contingent Revenue, subject to prior approval by the Legislative Budget Board, shall be decreased by \$1,500,000 in fiscal year 2010; and
  - c. the Legislative Budget Board shall notify the Racing Commission and the Comptroller of Public Accounts of either its approval or disapproval no later than October 1, 2009.

**ARTICLE VIII - REGULATORY  
329 Real Estate Commission  
DIFFERENCES ONLY**

**Senate**

**House**

7. **Contingent Revenue.** Out of the amounts appropriated above to the Texas Real Estate Commission, in Strategy A.1.1, TREC Licensing, the amounts of \$43,479 in fiscal year 2010 and \$343,479 in fiscal year 2011, in Strategy B.1.1, TREC Investigation, the amounts of \$93,876 in fiscal year 2010 and \$85,016 in fiscal year 2011, in Strategy C.1.1, Licensee/Consumer Education, the amounts of \$36,616 in fiscal year 2010 and \$36,616 in fiscal year 2011, in Strategy D.1.1, TALCB Licensing, the amounts of \$11,451 in fiscal year 2010 and \$61,451 in fiscal year 2011, in Strategy D.2.1, TALCB Enforcement, the amounts of \$197,739 in fiscal year 2010 and \$162,299 in fiscal year 2011, in Strategy E.1.1, Indirect Administration, the amounts of \$59,743 in fiscal year 2010 and \$59,743 in fiscal year 2011 in General Revenue are contingent upon the Texas Real Estate Commission assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$1,408,984 in excess of \$18,372,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 5.0 FTEs in each fiscal year contingent upon the Texas Real Estate Commission generating the amount of revenue indicated above. The Texas Real Estate Commission, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Real Estate Commission's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

7. **Contingent Revenue.** Out of the amounts appropriated above to the Texas Real Estate Commission, in Strategy A.1.1, TREC Licensing, the amounts of \$300,000 in fiscal year 2011 and in Strategy D.1.1, TALCB Licensing, the amounts of \$50,000 in fiscal year 2011 in General Revenue are contingent upon the Texas Real Estate Commission assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$350,000 in excess of \$18,372,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Texas Real Estate Commission, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Real Estate Commission's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**370 Residential Construction Commission**  
**DIFFERENCES ONLY**

**Senate**

**House**

- 3. Home Registration Fees.** Home registration fees may not be set below the levels in place as of May 1, 2005.
  
- 4. Builder Registration Fees.** The builder registration and renewal fees collected by the Residential Construction Commission shall be set at the statutory maximums.

**ARTICLE VIII - REGULATORY**  
**450 Department of Savings and Mortgage Lending**  
**DIFFERENCES ONLY**

**Senate**

**House**

**ARTICLE VIII - REGULATORY**  
**312 Securities Board**  
**DIFFERENCES ONLY**

**Senate**

**House**

- 3. Appropriation of Unexpended Balances Within the Biennium.** The unobligated and unexpended balances of appropriations to the Securities Board for the fiscal year ending August 31, 2010, are hereby appropriated to the Securities Board for the same purposes for the fiscal year beginning September 1, 2011.
- 5. Contingent Revenue.** Out of the amounts appropriated above to the Securities Board in Strategy A.1.1, Law Enforcement, the amounts of \$554,018 in fiscal year 2010 and \$622,040 in fiscal year 2011, in Strategy A.2.1, Securities Registration, the amounts of \$129,595 in fiscal year 2010 and \$139,393 in fiscal year 2011, in Strategy A.3.1, Dealer Registration, the amounts of \$122,854 in 2010 and \$123,491 in 2011, in Strategy A.4.1, Inspect Records, the amounts of \$598,023 in 2010 and \$628,874 in 2011, in Strategy B.1.1, Central Administration, \$133,605 in 2010 and \$164,592 in 2011, and in Strategy B.1.2, Information Technology, \$33,979 in 2010 and \$33,979 in 2011 in General Revenue are contingent upon the Securities Board assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$4,190,403 in excess of \$255,094,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 4.0 FTEs in each fiscal year contingent upon the Securities Board generating the amount of revenue indicated above. The Securities Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Securities Board minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

- 3. Appropriation of Unexpended Balances Within the Biennium.** The unobligated and unexpended balances of appropriations to the Securities Board for the fiscal year ending August 31, 2010, are hereby appropriated to the Securities Board for the same purposes for the fiscal year ending August 31, 2011.
- 5. Contingent Revenue.** Out of the amounts appropriated above to the Securities Board in Strategy A.1.1, Law Enforcement, the amounts of \$305,905 in fiscal year 2010 and \$305,905 in fiscal year 2011, in Strategy A.2.1, Securities Registration, the amounts of \$52,792 in fiscal year 2010 and \$52,792 in fiscal year 2011, in Strategy A.3.1, Dealer Registration, the amounts of \$63,733 in 2010 and \$63,733 in 2011, in Strategy A.4.1, Inspect Records, the amounts of \$330,932 in 2010 and \$330,932 in 2011, and in Strategy B.1.1, Central Administration, \$39,674 in 2010 and \$39,674 in 2011 in General Revenue are contingent upon the Securities Board assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$2,039,213 in excess of \$255,094,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Securities Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Securities Board minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**ARTICLE VIII - REGULATORY**  
**312 Securities Board**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

**House**

**6. Contingency Appropriation: State Regulatory Response.**

- a. Amounts appropriated above to the Securities Board not to exceed \$934,072 each fiscal year in General Revenue in Strategy C.1.1, Contingency Regulatory Response, and 10.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" are contingent upon a finding of fact by the Finance Commission that additional resources are needed by the Securities Board because:
  - (1) the number of inspections required of state regulated dealers and investment advisers under the jurisdiction of the Securities Board, increase to a point where additional appropriations are required to maintain adequate regulation of the industry;
  - (2) federal regulatory oversight applied to issuers, dealers and investment advisers has been reduced; or
  - (3) the Securities Board is unable to maintain adequate supervision of the industry and is unable to meet its examination frequency performance measures due to reductions in the quality or quantity of its examination staff, resulting either from examiner turnover, or an inability to recruit adequately qualified examiners because of salary levels, or the salary is at a level that is not competitive and is less than 95 percent of a comparable position with a state or federal regulatory agency with similar responsibilities considering the experience, knowledge, and skill sets required to undertake the requirements of a particular position.
- b. None of the funds appropriated above in Strategy C.1.1, Contingency Regulatory Response, above may be expended and none of the 10.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" may be used by the Securities Board unless the Finance Commission files a finding of fact with the Governor and the Legislative Budget Board and neither the Governor nor the Legislative Budget Board issues a written disapproval not later than:

**ARTICLE VIII - REGULATORY**  
**312 Securities Board**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

**House**

- (1) the 10th day after the date the staff of the Legislative Budget Board concludes its review of the findings of fact and forwards those findings of fact 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 10 business days of the receipt of the finding of fact by the Governor.
- c. The appropriations above in Strategy C.1.1, Contingency Regulatory Response, and 10.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" are also contingent upon the Securities Board assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this act, during the 2010-11 biennium, \$1,152,818 in fiscal year 2010 and \$1,161,078 in fiscal year 2011 in excess of \$127,547,000 each fiscal year (Object Code 3175) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for each fiscal year 2010 and 2011. The Securities Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Securities Board minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.
- d. Funds appropriated above in Strategy C.1.1, Contingency Regulatory Response, and 10.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" may only be used to address issues included in the finding of fact submitted to the Governor and the Legislative Budget Board pursuant to subsection (b) above.
- e. Notwithstanding transfer limits under Section 14.01, Article IX of this Act, at the

**ARTICLE VIII - REGULATORY**  
**312 Securities Board**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

discretion of the agency, amounts appropriated above may be transferred to another appropriation item in an amount not to exceed \$934,072 each fiscal year in General Revenue in Strategy C.1.1.

**House**

**ARTICLE VIII - REGULATORY**  
**337 Board of Tax Professional Examiners**  
**DIFFERENCES ONLY**

**Senate**

**House**

**ARTICLE VIII - REGULATORY**  
**473 Public Utility Commission of Texas**  
**DIFFERENCES ONLY**

Senate

House

3. **Transfer Authority.** The Public Utility Commission shall not transfer an appropriation to or from any item under Goal C: Electric Utility Restructuring, and shall not expend amounts above those appropriated above in each strategy of Goal C: Electric Utility Restructuring.
6. **Contingent Revenue.** Of the amounts appropriated above to the Public Utility Commission from the GR Dedicated - System Benefit Account No. 5100, the estimated amounts of \$138,660,512 in fiscal year 2010 and \$155,870,423 in fiscal year 2011 are contingent on the Public Utility Commission assessing a rate sufficient to generate the estimated needs of the GR Dedicated - System Benefit Account No. 5100. The Public Utility Commission, upon completion of necessary actions for the assessment, shall furnish copies of the Public Utility Commission's order and other information supporting the estimated revenues to be generated for the 2010-11 biennium to the Comptroller of Public Accounts. If the comptroller finds the information sufficient to support the projection of revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.
7. **Allocation of System Benefit Account.** The maximum statutory assessment rate of the GR Dedicated - System Benefit Account No. 5100 is estimated to be \$147,936,000 in fiscal year 2010 and \$149,922,000 in fiscal year 2011. The estimated balance as of August 31, 2009 is \$565,169,000 and interest income is estimated to be \$66,640,000 for the biennium. The total account balance available for appropriation for 2010-11, estimated to be \$929,667,000, has been allocated throughout this act as follows:

3. **Transfer Authority.** The Public Utility Commission shall not transfer an appropriation to or from any item under Goal C: Electric Utility Restructuring, and shall not expend amounts above those appropriated above in each strategy of Goal C: Electric Utility Restructuring. Except when amounts appropriated above in strategy C.1.1, Energy Assistance, are not expended completely for purposes of the Low Income Discount program, they may be transferred to strategy C.1.2, Consumer Education, for the purposes of the Consumer Education programs. Including the amounts transferred from strategy C.1.1, the total amount appropriated in strategy C.1.2. shall not exceed \$12,000,000 each fiscal year.
6. **Contingent Revenue.** Of the amounts appropriated above to the Public Utility Commission from the GR Dedicated - System Benefit Account No. 5100, the estimated amounts of \$119,079,472 in fiscal year 2010 and \$122,079,472 in fiscal year 2011 are contingent on the Public Utility Commission assessing a rate sufficient to generate the estimated needs of the GR Dedicated - System Benefit Account No. 5100. The Public Utility Commission, upon completion of necessary actions for the assessment, shall furnish copies of the Public Utility Commission's order and other information supporting the estimated revenues to be generated for the 2010-11 biennium to the Comptroller of Public Accounts. If the comptroller finds the information sufficient to support the projection of revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.
7. **Allocation of System Benefit Account.** The maximum statutory assessment rate of the GR Dedicated - System Benefit Account No. 5100 is estimated to be \$147,936,000 in fiscal year 2010 and \$149,922,000 in fiscal year 2011. The estimated balance as of August 31, 2009 is \$565,169,000 and interest income is estimated to be \$66,640,000 for the biennium. The total account balance available for appropriation for 2010-11, estimated to be \$929,667,000, has been allocated throughout this act as follows:

2010                      2011

**ARTICLE VIII - REGULATORY**  
**473 Public Utility Commission of Texas**  
**DIFFERENCES ONLY**  
(Continued)

	<b>Senate</b>		<b>House</b>		
	2010	2011			
Public Utility Commission:			Public Utility Commission:		
Electric Market Oversight Contracts			Electric Market Oversight Contracts		
Wholesale Market	\$700,000	\$700,000	Wholesale and Retail Market	\$1,200,000	\$1,200,000
Retail Market	\$500,000	\$500,000	Low Income Discount	\$114,000,000	\$117,000,000
Low Income Discount	\$135,706,040	\$152,915,951	Customer Education	\$2,875,000	\$2,875,000
Customer Education	\$750,000	\$750,000	Administration	\$1,004,472	\$1,004,472
Administration	\$1,004,472	\$1,004,472	Total	\$119,079,472	\$122,079,472
Total	\$138,660,512	\$155,870,423			

**8. Low Income Discount.** All amounts appropriated above in Strategy C.1.1, Energy Assistance, shall only be expended to provide a discount of up to 20 percent during the months of May through September in each fiscal year.

**8. Low Income Discount.** All amounts appropriated above in Strategy C.1.1, Energy Assistance, shall only be expended to provide a discount of up to 20 percent during the months of May through October in each fiscal year.

**10. Energy Assistance.** Under C.1.1 Strategy Energy Assistance, the PUC may allow up to \$1,500,000 per year to be used for Residential Critical Care Bill Payment Assistance, if there is additional money after Customer education has been fully funded at the \$12,000,000 level.

**11. Cable and Video Service Provider Study.** Out of the funds appropriate above, the Public Utility Commission shall conduct a comprehensive and objective study to determine the extent to which any cable service providers or video service providers currently offering cable

**ARTICLE VIII - REGULATORY**  
**473 Public Utility Commission of Texas**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

**House**

services or video services in Texas engage in the discriminatory practice of redlining. The commission shall report any and all objective and verifiable data at its disposal, including but not limited to average home value, median household income, race of household occupants, and whether or not the cable service or video service consumers own or rent their residences, of areas served per county compared to these same statistics for areas not served within the same county. The commission shall include in its study an analysis, for all cable service providers or video service providers that have been granted a state-issued certificate of franchise authority, of workforce diversity and ways to increase opportunities for historically underutilized businesses. The commission shall provide a copy of its study to every member of the Texas Legislature, and the Texas Sunset Commission, by December 31, 2009.

**ARTICLE VIII - REGULATORY  
475 Office of Public Utility Counsel  
DIFFERENCES ONLY**

**Senate**

**House**

**ARTICLE VIII - REGULATORY**  
**578 Board of Veterinary Medical Examiners**  
**DIFFERENCES ONLY**

**Senate**

**House**

**3. Contingent Revenue.** Out of the amounts appropriated above to the Board of Veterinary Medical Examiners in Strategy A.1.1, Operate Licensure System, the amounts of \$750 in fiscal year 2010, in Strategy A.2.1, Complaints and Action, the amounts of \$169,328 in fiscal year 2010 and \$134,281 in fiscal year 2011, in Strategy B.1.1, Licensing Indirect Administration, the amounts of \$7,347 in 2010 and \$7,639 in 2011, and in Strategy B.1.2, Complaints and Action Indirect Administration, the amounts of \$22,042 in 2010 and \$22,917 in 2011 in General Revenue are contingent upon the Board of Veterinary Medical Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$442,673 in excess of \$2,110,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 4.0 FTEs in each fiscal year contingent upon the Board of Veterinary Medical Examiners generating the amount of revenue indicated above. The Board of Veterinary Medical Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Veterinary Medical Examiners minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**2. Contingent Revenue.** Out of the amounts appropriated above to the Board of Veterinary Medical Examiners in Strategy A.2.1, Complaints and Action, the amounts of \$34,078 in fiscal year 2010 and \$32,321 in fiscal year 2011 in General Revenue are contingent upon the Board of Veterinary Medical Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$84,512 in excess of \$2,110,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 1.0 FTE in each fiscal year contingent upon the Board of Veterinary Medical Examiners generating the amount of revenue indicated above. The Board of Veterinary Medical Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Veterinary Medical Examiners minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**3. Inspection of Non-Licensed Veterinarians.** Out of amounts appropriated above in Strategy A.2.1, Complaints and Action, the Board of Veterinary Medical Examiners shall use one full-time equivalent position for inspecting unauthorized or non-licensed practices of veterinarian medicine.

**ARTICLE VIII - REGULATORY**  
**S08 Special Provisions Relating to All Regulatory Agencies**  
**DIFFERENCES ONLY**

Senate

House

**Sec. 8. Self-Leveling Agency Fee Change Notification Requirements.**

- a. Upon completion of actions to increase fees to cover an increase in appropriations and other necessary costs, an agency listed below in subsection (c) shall furnish copies of the agency's minutes and other information supporting the estimated revenues to be generated for the biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the increased appropriations shall be made available for the intended purposes.
- b. Upon completion of actions to decrease fees or upon receiving information that actual and/or projected revenue collections will be insufficient to offset appropriations and other necessary costs, an agency listed below in subsection (c) shall immediately provide notification to the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts. The Comptroller of Public Accounts shall reduce the appropriation authority provided by this Act to be within the amount of revenue expected to be available unless the agency completes actions to increase revenues and receives a finding of fact from the Comptroller of Public Accounts pursuant to the requirements of subsection (a) above.
- c. Department of Banking  
Office of Consumer Credit Commissioner  
Credit Union Department  
Department of Insurance  
Department of Savings and Mortgage Lending