

Rider Comparison Packet

Conference Committee on Senate Bill 1

2010-11 General Appropriations Bill

Article IX

**ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY**

Senate

House

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

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

Salary Rates

Salary Rates

Salary Group	Less than 4 years of Service	≥ 4 Years of Service	≥ 8 Years of Service	≥ 12 Years of Service	≥ 16 Years of Service	≥ 20 Years of Service	Salary Group	Less than 4 years of Service	≥ 4 Years of Service	≥ 8 Years of Service	≥ 12 Years of Service	≥ 16 Years of Service	≥ 20 Years of Service
C1	35,752						C1	34,965					
C2	39,059						C2	38,199					
C3	47,131	50,900	54,767	57,402	60,199	61,622	C3	45,100	48,908	52,666	55,112	57,733	57,733
C4		57,495	61,580	64,286	67,246	68,842	C4		55,616	59,374	61,664	64,285	64,285
C5		64,396	68,741	71,536	74,678	76,465	C5		62,292	66,082	68,216	70,837	70,837
C6		71,367	75,938	78,822	82,148	84,129	C6		69,035	72,790	74,768	77,389	77,389
C7		87,458	88,243	88,636	88,636	88,636	C7		81,554	81,757	81,757	81,757	81,757
C8		90,982	91,689	92,129	92,129	92,129	C8		86,026	86,125	86,125	86,125	86,125

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Sec. 3.05. Scheduled Exempt Positions.

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

Sec. 3.05. Scheduled Exempt Positions.

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

Scheduled Exempt Position Salary Rates

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

Scheduled Exempt Position Salary Rates

Group	Minimum Salary	Maximum Salary
1	\$51,048	\$78,864
2	60,420	93,336
3	71,520	110,508
4	84,733	130,920
5	100,332	155,016
6	118,860	222,804

(3)	Agency	Position	Salary Group
(A)	Fire Fighters' Pension Commissioner:	Commissioner	Group 1;

(3)	Agency	Position	Salary Group
(A)	Fire Fighters' Pension Commissioner:	Commissioner	Group 1;
(B)	Secretary of State:	Secretary of State	Group 4;

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

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

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

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

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

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- (2) The request submitted by the governing board of the state agency shall include at a minimum:
- (A) The date on which the board approved the request;
 - (B) A statement justifying the need to exceed the limitation; and
 - (C) The source of funds to be used to pay the additional salary amount.
- (3) The governing board may make a request under subsection (c)(1) a maximum of once per fiscal year or upon a vacancy in an exempt position listed in subsection (c)(6).
- (4) A proposed rate increase shall be considered to be approved if neither the Legislative Budget Board nor the Governor issues a written disapproval of the proposal not later than:
- (A) the tenth business day after the date the staff of the Legislative Budget Board concludes its review of the proposed rate increase and forwards its review to the Chair of the House Committee on Appropriations, Chair of the Senate Committee on Finance, Speaker of the House, and Lieutenant Governor; and
 - (B) the tenth business day after the receipt of the proposed transfer by the Governor.
- (5) If a proposed rate increase is approved, the Legislative Budget Board shall notify the affected agency, the Governor's Office, and the Comptroller.

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

- minimum:
- (A) The date on which the board approved the request;
 - (B) A statement justifying the need to exceed the limitation; and
 - (C) The source of funds to be used to pay the additional salary amount.
- (3) The governing board may make a request under subsection (c)(1) a maximum of once per fiscal year or upon a vacancy in an exempt position listed in subsection (c)(6).
- (4) A proposed rate increase shall be considered to be approved if neither the Legislative Budget Board nor the Governor issues a written disapproval of the proposal not later than:
- (A) the tenth business day after the date the staff of the Legislative Budget Board concludes its review of the proposed rate increase and forwards its review to the Chair of the House Committee on Appropriations, Chair of the Senate Committee on Finance, Speaker of the House, and Lieutenant Governor; and
 - (B) the tenth business day after the receipt of the proposed transfer by the Governor.
- (5) If a proposed rate increase is approved, the Legislative Budget Board shall notify the affected agency, the Governor's Office, and the Comptroller.

(6)	Agency	Position	Salary
			Group
	(A) Department of State Health Services	Commissioner	Group 6;
	(B) Department of Family and Protective Services	Commissioner	Group 6;
	(C) Higher Education Coordinating Board	Commissioner	Group 6;
	(D) Department of Aging and Disability Services	Commissioner	Group 6;
	(E) Department of Information Resources	Executive	Group 6;
		Director	
	(F) Department of Assistive and Rehabilitative Services	Commissioner	Group 5;

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- (F) Department of Assistive and Rehabilitative Services Commissioner Group 7;
- (G) Texas Lottery Commission; and Executive Group 6;
- (H) Texas Youth Commission. Director Group 6.

- (G) Texas Lottery Commission; and Executive Group 6;
- (H) Texas Youth Commission. Director Group 6.

- (d) In addition to all other requirements, any salary increase from appropriated funds within the limits provided by this section and salary increases within the limit established under an agency's bill pattern, must be:
 - (1) in writing;
 - (2) signed by the presiding officer of the governing board;
 - (3) submitted to the Governor, the Legislative Budget Board and the Comptroller; and
 - (4) approved by the governing board in a public meeting.
- (e) (1) Each title listed in a "Schedule of Exempt Positions" following an agency's appropriation authorizes one position for the agency unless the title is followed by an Arabic numeral indicating the number of positions authorized.
- (2) The number of authorized positions for a title listed in a "Schedule of Exempt Positions" may be exceeded only:
 - (A) for the purpose of hiring a replacement in a key management position as certified by the chief administrator of the agency;
 - (B) if the current incumbent of the position has formally resigned or otherwise announced irrevocable plans to vacate the position;
 - (C) for a period of time not to exceed the equivalent of one month's salary per fiscal year per terminating incumbent (excluding time spent on the payroll for the purpose

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year per terminating incumbent (excluding time spent on the payroll for the purpose of exhausting accrued annual leave or state compensatory time); and

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(D) if exceptions are reported as prescribed for payroll reporting procedures.

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Sec. 5.08. Limitation on Travel Expenditures.

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- (a) In this section "travel" refers only to travel outside the state of Texas.
- (b) (1) None of the funds appropriated by this Act may be expended, without the prior approval of the Legislative Budget Board, for travel purposes if such expenditure would cause the agency's or institution's travel expenditures for that fiscal year to exceed the greatest of:
 - (A) 125 percent of that agency's or institution's fiscal year 2000 amount of travel expenditures; or
 - (B) 100 percent of that agency's or institution's fiscal year 2000 amount of travel expenditures plus \$10,000; or
 - (C) 100 percent of that agency's or institution's fiscal year 2000 amount of travel expenditures plus any excess travel expenditure amounts approved by waiver.
- (2) The general limitations provided by this subsection apply in addition to the limits of any additional agency specific limitation.
- (3) In the event that a state agency or institution had, as determined by the Comptroller, no expenditures for travel outside the state of Texas during fiscal year 2000, the general limitations provided by Subsection (b)(1) shall not apply, but out-of-state travel spending may not exceed in either year of the biennium the amount spent for that purpose in the last state fiscal year in which out-of-state travel occurred.
- (c) The Legislative Budget Board may consider requests from agencies which demonstrate

- (a) In this section "travel" refers only to travel outside the state of Texas, except as provided by Subsection (k) of this section.
- (b) (1) None of the funds appropriated by this Act may be expended, without the prior approval of the Legislative Budget Board, for travel purposes if such expenditure would cause the agency's or institution's travel expenditures for that fiscal year to exceed the greatest of:
 - (A) 125 percent of that agency's or institution's fiscal year 2000 amount of travel expenditures; or
 - (B) 100 percent of that agency's or institution's fiscal year 2000 amount of travel expenditures plus \$10,000; or
 - (C) 100 percent of that agency's or institution's fiscal year 2000 amount of travel expenditures plus any excess travel expenditure amounts approved by waiver.
- (2) The general limitations provided by this subsection apply in addition to the limits of any additional agency specific limitation.
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circumstances which would make such reductions in actual travel impractical or inefficient in accomplishing the goals and strategies contained in their appropriations pattern. Such circumstances may include: new or expanded programs, law enforcement, tax collection activities, statutorily mandated travel, or other pressing public purposes.

- (d) The Comptroller shall prescribe accounting procedures and reporting requirements to administer this section and to ensure that expenditures for travel by all state agencies and institutions of higher education are properly reported and monitored.
- (e) (1) Upon notification by the Comptroller that a state agency or institution of higher education has exceeded the travel cap limit as specified in Subsection (b) of this section for two consecutive fiscal years without the written approval of the Legislative Budget Board, the state agency or institution of higher education may not pay or reimburse with funds appropriated by this Act, a travel expense for travel to conventions, conferences, or seminars except as provided by this Subsection (e).
- (2) The Comptroller may allow a state agency or institution of higher education to reimburse or pay a travel expense incurred by an employee on or after the date the agency or institution receives notice of its exceeding the limits if:
 - (A) the expense is incurred while the employee is returning to the employee's designated headquarters;
 - (B) the reimbursement or payment is necessary to prevent unreasonable hardship to the employee; or
 - (C) the expense is incurred while the employee is completing official state business that the agency or institution deems critical to fulfillment of the agency's or institution's constitutional or statutory duties.
- (3) The Comptroller shall notify the Legislative Budget Board if the Comptroller allows such a payment or reimbursement. The notification must include the reason that the payment or reimbursement is allowed. The Legislative Budget Board may then direct the

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- (c) The Legislative Budget Board may consider requests from agencies which demonstrate circumstances which would make such reductions in actual travel impractical or inefficient in accomplishing the goals and strategies contained in their appropriations pattern. Such circumstances may include: new or expanded programs, law enforcement, tax collection activities, statutorily mandated travel, or other pressing public purposes.
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- (e) (1) Upon notification by the Comptroller that a state agency or institution of higher education has exceeded the travel cap limit as specified in Subsection (b) of this section for two consecutive fiscal years without the written approval of the Legislative Budget Board, the state agency or institution of higher education may not pay or reimburse with funds appropriated by this Act, a travel expense for travel to conventions, conferences, or seminars except as provided by this Subsection (e).
- (2) The Comptroller may allow a state agency or institution of higher education to reimburse or pay a travel expense incurred by an employee on or after the date the agency or institution receives notice of its exceeding the limits if:
 - (A) the expense is incurred while the employee is returning to the employee's designated headquarters;
 - (B) the reimbursement or payment is necessary to prevent unreasonable hardship to the employee; or
 - (C) the expense is incurred while the employee is completing official state business that the agency or institution deems critical to fulfillment of the agency's or institution's constitutional or statutory duties.
- (3) The Comptroller shall notify the Legislative Budget Board if the Comptroller allows such a payment or reimbursement. The notification must include the reason that the

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Comptroller to reduce the agency's or institution's appropriation by the amount of the payment or reimbursement if in the Legislative Budget Board's opinion the payment was the result of an agency failing to comply with the notification by the Comptroller.

- (f) All documents filed by an appointed officer under this section are public information. In this section, the term "public information" has the meaning provided by Chapter 552, Government Code.
- (g) In this section "appointed officer" includes all persons included under the definition provided by Chapter 572, Government Code, except that for the purposes of the definition of "appointed officer," the term "state agency" also includes a council of governments, a local workforce development board, or a mental health mental retardation community center that uses funds appropriated by this Act to pay for the transportation, meals, lodging, or other travel expenses of its employees or officials. For the purpose of this provision, the term "council of governments" shall include a council of governments, a regional planning commission, or similar regional planning agency created under Chapter 391, Local Government Code.
- (h) An appointed officer may not receive reimbursement from funds appropriated by this Act for expenses related to travel before filing with the Texas Ethics Commission copies of all documents that will be submitted to the Comptroller and Legislative Budget Board in support of the travel expense claim.
- (i) Funds appropriated by this Act may not be used to pay expenses for a trip to foreign countries, except for Canada or Mexico, unless the board or commission of each state agency and institution of higher education has approved the travel before departure. A copy of the approval must be attached to each travel voucher submitted to the Comptroller. By October 1 of each year, each agency and institution of higher education must submit a report on all foreign travel with required approvals to the Governor and the Legislative Budget Board.
- (j) In implementing this rider, state agencies shall review their travel policies in order to ensure that travel which is critical to the delivery of services consistent with the mission of the agency is not affected.

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payment or reimbursement is allowed. The Legislative Budget Board may then direct the Comptroller to reduce the agency's or institution's appropriation by the amount of the payment or reimbursement if in the Legislative Budget Board's opinion the payment was the result of an agency failing to comply with the notification by the Comptroller.

- (f) All documents filed by an appointed officer under this section are public information. In this section, the term "public information" has the meaning provided by Chapter 552, Government Code.
- (g) In this section "appointed officer" includes all persons included under the definition provided by Chapter 572, Government Code, except that for the purposes of the definition of "appointed officer," the term "state agency" also includes a council of governments, a local workforce development board, or a mental health mental retardation community center that uses funds appropriated by this Act to pay for the transportation, meals, lodging, or other travel expenses of its employees or officials. For the purpose of this provision, the term "council of governments" shall include a council of governments, a regional planning commission, or similar regional planning agency created under Chapter 391, Local Government Code.
- (h) An appointed officer may not receive reimbursement from funds appropriated by this Act for expenses related to travel before filing with the Texas Ethics Commission copies of all documents that will be submitted to the Comptroller and Legislative Budget Board in support of the travel expense claim.
- (i) Funds appropriated by this Act may not be used to pay expenses for a trip to foreign countries, except for Canada or Mexico, unless the board or commission of each state agency and institution of higher education has approved the travel before departure. A copy of the approval must be attached to each travel voucher submitted to the Comptroller. By October 1 of each year, each agency and institution of higher education must submit a report on all foreign travel with required approvals to the Governor and the Legislative Budget Board.
- (j) In implementing this rider, state agencies shall review their travel policies in order to ensure that travel which is critical to the delivery of services consistent with the mission of the agency

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is not affected.

- (k) Travel expenses incurred within the Washington, D.C. area by the Office of State-Federal Relations (OSFR) and by state agencies and institutions of higher education that are represented by their employees in the Washington, D.C. office of OSFR shall be considered in-state travel for the purpose of calculating the agencies' compliance with out-of-state travel limitation provisions.

Sec. 6.08. Benefits Paid Proportional by Fund.

- (a) Unless otherwise provided, in order to maximize balances in the General Revenue Fund, payment for benefits paid from appropriated funds, including "local funds" and "education and general funds" as defined in § 51.009 (a) and (c), Education Code, shall be proportional to the source of funds.
- (b) Unless otherwise specifically authorized by this Act, the funds appropriated by this Act out of the General Revenue Fund may not be expended for employee benefit costs, or other indirect costs, associated with the payment of salaries or wages, if the salaries or wages are paid from a source other than the General Revenue Fund. Payments for employee benefit costs for salaries and wages paid from sources, including payments received pursuant to interagency agreements or as contract receipts, other than the General Revenue Fund shall be made in proportion to the source of funds from which the respective salary or wage is paid or, if the Comptroller determines that achieving proportionality at the time the payment is made would be impractical or inefficient, then the General Revenue Fund shall be reimbursed for any such payment made out of the General Revenue Fund.
- (c) General Revenue proportionality is defined for public community colleges as the percent share of each community college district's total salaries paid by each district's total unrestricted General Revenue contributions.
- (d) The Comptroller, after consulting with the Legislative Budget Board and the State Auditor's

Sec. 6.08. Benefits Paid Proportional by Fund.

- (a) Unless otherwise provided, in order to maximize balances in the General Revenue Fund, payment for benefits paid from appropriated funds, including "local funds" and "education and general funds" as defined in § 51.009 (a) and (c), Education Code, shall be proportional to the source of funds except for public community or junior colleges.
- (b) Unless otherwise specifically authorized by this Act, the funds appropriated by this Act out of the General Revenue Fund may not be expended for employee benefit costs, or other indirect costs, associated with the payment of salaries or wages, if the salaries or wages are paid from a source other than the General Revenue Fund except for public community or junior colleges. For purposes of this Act, a public community or junior college may expend funds appropriated for employee benefit costs for any employee if the employee is: (1) otherwise eligible to participate in the group benefits program; and (2) an instructional or administrative employee whose salary may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether the salary is actually paid from appropriated funds. Payments for employee benefit costs for salaries and wages paid from sources, including payments received pursuant to interagency agreements or as contract receipts, other than the General Revenue Fund shall be made in proportion to the source of funds from which the respective salary or wage is paid or, if the Comptroller determines that achieving proportionality at the time the payment is made would be impractical or inefficient, then the General Revenue Fund shall be reimbursed for any such payment made out of the General Revenue Fund.
- (c) The Comptroller, after consulting with the Legislative Budget Board and the State Auditor's

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Office, shall develop and maintain rules to provide for the administration of this section.

- (e) Each agency or institution of higher education (including a community or junior college) having General Revenue Fund appropriations and other sources of financing shall file with the Comptroller and the State Auditor a report demonstrating proportionality. The report shall be filed before November 20th following the close of the fiscal year for the salaries, wages, and benefits of the preceding year ended August 31. The report shall be in a format prescribed by the Comptroller in collaboration with the Legislative Budget Board and the State Auditor's Office. The State Auditor shall at least biennially review agency and institution (including a community or junior college) compliance with the requirements of this section if the agency or institution (including a community or junior college) receives funds appropriated under Articles II, III, or VI of this Act. The Comptroller, on receipt of notification from the State Auditor of amounts disproportionately paid from General Revenue Fund appropriations, shall reduce current year General Revenue Fund appropriations of the agency or institution until such time as such amounts are repaid from sources other than the General Revenue Fund.

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Office, shall develop and maintain rules to provide for the administration of this section.

- (d) Each agency or institution of higher education (excluding a community or junior college) having General Revenue Fund appropriations and other sources of financing shall file with the Comptroller and the State Auditor a report demonstrating proportionality. The report shall be filed before November 20th following the close of the fiscal year for the salaries, wages, and benefits of the preceding year ended August 31. The report shall be in a format prescribed by the Comptroller in collaboration with the Legislative Budget Board and the State Auditor's Office. The State Auditor shall at least biennially review agency and institution (excluding a community or junior college) compliance with the requirements of this section if the agency or institution (excluding a community or junior college) receives funds appropriated under Articles II, III, or VI of this Act. The Comptroller, on receipt of notification from the State Auditor of amounts disproportionately paid from General Revenue Fund appropriations, shall reduce current year General Revenue Fund appropriations of the agency or institution until such time as such amounts are repaid from sources other than the General Revenue Fund.

Sec. 6.12. Expenditures for State-Federal Relations.

- (a) Funds appropriated by this Act may not be spent by a state agency to carry on functions for which funds have been appropriated to the Office of State-Federal Relations to perform except when an interagency contract has been executed between the Office of State-Federal Relations and the state agency.
- (b) Prior to travel to the Washington, D.C. area, including any trip with a destination to the Reagan-National, Dulles, or Baltimore Washington International airports, state agency personnel shall inform the Office of State-Federal Relations regarding:
- (1) the timing of the trip;

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- (2) the purpose of the trip; and
- (3) the name of a contact person for additional information.
- (c) Under Subsection (b) the term "travel" is limited to only activities:
 - (1) involving obtaining or spending federal funds; or
 - (2) impacting federal policies.

Sec. 6.21. Definition, Appropriation, Reporting and Audit of Earned Federal Funds.

- (a) Definition. Earned Federal Funds are defined as all monies received in connection with each entitlement period of a federally funded contract, grant or program, excluding reimbursements under § 8.02(c) of this Article which are not required by the governing agreement to be distributed thereon. Typically, EFF arise from recoveries of costs previously paid from a nonfederal fund source, indirect cost allocations, interest earned on federal funds, and minor sources such as the sale of fixed assets purchased with federal funds. These funds are received in connection with a federally funded program but are not required by the governing agreement to be distributed on that program. For state accounting purposes, EFF are defined as revenues collected and deposited into the state General Revenue Fund (70000) as Comptroller revenue object codes 3602, 3702, 3726, 3750, 3773, 3851, 3965, 3971 and 3792.
- (b) Collected Revenue. General Revenue in the amounts specified by year below is appropriated in agency bill patterns elsewhere in this Act and is contingent on collection of EFF revenues by the following agencies:

	<u>2010</u>	<u>2011</u>
Article I: General Government		
Attorney General	\$7,586,894	\$7,727,079
Trusted Programs of the Governor	1,163,903	926,250
Library & Archives Commission	110,630	110,630

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

- (a) Definition. Earned Federal Funds are defined as all monies received in connection with each entitlement period of a federally funded contract, grant or program, excluding reimbursements under §8.02(c) of this Article which are not required by the governing agreement to be distributed thereon. Typically, EFF arise from recoveries of costs previously paid from a nonfederal fund source, indirect cost allocations, interest earned on federal funds, and minor sources such as the sale of fixed assets purchased with federal funds. These funds are received in connection with a federally funded program but are not required by the governing agreement to be distributed on that program. For state accounting purposes, EFF are defined as revenues collected and deposited into the state General Revenue Fund (70000) as Comptroller revenue object codes 3602, 3702, 3726, 3750, 3773, 3851, 3965, 3971 and 3792.
- (b) Collected Revenue. General Revenue in the amounts specified by year below is appropriated in agency bill patterns elsewhere in this Act and is contingent on collection of EFF revenues by the following agencies:

	<u>2010</u>	<u>2011</u>
Article I: General Government		
Attorney General	\$7,586,894	\$7,727,079
Trusted Programs of the Governor	1,163,903	926,250
Library & Archives Commission	110,630	110,630

ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY
(Continued)

	Senate			House	
Veterans Commission	1,099,521	1,099,521	Veterans Commission	1,099,521	1,099,521
Article II: Health and Human Services			Article II: Health and Human Services		
Department of Aging and Disability Services	\$9,266,430	\$9,266,430	Department of Aging and Disability Services	\$9,266,430	\$9,266,430
Department of Assistive and Rehabilitative Services	3,566,924	3,566,924	Department of Assistive and Rehabilitative Services	2,975,812	2,975,812
Department of Family and Protective Services	1,125,374	1,125,374	Department of Family and Protective Services	1,125,374	1,125,374
Department of State Health Services	4,500,000	4,500,000	Department of State Health Services	4,500,000	4,500,000
Health and Human Services Commission	10,416,109	10,416,109	Health and Human Services Commission	10,416,109	10,416,109
Article III: Education			Article III: Education		
Texas Education Agency	\$2,400,000	\$2,400,000	Texas Education Agency	\$2,400,000	\$2,400,000
Higher Education Coordinating Board	936,229	399,950	Higher Education Coordinating Board	936,229	399,950
Article V: Public Safety and Criminal Justice			Article V: Public Safety and Criminal Justice		
Adjutant General's Department	\$107,900	\$107,900	Adjutant General's Department	\$107,900	\$107,900
Department of Public Safety	1,489,000	1,489,000	Department of Public Safety	1,489,000	1,489,000
Youth Commission	85,000	85,000	Youth Commission	85,000	85,000
Article VI: Natural Resources			Article VI: Natural Resources		
Department of Agriculture	\$3,721,101	\$3,721,101	Department of Agriculture	\$3,721,101	\$3,721,101
Animal Health Commission	352,343	333,967	Animal Health Commission	352,343	333,967
Commission on Environmental Quality	5,000,000	5,000,000	Commission on Environmental Quality	5,000,000	5,000,000
Parks and Wildlife Commission	225,000	225,000	Parks and Wildlife Commission	225,000	225,000
Railroad Commission	903,112	903,112	Railroad Commission	903,112	903,112
Water Development Board	379,015	379,015	Water Development Board	379,015	379,015
Article VII: Business and Economic Development			Article VII: Business and Economic Development		
Housing and Community Affairs	\$1,249,000	\$1,249,000	Housing and Community Affairs	\$1,249,000	\$1,249,000
Office of Rural Community Affairs	242,517	242,517	Office of Rural Community Affairs	242,517	242,517
Workforce Commission	475,000	475,000	Workforce Commission	475,000	475,000
Article VIII: Regulatory			Article VIII: Regulatory		
Department of Insurance	\$258,861	\$258,861	Department of Insurance	\$258,861	\$258,861
Total, General Revenue in Lieu of Earned Federal Funds	\$56,659,863	\$56,007,740	Total, General Revenue in Lieu of Earned Federal Funds	\$56,068,751	\$55,416,628

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

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

**ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY**

(Continued)

Senate

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

- (1) At least 30 days prior to budgeting or expending the EFF above the 2010 level above, the agency shall report the anticipated amounts and proposed use of these funds to the Legislative Budget Board.
 - (2) Notification shall include information regarding the need that will be served with the additional revenue.
 - (3) Notification shall also identify the impact on established performance targets, measures, capital budget authority, and full-time-equivalent positions.
- (d) Reporting and Appropriation. Subsection (c) authority and requirements shall also apply to fiscal year 2011.
- (e) No Unexpended Balance Authority from Fiscal Year 2009 for Agencies. The amounts of General Revenue above for all listed agencies exclude any unexpended balances of EFF that remain on August 31, 2009. It is assumed that any remaining balances of EFF on August 31, 2009, lapse to the General Revenue Fund.
- (f) Unexpended Balance Authority Between Years of the 2010-2011 Biennium. Any EFF balances in excess of the amounts identified in Subsection (b) or any balance remaining from the amounts identified in Subsection (b) on August 31, 2010 may be carried forward into fiscal year 2011.
- (g) Benefits Proportional if Used for Salaries. Revenues collected as EFF as authorized and generated by each of the agencies above cover, at a minimum, the cost of the General Revenue appropriations specified above and any associated employee benefits in the event that these revenues are used to pay salaries.
- (h) Federal Monies Collected for Post-retirement Health Care. Federal monies collected for post-

House

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

- (1) At least 30 days prior to budgeting or expending the EFF above the 2010 level above, the agency shall report the anticipated amounts and proposed use of these funds to the Legislative Budget Board.
 - (2) Notification shall include information regarding the need that will be served with the additional revenue.
 - (3) Notification shall also identify the impact on established performance targets, measures, capital budget authority, and full-time-equivalent positions.
- (d) Reporting and Appropriation. Subsection (c) authority and requirements shall also apply to fiscal year 2011.
- (e) No Unexpended Balance Authority from Fiscal Year 2009 for Agencies. The amounts of General Revenue above for all listed agencies exclude any unexpended balances of EFF that remain on August 31, 2009. It is assumed that any remaining balances of EFF on August 31, 2009, lapse to the General Revenue Fund.
- (f) Unexpended Balance Authority Between Years of the 2010-2011 Biennium. Any EFF balances in excess of the amounts identified in Subsection (b) or any balance remaining from the amounts identified in Subsection (b) on August 31, 2010 may be carried forward into fiscal year 2011.
- (g) Benefits Proportional if Used for Salaries. Revenues collected as EFF as authorized and generated by each of the agencies above cover, at a minimum, the cost of the General Revenue appropriations specified above and any associated employee benefits in the event that these revenues are used to pay salaries.
- (h) Federal Monies Collected for Post-retirement Health Care. Federal monies collected for post-

**ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY**

(Continued)

Senate

retirement health care costs shall be deposited as unappropriated general revenue and are not eligible for appropriation by this provision.

- (i) Amounts Contingent on Collection. The yearly amounts by agency identified above are contingent on collection. In the event that actual and/or projected revenue collections are insufficient to offset the appropriations identified in this provision, the Comptroller shall reduce the General Revenue appropriations provided by this Act to be within the amount of EFF collections expected to be available.
- (j) Contingency Appropriation for Additional Agencies. In the event that an agency not identified above enters into an agreement with a federal agency which results in the receipt of EFF which are a new source of collections not anticipated for fiscal years 2010 and 2011, the affected agency shall furnish documentation of the new revenue to the Comptroller. If the Comptroller finds the information sufficient to support the revenue stream as a new collection, a finding of fact shall be issued and the additional EFF collections are hereby appropriated subject to the notification requirements in Subsections (c) and (d).
- (k) Audit. The depositing and classification practices of Earned Federal Funds by agencies referenced above shall be subject to audit by the State Auditor's Office.

Sec. 8.02. Federal Funds/Block Grants.

- (a) Funds received from the United States government by a state agency or institution named in this Act are hereby appropriated to the agency or institution for the purposes for which the federal grant, allocation, aid, payment, or reimbursement was made subject to the provisions of this section.
- (b) Notwithstanding subsection (a) of this section, prior to the expenditure of any funds appropriated under this section in an amount in excess of \$10 million greater than the amount for which an agency was appropriated federal funds for the same purpose in this Act, each agency shall report to the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts, the amount of federal funds and the proposed use of the funds. If after the

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retirement health care costs shall be deposited as unappropriated general revenue and are not eligible for appropriation by this provision.

- (i) Amounts Contingent on Collection. The yearly amounts by agency identified above are contingent on collection. In the event that actual and/or projected revenue collections are insufficient to offset the appropriations identified in this provision, the Comptroller shall reduce the General Revenue appropriations provided by this Act to be within the amount of EFF collections expected to be available.
- (j) Contingency Appropriation for Additional Agencies. In the event that an agency not identified above enters into an agreement with a federal agency which results in the receipt of EFF which are a new source of collections not anticipated for fiscal years 2010 and 2011, the affected agency shall furnish documentation of the new revenue to the Comptroller. If the Comptroller finds the information sufficient to support the revenue stream as a new collection, a finding of fact shall be issued and the additional EFF collections are hereby appropriated subject to the notification requirements in Subsections (c) and (d).
- (k) Audit. The depositing and classification practices of Earned Federal Funds by agencies referenced above shall be subject to audit by the State Auditor's Office.

Sec. 8.02. Federal Funds/Block Grants.

- (a) (1) Except as provided in Subsection (i), all funds received from the United States government by a state agency or institution named in this Act are hereby appropriated to the agency or institution for the purposes for which the federal grant, allocation, aid, payment, or reimbursement was made subject to the provisions of this section.
- (2) Funds appropriated above in Subdivision (1) may not be spent without the prior written approval of the Legislative Budget Board if the amount of federal funds received by the agency under this subsection exceeds 10% of the amount of the federal funds appropriated to the agency elsewhere in this Act.

ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY

(Continued)

Senate

tenth business day after notification from the agency neither the Legislative Budget Board nor the Governor issues a written disapproval, the Comptroller of Public Accounts shall release the funds.

- (c) Except for an institution of higher education, federal funds:
 - (1) including unexpended balances, shall be deposited to and expended from the specific appropriation item identified in this Act; and
 - (2) may not be expended for a strategy or function other than a strategy or function that has been reviewed by the Eighty-first Legislature and authorized by specific language in this Act or encompassed by an agency's budget structure as established by this Act.
- (d) As applicable, federal reimbursements received for expenditures previously made or services performed on behalf of federal programs from state funds shall be credited by the Comptroller to the fund from which the expenditure was originally made. The credit shall be to the agency's current appropriation item or accounts from which the expenditures of like character were originally made and are hereby appropriated. Reimbursements received from employee benefits paid from General Revenue Fund appropriations of other administering agencies shall be deposited to the unappropriated General Revenue Fund.
- (e) A position created for administration of federal grant programs shall be phased out upon discontinuance of the particular federal grant for which it was authorized.
- (f)
 - (1) Semi-annual reports, of federal funds received and their intended usage comparing historical, appropriated, and agency expected amounts for those funds, shall be filed by the Governor with the Legislative Budget Board and the presiding officers of both houses of the Legislature for referral to appropriate standing committees for review.
 - (2) Before expending or obligating funds received under a federal grant or program, an agency must file the required information regarding application for federal funds and receipt of federal funds.

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- (b) Except for an institution of higher education, federal funds:
 - (1) including unexpended balances, shall be deposited to and expended from the specific appropriation item identified in this Act; and
 - (2) may not be expended for a strategy or function other than a strategy or function that has been reviewed by the Eighty-first Legislature and authorized by specific language in this Act or encompassed by an agency's budget structure as established by this Act.
- (c) As applicable, federal reimbursements received for expenditures previously made or services performed on behalf of federal programs from state funds shall be credited by the Comptroller to the fund from which the expenditure was originally made. The credit shall be to the agency's current appropriation item or accounts from which the expenditures of like character were originally made and are hereby appropriated. Reimbursements received from employee benefits paid from General Revenue Fund appropriations of other administering agencies shall be deposited to the unappropriated General Revenue Fund.
- (d) A position created for administration of federal grant programs shall be phased out upon discontinuance of the particular federal grant for which it was authorized.
- (e)
 - (1) Semi-annual reports, of federal funds received and their intended usage comparing historical, appropriated, and agency expected amounts for those funds, shall be filed by the Governor with the Legislative Budget Board and the presiding officers of both houses of the Legislature for referral to appropriate standing committees for review.
 - (2) Before expending or obligating funds received under a federal grant or program, an agency must file the required information regarding application for federal funds and receipt of federal funds.
- (f) Agencies subject to Chapter 654, Government Code (the Position Classification Act) will make federal grant employment in accordance with the provisions of that Act in positions listed in, or otherwise authorized by, this Article.

ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY
(Continued)

Senate

- (g) Agencies subject to Chapter 654, Government Code (the Position Classification Act) will make federal grant employment in accordance with the provisions of that Act in positions listed in, or otherwise authorized by, this Article.
- (h) In order to maximize the amount of federal alcohol and drug abuse funds that might become available to the Department of State Health Services, state funds used by a state agency to provide alcohol and drug abuse services may be counted towards any required state matching contribution for such federal funds.
- (i) In the event that federal programs that authorize federal funds included in this Act are eliminated, consolidated, or replaced with new federal programs and funding authorization or block grants, or the federal funds appropriated to agencies are reduced, any reduction or reallocation of federal funds will be distributed across affected agencies and programs to pattern the strategies and programs included in this Act to the extent possible without restricting the state's ability to receive federal funds, in accordance with a plan adopted by the designated single state agency or otherwise by each affected agency. An agency shall provide a copy of the plan to the Legislative Budget Board and the Governor.

House

- (g) In order to maximize the amount of federal alcohol and drug abuse funds that might become available to the Department of State Health Services, state funds used by a state agency to provide alcohol and drug abuse services may be counted towards any required state matching contribution for such federal funds.
- (h) In the event that federal programs that authorize federal funds included in this Act are eliminated, consolidated, or replaced with new federal programs and funding authorization or block grants, or the federal funds appropriated to agencies are reduced, any reduction or reallocation of federal funds will be distributed across affected agencies and programs to pattern the strategies and programs included in this Act to the extent possible without restricting the state's ability to receive federal funds, in accordance with a plan adopted by the designated single state agency or otherwise by each affected agency. An agency shall provide a copy of the plan to the Legislative Budget Board and the Governor.
- (i) Prior to obligating or expending funds received from the United States Government under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) or any subsequent federal stimulus legislation, an agency or institution of higher education must provide the following information to the Legislative Budget Board, Governor's Office, and each Member of the Legislature:
 - (1) the amount of money awarded or received;
 - (2) the purposes for which the funds may be spent;
 - (3) specific performance measures tied to each expenditure;
 - (4) the estimated number of jobs to be created or retained;
 - (5) the number of any new full-time equivalent positions; and
 - (6) a list of all capital items to be purchased with the funds.

**ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY**

(Continued)

Senate

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Sec. 10.05. Informational Listing - Health Care Appropriations. The following is an informational listing of amounts appropriated specifically for health care services in this Act and does not make appropriations. For purposes of this section, health care appropriations include programs identified as health care-related in this Act, and do not include health care appropriations made to institutions of higher education with non-appropriated funds.

Sec. 10.05. Informational Listing - Health Care Appropriations. The following is an informational listing of amounts appropriated specifically for health care services in this Act and does not make appropriations. For purposes of this section, health care appropriations include programs identified as health care-related in this Act, and do not include health care appropriations made to institutions of higher education with non-appropriated funds.

For purposes of this informational listing, health care appropriations include, but are not limited to, appropriations for Medicaid, inpatient and outpatient services, health care premiums, medications, laboratory services, community care services, nursing facility and hospice payments, rehabilitation services, alcohol and drug abuse treatment, mental retardation, and comprehensive therapies and related services for children with developmental delays. Certain non-health care-related costs which could not be broken out from other health care costs are also included in the listing below.

For purposes of this informational listing, health care appropriations include, but are not limited to, appropriations for Medicaid, inpatient and outpatient services, health care premiums, medications, laboratory services, community care services, nursing facility and hospice payments, rehabilitation services, alcohol and drug abuse treatment, mental retardation, and comprehensive therapies and related services for children with developmental delays. Certain non-health care-related costs which could not be broken out from other health care costs are also included in the listing below.

Programs	All Funds (in millions)	All Funds (in millions)
Article I	<u>2010</u>	<u>2011</u>
Employees Retirement System - State Employee Group Health Insurance	\$1,147.0	\$1,244.9
Employee Children's Insurance Program (SKIP)	7.1	7.6
Workers' Compensation (State Office of Risk Management agencies)	48.6	49.6
Article II		
Health and Human Services Commission-Medicaid	15,873.2	16,218.2
Health and Human Services Commission-Children's Health Insurance Program	1,150.2	1,182.0
Department of Aging and Disability Services	5,862.8	5,917.8
Department of Assistive and Rehabilitative Services	444.2	450.0
Department of State Health Services	1,525.4	1,518.8
Article II Special Provisions	500.3	17.3
Article III		
Health-Related Higher Education Institutions	1,926.9	2,117.5
Higher Education Group Health Insurance	670.1	715.7
Higher Education Workers' Compensation		

Programs	All Funds (in millions)	All Funds (in millions)
Article I	<u>2010</u>	<u>2011</u>
Employees Retirement System - State Employee Group Health Insurance	\$1,147.0	\$1,244.9
Employee Children's Insurance Program (SKIP)	7.1	7.6
Workers' Compensation (State Office of Risk Management agencies)	48.6	49.6
Article II		
Health and Human Services Commission-Medicaid	14,725.8	15,435.6
Health and Human Services Commission-Children's Health Insurance Program	1,150.2	1,182.0
Department of Aging and Disability Services	5,921.6	6,012.4
Department of Assistive and Rehabilitative Services	449.2	460.9
Department of State Health Services	1,537.7	1,529.4
Article II Special Provisions	-	-
Article III		
Health-Related Higher Education Institutions	1,926.9	2,117.5
Higher Education Group Health Insurance	725.1	770.7
Higher Education Workers' Compensation		

**ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY
(Continued)**

	Senate			House	
Non-State Office of Risk Management	14.5	14.6	Non-State Office of Risk Management	14.5	14.6
Teacher Retirement System-TRS Care	255.3	268.1	Teacher Retirement System-TRS Care	255.3	268.1
Texas Education Agency-Independent School District Employee Insurance	478.5	483.3	Texas Education Agency-Independent School District Employee Insurance	478.5	483.3
Article V			Article V		
Texas Department of Criminal Justice	593.4	600.0	Texas Department of Criminal Justice	547.6	549.5
Texas Youth Commission	25.6	24.9	Texas Youth Commission	23.5	23.4
Article VII			Article VII		
Office of Rural Community Affairs	5.5	5.5	Office of Rural Community Affairs	6.1	6.1
Total*	\$30,528.6	\$30,835.5	Total*	\$28,964.7	\$30,155.5
Method of Finance			Method of Finance		
Total, General Revenue	\$13,095.5	\$13,356.1	Total, General Revenue	\$12,469.5	\$13,074.6
Total, General Revenue-Dedicated	305.4	322.4	Total, General Revenue-Dedicated	308.7	324.4
Total, Federal Funds	14,714.8	14,531.4	Total, Federal Funds	13,764.9	14,120.1
Total, Other Funds	2,412.9	2,625.6	Total, Other Funds	2,421.7	2,636.5
Total,* All Funds	\$30,528.6	\$30,835.5	Total,* All Funds	\$28,964.7	\$30,155.5
*Totals may not add because of rounding.			*Totals may not add because of rounding.		

Sec. 11.09. Name of El Paso State Office Building. The state office building in El Paso located at 401 East Franklin Avenue shall be known as the Paul Moreno State Office Building.

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

Sec. 13.05. Funding for Acts Adopted by the Legislature.

- (a) It is the intent of the Legislature that agencies and institutions use funds appropriated by this Act for purposes and programs as provided by this Act.
- (b) It is the intent of the Legislature that agencies and institutions use funds appropriated by this Act for purposes and programs as provided by specific contingency appropriation riders under this Act.

**ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY**

(Continued)

Senate

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- (c) It is the intent of the Legislature that agencies and institutions implement legislation adopted by the Eighty-first Legislature only to the extent that funds are available to the agency or institution for that use. Nevertheless, except for the funding of grants, this subsection does not permit an agency or institution to fail to implement specific acts or legislation adopted by the Eighty-first Legislature for which there is not a specific appropriation when funding has been provided by this Act to the agency or institution for general purposes inclusive of the specific acts or legislation.

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

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

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

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

**ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY**

(Continued)

Senate

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

<u>Specialty License Plate</u>	<u>Fund or Account Number</u>	<u>Estimated Balance on 8/31/09</u>	<u>Estimated Revenue FY2010</u>	<u>Estimated Revenue FY2011</u>
Article I				
Commission on the Arts State of the Arts	0334 ^a	\$0	\$200,000	\$200,000
Office of the Attorney General Lone Star Proud for Kids (Volunteer Advocate)	5036	\$43,000	\$30,000	\$31,000
Cancer Prevention and Research Institute of Texas Texans Conquer Cancer	5090	\$18,000	\$12,000	\$12,000
Trusted Programs within the Office of the Governor Economic Development and Tourism	5110	\$64,000	\$8,000	\$8,000
Texas-It's Like a Whole Other Country	5053	\$49,000	\$21,000	\$21,000
Native Texan (Daughters of the Republic of Texas)	5115	\$18,000	\$67,000	\$67,000
Space Shuttle Columbia	0001	\$0	\$12,000	\$12,000
Texas Music	5113	\$10,000	\$7,000	\$10,000
Historical Commission El Paso Mission Valley	5122	\$0	\$0	\$0
Library & Archives Commission Texas Reads	5042	\$10,000	\$4,000	\$4,000

House

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

<u>Specialty License Plate</u>	<u>Fund or Account Number</u>	<u>Estimated Balance on 8/31/09</u>	<u>Estimated Revenue FY2010</u>	<u>Estimated Revenue FY2011</u>
Article I				
Commission on the Arts State of the Arts	0334 ^a	\$0	\$200,000	\$200,000
Office of the Attorney General Lone Star Proud for Kids (Volunteer Advocate)	5036	\$57,650	\$48,840	\$50,314
Cancer Prevention and Research Institute of Texas Texans Conquer Cancer	5136	\$14,000	\$18,025	\$18,025
Trusted Programs within the Office of the Governor Economic Development and Tourism	5110	\$52,000	\$11,000	\$11,000
Texas-It's Like a Whole Other Country	5053	\$49,000	\$23,000	\$23,000
Native Texan (Daughters of the Republic of Texas)	5115	\$6,000	\$59,000	\$59,000
Space Shuttle Columbia	0001	\$0	\$12,000	\$12,000
Texas Music	5113	\$5,000	\$5,000	\$5,000
Historical Commission El Paso Mission Valley	5122	\$0	\$0	\$0
Library & Archives Commission Texas Reads	5042	\$0	\$7,868	\$7,869
Veterans Commission				

ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY
(Continued)

	Senate					House			
Veterans Commission					American Legion	5141	\$0	\$225	\$225
American Legion	5141	\$1,000	\$1,000	\$1,000	Air Force Association	5123	\$0	\$2,447	\$2,447
Air Force Association	5123	\$2,000	\$3,000	\$3,000					
Article II					Article II				
Department of Aging and Disability Services					Department of Aging and Disability Services				
Special Olympics Texas	5055	\$2,000	\$4,000	\$4,000	Special Olympics Texas	5055	\$0	\$4,620	\$4,620
Department of Assistive and Rehabilitative Services					Department of Assistive and Rehabilitative Services				
I Love Texas	5086	\$4,000	\$12,000	\$12,000	I Love Texas	5086	\$0	\$10,861	\$11,057
Department of State Health Services					Department of State Health Services				
Animal Friendly	5032	\$0	\$289,000	\$295,000	Animal Friendly	5032	\$0	\$425,000	\$425,000
March of Dimes	5117	\$0	\$1,000	\$1,000	March of Dimes	5117	\$0	\$0	\$0
Be a Blood Donor	5134	\$1,000	\$0	\$0	Be a Blood Donor	5134	\$0	\$0	\$0
Article III					Article III				
Texas Education Agency					Texas Education Agency				
Read to Succeed	5027	\$1,122,000	\$31,000	\$32,000	Read to Succeed	5027	\$0	\$33,698	\$33,698
YMCA	5089	\$0	\$1,173	\$1,173	YMCA	5089	\$0	\$1,173	\$1,173
100th Football Season of S. F. Austin					100th Football Season of S. F. Austin				
High School	5058	\$0	\$0	\$0	High School	5058	\$0	\$0	\$0
Share The Road	5121	\$3,000	\$48,000	\$48,000	Share The Road	5121	\$0	\$48,371	\$48,371
Knights of Columbus	5118	\$2,000	\$11,000	\$11,000	Knights of Columbus	5118	\$0	\$11,398	\$11,398
Star Day School Library Readers are Leaders	N/A	\$0	\$0	\$0	Star Day School Library Readers are Leaders	N/A	\$0	\$0	\$0
Keeping Texas Strong	N/A	\$0	\$0	\$0	Keeping Texas Strong	N/A	\$0	\$0	\$0
Anthropos Arts	5140	\$0	\$12,500	\$12,500	Anthropos Arts	5140	\$0	\$12,500	\$12,500
Higher Education Coordinating Board					Higher Education Coordinating Board				
Houston Livestock Show and Rodeo	5034	\$3,000	\$5,000	\$5,000	Houston Livestock Show and Rodeo	5034	\$7,000	\$19,500	\$12,500
Collegiate License Plates	5015	\$469,000	\$329,000	\$336,000	Collegiate License Plates	5015	\$63,000	\$411,621	\$354,922
Girl Scouts	5052	\$5,000	\$2,000	\$2,000	Girl Scouts	5052	\$3,000	\$8,500	\$5,500
Cotton Boll	5119	\$10,000	\$6,000	\$6,000	Cotton Boll	5119	\$14,000	\$31,500	\$17,500
					Boy Scouts of America	5126	\$9,000	\$19,000	\$10,000
					College for Texans	5140	\$0	\$15,000	\$15,000

ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY
(Continued)

Senate					House				
Boy Scouts of America	5126	\$10,000	\$7,000	\$7,000	Texas A&M University System Admin and General Offices				
College for Texans	5140	\$14,000	\$12,000	\$12,000	Texas State Rifle Association	5130	\$28,000	\$12,000	\$12,000
Texas A&M University System Admin and General Offices					Texas A&M University - Kingsville				
Texas State Rifle Association	5130	\$38,000	\$12,000	\$12,000	Red Grapefruit (Texas Citrus Industry)	5056	\$16,000	\$3,000	\$3,000
Texas A&M University - Kingsville					Texas AgriLife Extension Service				
Red Grapefruit (Texas Citrus Industry)	5056	\$20,000	\$3,000	\$3,000	Texas Master Gardener	5131	\$25,000	\$6,000	\$6,000
Texas AgriLife Extension Service					4-H	5132	\$5,000	\$1,000	\$1,000
Texas Master Gardener	5131	\$31,000	\$6,000	\$6,000	Texas Forest Service				
4-H	5132	\$6,000	\$1,000	\$1,000	Urban Forestry	5133	\$0	\$4,000	\$4,000
Texas Forest Service					Article IV				
Urban Forestry	5133	\$13,000	\$4,000	\$4,000	Supreme Court of Texas				
					Texas Young Lawyers (And Justice for All)0573 ^b				
							\$19,000	\$19,000	\$19,000
Article IV					Article VI				
Supreme Court of Texas					Department of Agriculture				
Texas Young Lawyers (And Justice for All)					Go Texan (Texas Agricultural Products)				
	0573 ^b	\$0	\$15,000	\$14,000		5051 ^c	\$0	\$4,000	\$4,000
Article VI					Parks and Wildlife Department				
Department of Agriculture					Big Bend National Park				
Go Texan (Texas Agricultural Products)	5051 ^c	\$0	\$4,000	\$4,000		5030 ^d	\$0	\$52,000	\$52,000
Parks and Wildlife Department					Waterfowl & Wetland Conservation				
Big Bend National Park	5030 ^d	\$0	\$52,000	\$52,000		5057	\$0	\$31,999	\$31,999
Waterfowl & Wetland Conservation	5057	\$12,000	\$27,000	\$27,000	Texas PGA Junior Golf				
Texas PGA Junior Golf	0001	\$0	\$0	\$0		0001	\$0	\$0	\$0
Marine Mammal Recovery	5120	\$41,000	\$9,000	\$9,000	Marine Mammal Recovery				
Texas Lions Camp	5116	\$36,000	\$6,000	\$6,000		5120	\$0	\$7,585	\$7,585
Horned Toad	5004 ^e	\$0	\$284,367	\$284,367	Texas Lions Camp				
Bluebonnet	5004	\$0	\$110,169	\$110,169		5116	\$0	\$6,000	\$6,000
Whitetail Deer	5004	\$0	\$62,916	\$62,916	Horned Toad				
Largemouth Bass	5004	\$0	\$42,549	\$42,549		5004 ^e	\$0	\$284,367	\$284,367
					Bluebonnet				
						5004	\$0	\$110,169	\$110,169
					Whitetail Deer				
						5004	\$0	\$62,916	\$62,916
					Largemouth Bass				
						5004	\$0	\$42,549	\$42,549

^a Fund 0334 for the Commission of the Arts has these three revenue sources; however, none of the "Estimated Balance on 8/31/09" for Fund 0334 is related to Motor Vehicle Registration Fees:
3014 Motor Vehicle Registration Fees

**ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY**

(Continued)

Senate

House

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

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

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

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

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

- 3014 Motor Vehicle Registration Fees
- 3740 Grants/Donations
- 3851 Interest on State Deposits and Treasury Investments, General (Non-Program)

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

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

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

- 3851 Interest on State Deposits and Treasury Investments, General (Non-Program)
- 3852 Interest on Local Deposits-State Agencies

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

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

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

- 3014 Motor Vehicle Registration Fees
- 3740 Grants/Donations
- 3851 Interest on State Deposits and Treasury Investments, General (Non-Program)

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

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

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

**ARTICLE IX - GENERAL PROVISIONS
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(Continued)

Senate

Sec. 15.03. Contingency Appropriation Reduction.

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

House

Sec. 15.03. Contingency Appropriation Reduction.

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

**ARTICLE IX - GENERAL PROVISIONS
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(Continued)**

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- Bonds;
- (8) Appropriations made for Compensation to Victims of Crime; and
- (9) Appropriations designated as "estimated."

- (7) Appropriations made for Debt Service Payments for Non-Self Supporting G.O. Water Bonds;
- (8) Appropriations made for Compensation to Victims of Crime; and
- (9) Appropriations designated as "estimated."

Sec. 17.01. Informational Listing: General Obligation Bond Proceeds. The following is an informational listing of funds appropriated elsewhere in this Act, for the 2010-11 biennium to the agencies listed below for projects out of general obligation bond proceeds. All projects funded with bond proceeds listed below in are subject to approval by the Legislative Budget Board (LBB) prior to the issuance of the bond proceeds by the Texas Public Finance Authority (TPFA).

Sec. 17.01. Informational Listing: General Obligation Bond Proceeds. The following is an informational listing of funds appropriated elsewhere in this Act, for the 2010-11 biennium to the agencies listed below for projects out of general obligation bond proceeds. All projects funded with bond proceeds listed below are subject to approval by the Legislative Budget Board prior to the issuance of the bond proceeds by the Texas Public Finance Authority.

(a) Proposition 8 by Article by Agency by Project	2010-11 Biennial Total	
ARTICLE I	Bond Proceeds	Debt Service
Texas Facilities Commission		
Deferred Maintenance Projects	\$ 23,155,747	\$ 2,315,000
Total, Article I Bond Proceeds	\$ 23,155,747	\$ 2,315,000
ARTICLE III		
School for the Blind and Visually Impaired		
Campus renovations	\$ 35,192,336	\$ 0
Total, Bond Proceeds by Article	\$ 58,348,083	\$ 2,315,000

(b) Proposition 4 by Article by Agency by Project	2010-11 Biennial Total	
ARTICLE I	Bond Proceeds	Debt Service
Texas Facilities Commission		
Deferred Maintenance Projects	\$ 26,844,253	\$ 2,685,000

(a) Proposition 8 by Article by Agency by Project	2010-11 Biennial Total	
ARTICLE III	Bond Proceeds	Debt Service
School for the Blind and Visually Impaired		
Campus renovations	\$ 35,192,336	\$ 0
ARTICLE V		
Department of Criminal Justice		
Repair and Rehabilitation of Facilities Projects	\$ 23,155,747	\$ 2,853,332
Total, by Article	\$ 58,348,083	\$ 2,853,332

(b) Proposition 4 by Article by Agency by Project	2010-11 Biennial Total	
ARTICLE V	Bond Proceeds	Debt Service
Department of Criminal Justice		

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DIFFERENCES ONLY
(Continued)

	Senate		House	
Texas Historical Commission				
Courthouse Preservation Projects	\$ 40,000,000	\$ 4,000,000	Repair and Rehabilitation of Facilities Projects	\$ 56,844,253
Total, Article I Bond Proceeds	\$ 66,844,253	\$ 6,685,000	Marlin VA Hospital Renovation Projects	\$ 10,000,000
ARTICLE II			Texas Youth Commission	
Department of State Health Services			Three New Facilities in Three Metropolitan Areas	\$ 25,000,000
Building Equipment Repair and Replacement	\$ 20,000,000	\$ 2,000,000	Total, Article V	\$ 91,844,253
Total, Article II Bond Proceeds	\$ 20,000,000	\$ 2,000,000		
ARTICLE V				
Department of Criminal Justice				
Repair and Rehabilitation of Facilities Projects	\$ 80,000,000	\$ 8,000,000		
Marlin VA Hospital Renovation Projects	\$ 10,000,000	\$ 1,000,000		
Department of Public Safety				
Deferred Maintenance	\$ 10,000,000	\$ 1,000,000		
Texas Youth Commission				
Repair and Rehabilitation of Facilities and Video Surveillance Equipment	\$ 15,000,000	\$ 1,500,000		
Total, Article V Bond Proceeds	\$ 115,000,000	\$ 11,500,000		
ARTICLE VI				
Texas Parks and Wildlife Department				
Statewide Capital Repairs and Construction Projects	\$ 18,000,000	\$ 1,800,000		
State Park Weather Related Repairs	\$ 10,000,000	\$ 1,000,000		
Total, Article VI Bond Proceeds	\$ 28,000,000	\$ 2,800,000		
Total, Bond Proceeds by Article	\$ 229,844,253	\$ 22,985,000		

Sec. 17.02. Appropriation for a Salary Increase for State Employees in Salary Schedule C.

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

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(Continued)**

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Agency Name	General Revenue	General Revenue - Dedicated (Fund 9)	Federal Funds	Other Funds (Fund 6)	Total for Each Fiscal Year of the Biennium
Alcoholic Beverage Commission	\$714,735	\$0	\$0	\$0	\$714,735
Department of Criminal Justice	\$214,731	\$0	\$0	\$0	\$214,731
Parks and Wildlife Department	\$0	\$1,308,932	\$143,823	\$0	\$1,452,755
Department of Public Safety	\$9,155,916	\$0	\$461,643	\$0	\$9,617,559
Subtotal	\$10,085,382	\$1,308,932	\$605,466	\$0	\$11,999,780
Additional Benefits	\$1,583,405	\$205,502	\$95,058	\$0	\$1,883,965
Grand Total	\$11,668,787	\$1,514,434	\$700,524	\$0	\$13,883,745

- (b) The amounts appropriated above include \$714,735 in fiscal year 2010 and \$714,735 in fiscal year 2011 in General Revenue Funds to the Texas Alcoholic Beverage Commission for Schedule C pay raises. These appropriations are contingent upon the Texas Alcoholic Beverage Commission increasing fees and surcharges, pursuant to § 5.50, Alcoholic Beverage Code, by \$1,653,897 and providing such information deemed necessary by the Comptroller of Public Accounts to issue a finding of fact that the increased revenues are estimated to be available in excess of the Comptroller's Biennial Revenue Estimate, including supplemental estimates used in certifying this Act, to fund the increased appropriations and benefits.
- (c) Any increase in employee benefits costs associated with the salary increase as described above shall be paid only out of the appropriations made above in Subsection (a) of this section.
- (d) Provisions requiring salaries and benefits to be proportional to the source of funds shall apply to all sums allocated under this section, except as otherwise provided. Each agency shall pay the increase in compensation from funds held in the state treasury and from local funds in the same

ARTICLE IX - GENERAL PROVISIONS
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(Continued)

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proportion as the employee's regular compensation.

- (e) The Comptroller of Public Accounts shall promulgate rules and regulations as necessary to administer this section. Funds appropriated in this section shall be allocated to each agency, and to the appropriate employee benefit appropriation items, in accordance with such rules and regulations and may be used only for the purpose of providing a salary increase and paying associated employee benefit costs.
- (f) This section does not authorize an increase of classified salary rates above the rates listed in the Schedule C in this Act.

Sec. 17.02. Appropriation for a Single Bonus Payment for State Employees Classified under Salary Schedules A, B, and C of this Article.

- (a) As used in this Section, "bonus" means a single employee compensation payment in the amount of one thousand dollars (\$1,000) required to be paid to a full-time employee or a single employee compensation payment in the amount of five hundred dollars (\$500) required to be paid to a part-time employee on September 1, 2009, by an agency of the State of Texas through the payroll system, to an employee classified under the classified salary schedules A, B, or C listed under Part 2, Article IX of this Act who was employed by the agency on March 31, 2009, without regard to whether an employee was on leave on either September 1 or March 31, but subject to the exclusions and limitations under this Section.
- (b) (1) The Comptroller of Public Accounts is hereby appropriated an amount estimated to be \$58,310,493 out of the General Revenue Fund, an amount estimated to be \$6,340,404 out of General Revenue-Dedicated, an amount estimated to be \$29,277,884 out of federal funds, and an amount estimated to be \$952,311 out of other funds and accounts (but no appropriation from the State Highway Fund, No. 006), to fund a bonus described in Subsection (a) of this Section for an employee of a state agency including an employee of the Higher Education Coordinating Board.

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(Continued)

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- (2) State Highway Fund, No. 006, funds appropriated elsewhere under this Act shall be used to pay the bonus required under this Section to the an agency's employee normally paid from State Highway Fund, No. 006.
- (c) This Section does not apply to employees of institutions of higher education, statewide elected officials, justices and judges of the appellate and district courts, district attorneys, criminal district attorneys, county attorneys performing the duties of a district attorney, or line item exempt (non-classified) employees. Additionally, this Section does not apply to the following employees:
 - (1) At the Texas Department of Criminal Justice:
 - (A) Correctional Officer series; and Ranking Staff (including Sergeants, Lieutenants, Captains, Majors, Assistant Wardens, and Wardens) otherwise provided a pay increase under this Act;
 - (B) Laundry Managers otherwise provided a pay increase under this Act;
 - (C) Food Service Managers otherwise provided a pay increase under this Act; or
 - (D) Parole Officer series otherwise provided a pay increase under this Act;
 - (2) At the Texas Youth Commission: Juvenile Correctional Officers series otherwise provided a pay increase under this Act;
 - (3) Financial Examiners otherwise provided a pay increase under this Act;
 - (4) An employee classified under the classified salary schedules A, B, or C listed under Part 2, Article IX of this Act who earned amounts greater than \$100,000 per year calculated in any of the following manners:
 - (A) total gross employee compensation paid from all state sources during the twelve

ARTICLE IX - GENERAL PROVISIONS
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(Continued)

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month period ending on March 31, 2009; or

- (B) total gross employee compensation paid from all state sources during the month ending March 31, 2009, multiplied by 12; or
 - (C) calculations as may be prescribed by rules adopted by the Comptroller in order to achieve the legislative objective of excluding employees classified under the classified salary schedules A, B, or C listed under Part 2, Article IX of this Act who earn amounts of gross employee compensation greater than either \$8,334 per month or \$100,000 per year from receiving the bonus payment.
- (d) (1) For an employee paid the bonus required under this Section from funds other than State Highway Fund No. 006, any increase in employee benefits costs associated with the bonus as described above shall be paid exclusively from appropriations made above in Subsection (b) of this Section.
- (2) For an employee paid the bonus required to be paid under this Section from State Highway Fund No. 006, any increase in employee benefits costs associated with the bonus as described above shall be paid exclusively from appropriations made elsewhere under this Act.
- (e) Provisions requiring salaries and benefits to be proportional to the source of funds shall apply to all sums allocated under this Section for the payment of a bonus as if the bonus was a part of the employee's regular compensation, except as may otherwise be provided. Each agency shall pay the bonus from funds held in the state treasury and from local funds in the same proportion as the employee's regular compensation.
- (f) The Comptroller of Public Accounts shall adopt rules as necessary to administer this Section. Funds appropriated in this Section shall be allocated to each agency, and to the appropriate employee benefit appropriation items, in accordance with such rules and may be used only for the purpose of providing a bonus payment and paying associated employee benefit costs.
- (g) This Section does not authorize an increase of classified salary rates above the rates listed in the

**ARTICLE IX - GENERAL PROVISIONS
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classified salary schedules A, B, and C (as applicable) under Part 2, Article IX of this Act. This Section requires each agency to pay a bonus to each eligible employee of that agency from funds appropriated by this Act.

- (h) (1) Agencies subject to a special provisions rider "Appropriations Limited to Revenue Collections" shall increase revenues as necessary to cover the increased bonus amounts appropriated above. Revenues to general revenue and general revenue dedicated funds due to the bonus increase described above are estimated to be at least \$6,275,500.
- (2) Notwithstanding other limitations under this Act related to transfers of appropriations, an agency employing personnel paid from appropriations made from State Highway Fund, No. 006, may make necessary adjustments to the agency's budget to cover payment of the increased bonus amounts required above. The amount estimated to be necessary to pay the bonuses and benefits from State Highway Fund, No.006 is \$29,400,000.

Sec. 17.03. Teacher Retirement System Supplemental Annuity Payment. In addition to funds appropriated elsewhere in this Act, the Teacher Retirement System is appropriated \$217,392,445 in General Revenue in fiscal year 2010 for a supplemental annuity payment. The TRS Board of Trustees shall pay a supplemental annuity payment on September 1, 2009, or as close to that date as practicable, equal to the monthly annuity payment not to exceed \$1,000 per eligible annuitant or beneficiary.

Sec. 17.03. Texas Workforce and Economic Development Rider: Texas Economic Stimulus.

- (a) The Texas Workforce Commission shall coordinate efforts to provide immediate relief to the state's businesses and citizens; support successful short-term employment skills development and training programs; and assist in aligning the educational institutions of the state to meet current and future workforce needs. To those ends, the legislature allocates funds as follows:
- (b) In addition to funds appropriated elsewhere in this Act, the Texas Workforce Commission is

**ARTICLE IX - GENERAL PROVISIONS
DIFFERENCES ONLY**

(Continued)

Senate

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appropriated \$30,000,000 out of the General Revenue Fund for the Skills Development Fund for fiscal years 2010 and 2011 to train at least 15,000 additional workers;

- (c) In addition to funds appropriated elsewhere in this Act, the Texas Workforce Commission is appropriated \$15,000,000 from the General Revenue Fund to the Texas Workforce Commission for fiscal years 2010 and 2011 for public-private partnerships with employers to move Texans off of public benefits and into the workforce. This program would target first-time unemployment insurance claimants previously earning less than \$15/hour and reach up to 15,000 workers;
- (d) In addition to funds appropriated elsewhere in this Act, \$25,000,000 is hereby appropriated from the General Revenue Fund to the Higher Education Coordinating Board for fiscal years 2010 and 2011 to expand and improve nursing education and produce more faculty in Texas with the goal to double the number of nursing graduates. In addition to funds appropriated elsewhere in this Act, \$5,000,000 is appropriated to the University of Texas at Arlington for fiscal years 2010 and 2011 to develop the Regional Nursing Education Center, which would establish a pilot program to increase the simulation learning facility capacity within the university;
- (e) From funds appropriated elsewhere in this act, the Texas Workforce Commission, through allocations to local workforce boards, shall enhance the workforce demand and supply data bases to provide up-to-date information about the projected number of workers in industry specific categories; and
- (f) In addition to funds appropriated elsewhere in this Act the Higher Education Coordinating Board is hereby appropriated \$20,000,000 for the 2010-11 biennium out of the General Revenue Fund for competitive grants to community colleges to increase participation of individuals in adult basic education.

Sec. 17.04. Enterprise Resource Planning Projects. (a) The Comptroller of Public Accounts (CPA) shall enter into a separate interagency contract to manage the development and implementation of a

ARTICLE IX - GENERAL PROVISIONS
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(Continued)

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Enterprise Resource Planning project with each of the following agencies:

- (1) the Health and Human Services Commission (HHSC);
 - (2) the Texas Department of Transportation (TXDOT); and
 - (3) the Department of Information Resources (DIR) .
- (b) Additionally the CPA shall have the option to enter into interagency contracts with additional agencies for the same purposes listed under subsection (c).
- (c) In accordance with the CPA's duties pursuant to Government Code 2101.036 to adopt standards for implementation and modification of state agency Enterprise Resource Planning (ERP) systems, the CPA shall provide guidance on the following:
- (1) The scope and budget of the project;
 - (2) The timeline to ensure completion on schedule, on budget and with the expected functionality;
 - (3) That business processes are changed to match the software versus changing the software to accommodate business processes;
 - (4) The project helps the overall ERP statewide project effort;
 - (5) Coordination of efforts across all ERP projects (HHSC, TxDOT, and DIR);
 - (6) Management of the contractors working on implementing the systems; and
 - (7) Development of Request For Proposals and other bid documents.
- (d) The CPA shall report annually to the Legislative Budget Board and the Governor's Office on the

ARTICLE IX - GENERAL PROVISIONS
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(Continued)

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status of the implementation of each of the Enterprise Resource Planning project and any savings or benefits realized as a result of the implementation of the project.

- (e) In addition to amounts appropriated elsewhere in this Act, the Health and Human Services Commission is appropriated \$7,059,289 from the General Revenue Fund and \$9,476,000 in All Funds for the 2010-11 fiscal biennium to develop and implement an Enterprise Resource Planning project.

Sec. 17.04. Employees Retirement System Supplemental Annuity Payment. In addition to funds appropriated elsewhere in this Act, the Employees Retirement System (ERS) is appropriated \$115,000,000 in General Revenue in fiscal year 2010 for a supplemental annuity payment. The ERS Board of Trustees shall pay a supplemental annuity payment on September 1, 2009, or as close to that date as practicable, equal to the monthly annuity payment not to exceed \$1,000 per eligible annuitant or beneficiary.

Sec. 17.05. Appropriation for a Salary Increase for Certain State Employees.

- (a) As used in this section, "salary increase" shall mean a five percent (5.0%) increase in annual salary to begin on September 1, 2009 for Correctional Officers; Correctional Food Service Managers; Correctional Laundry Service Managers; Correctional Officer Ranking Staff; and Parole Officers employed by the Texas Department of Criminal Justice, and Juvenile Correctional Officers employed by the Texas Youth Commission.
- (b) The Comptroller of Public Accounts is hereby appropriated an amount estimated to be \$129,709,854 out of the General Revenue Fund to fund a salary increase described in Subsection (a) of this Section for employees of the Texas Department of Criminal Justice and Texas Youth Commission.
- (c) Any increase in employee benefits costs associated with the salary increase as described above

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shall be paid only out of the appropriations made above in Subsection (b) of this Section.

- (d) The Comptroller of Public Accounts may adopt rules as necessary to administer this section. Funds appropriated in this Section shall be allocated to each agency, and to the appropriate employee benefit appropriation items, in accordance with such rules and may be used only for the purpose of providing a salary increase and paying associated employee benefit costs.

Sec. 17.05. Purchase of Microsoft Vista Information Technology. Without the written approval of the Legislative Budget Board, all state agencies, excluding institutions of higher education, may not use funds appropriated by this Act to purchase Microsoft Vista information technology related to an operating system, equipment, or licenses.

Sec. 17.06. GO TEXAN Certified Retirement Communities. In addition to amounts appropriated elsewhere in this Act, to the Department of Agriculture out of the General Revenue Fund, in fiscal year 2010 in Strategy A.1.1, Generate Marketing Opportunities, is an amount equal to the revenue deposited to the credit of the Comptroller revenue object code 3428 related to Certified Retirement Communities in the 2008-09 biennium (estimated to be \$240,312). Also, in addition to amounts appropriated elsewhere in this Act, out of the General Revenue Fund to the Department of Agriculture out of the General Revenue Fund, in Strategy A.1.1, Generate Marketing Opportunities also include the revenue deposited to the credit of the Comptroller revenue object code 3428 related to Certified Retirement Communities in each fiscal year of the 2010-11 biennium (estimated to be \$150,000).

Sec. 17.06. Professional Development Partnerships for Early Childhood Education. Out of federal CCDF funds appropriated elsewhere in this Act, the Texas Workforce Commission shall transfer via interagency contract \$1,000,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011 to the Texas Education Agency to fund the management of early childhood education partnership projects, including the award of stipends, to facilitate increased participation in professional

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development by early childhood education professionals and encourage those professionals to seek additional education.

Sec. 17.07. Salaries of Certain Elected Officials. Notwithstanding the rate listed in the agency's "Schedule of Exempt Positions," the Commissioner of Agriculture and the Land Commissioner shall receive compensation at a rate no less than the rate of compensation of the greater of the compensation paid to the Comptroller of Public Accounts or the compensation paid to the Attorney General.

Sec. 17.07. Border Security Operations. (a) Notwithstanding any other provision of this Act, the funds appropriated by Rider 55 of the bill pattern of the Department of Public Safety in Article V of this Act above shall be used as follows:

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

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for equipment and training to support patrol operations;

- (6) \$2,500,000 to the Trusteed Programs within the Office of the Governor to fund overtime to expand gang enforcement patrols;
 - (7) \$1,750,000 to the Trusteed Programs within the Office of the Governor to fund overtime to expand multi-jurisdictional gang investigations;
 - (8) \$2,000,000 to the Trusteed Programs within the Office of the Governor to expand gang prevention efforts;
 - (9) \$1,000,000 to the Trusteed Programs within the Office of the Governor to expand audit to increase oversight of funds;
 - (10) Additionally out of funds appropriated under Rider 55, of the bill pattern of the Department of Public Safety in Article V of this Act it is the intent of the legislature that the Texas State Guard be paid operational costs and per diem.
- (b) Notwithstanding any other provision of this Act, the funds appropriated by Rider 53 of the bill pattern of the Department of Public Safety in Article V of this Act above shall be used as follows:
- (1) \$7,051,038 to the Department of Public Safety to fund DPS troopers along the border; in addition to the amount of full time equivalent positions listed elsewhere in this Act the number of full time equivalent positions for the Department of Public Safety is increased by 56;
 - (2) \$1,853,676 to the Department of Public Safety to fund Texas Ranger positions; in addition to the amount of full time equivalent positions listed elsewhere in this Act the number of full time equivalent positions for the Department of Public Safety is increased by 10; and
 - (3) \$32,400,000 to the Department of Public Safety for overtime and operational costs for increased patrol and investigative capacity for certified peace officers (DPS and local)

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following the DPS overtime policy.

- (c) Notwithstanding any provision in Articles I-VIII of this Act, \$ 2,400,000 of the funds allocated by Rider 53 of the bill pattern of the Department of Public Safety in Article V of this Act and \$6,600,000 of the funds appropriated by Rider 55 of the bill pattern of the Department of Public Safety in Article V of this Act shall be used to fund the Border Security Operations Center and Joint Operations and Intelligence Center.
- (d) Notification: Prior to the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall be notified. As soon as possible after the execution of a significant border security or homeland security operation, The Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall receive written notification on the operational plans.

Sec. 17.08. Fraud Reporting. An agency appropriated funds by this Act, shall use appropriated funds to assist with the detection and reporting of fraud involving state funds, including funds received pursuant to the American Recovery and Reinvestment Act, as follows:

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

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Sec. 17.08. Pass-through Tolling Agreements. The Texas Department of Transportation shall submit an annual report to the Legislative Budget Board no later than November 1 of each fiscal year, in the format prescribed by the Legislative Budget Board, providing information on all existing pass-through tolling or pass-through financing agreements of the department.

Sec. 17.09. Leave Requirement. (a) The Adjutant General's Department shall use funds appropriated elsewhere in this Act for the following purpose:

- (1) Provide a report to the Governor's Office and the State Auditor's Office every 30 days of the overtime payment and emergency leave approved for all employees for the previous 30 days;
- (2) Have any emergency leave for more than three (3) days or for reasons other than death in the immediate family be pre-approved by the Governor's Office and the Legislative Budget Board; or
- (3) Have any emergency leave taken by an officer with a rank above major pre-approved by the Governor's Office and the Legislative Budget Board.

(b) This section does not apply to emergency leave used for purposes of differential pay.

Sec. 17.09. Reports and Limits on Use of Appropriated or Transferred Funds.

- (a) It is the intent of the Legislature that this Section apply a restriction on expenditure and a reporting requirement to the fullest extent allowed by law to all appropriated funds used by or used for the benefit of or used in furtherance of a project or undertaking (the "restricted funds") of the Texas A&M University System's National Center for Therapeutics Manufacturing (the "Center") or the Institute for Advanced Therapeutics, Texas Institute for Genomic Medicine, Texas Institute for Pre-Clinical Studies , or any similar institute (collectively referred to as the "Institutes") engaged in a partnership or joint venture for

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research or manufacturing or related activity with the Texas A&M University System ("System") or an entity affiliated with the System including the Texas A&M Health Science Center (collectively referred to as "A&M").

- (b) It is the intent of the Legislature that this Section apply to funds appropriated or transferred by or as a result of this Act or by or as a result of a previous Act of the Legislature but which are still unexpended specifically including but not limited to all appropriated funds transferred from the Governor, the Office of the Governor, or the Trusteed Programs in the Office of the Governor (collectively referred to as the "Governor") to the System, A&M, the Center, or Institutes which have yet to be expended and such funds are also considered to be restricted funds for purposes of this Section.
- (c) All restricted funds under this Section are hereby made subject to the prior approval of the Legislative Budget Board before expenditure as provided by Section 69, Article 16, Texas Constitution. The System, A&M, the Center, the Institutes, or the Comptroller of Public Accounts may not release any restricted funds appropriated or transferred for the use or expenditure of the System, A&M, the Center, or the Institutes until the release of the restricted funds has been approved in writing by the Legislative Budget Board. The Comptroller of Public Accounts may not make any transfers of restricted funds to, for, or on behalf of the System, A&M, the Center, or the Institutes without the written approval of the Legislative Budget Board.
- (d) Not later than the tenth calendar day after this Act becomes effective as law, the System shall provide the Legislative Budget Board with an initial report related to restricted funds used directly or indirectly in support of the Center or the Institutes including the \$50 million transferred from the Emerging Technology Fund to the System as announced by the Governor on March 23, 2009 and approved by letter dated January 2, 2009, including the following:
 - (1) a detailed accounting;
 - (2) an accounting for consulting contracts paid by:

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- (A) A&M or the System in support of the Center or the Institutes;
- (B) the Center or the Institutes;
- (3) an accounting of staff salaries paid by:
 - (A) A&M or the System in support of the Center or the Institutes;
 - (B) the Center or the Institutes;
- (4) an accounting of construction related expenses for the Center and Institutes accompanied by narrative description of the progress of any construction that has occurred or that is planned;
- (5) a timeline for completion of the construction and operation of the Center and the Institutes; and
- (6) such other information as the Legislative Budget Board may require.
- (e) The Legislative Budget Board may approve of the release of restricted funds under this Section after receiving adequate reports from the System demonstrating the proper use of the restricted funds. Specifically the System shall provide the Legislative Budget Board with the following information on a monthly basis:
 - (1) an accounting for restricted funds used directly or indirectly in support of the Center or the Institutes;
 - (2) an accounting of staff salaries paid by:
 - (A) A&M or the System in support of the Center or the Institute;
 - (B) the Center or the Institute;

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- (3) an accounting of construction related expenses accompanied by narrative description of the progress of any construction;
- (4) an update of a timeline for completion of the construction and operation of the Center and the Institutes;
- (5) an update of any new information that could make more complete or accurate the report required under Subsection (d) of this Section;
- (6) an accounting for consulting contracts paid by:
 - (A) A&M or the System in support of the Center or the Institutes;
 - (B) the Center or the Institutes; and
- (7) such other information as the Legislative Budget Board may require.

Sec. 17.10. Transfer Authority Subject to Approval. Notwithstanding other provisions of this Act, without the written permission of the Legislative Budget Board the Office of the Governor and Trusteed Programs within the Office of the Governor, may not expend or transfer amounts appropriated to the Emerging Technology Fund Account No. 5124 or appropriated to the Texas Enterprise Fund Account No. 5107 without the written permission of the Legislative Budget Board and may not assign or transfer appropriations and the corresponding FTEs for Trusteed Programs within the Office of the Governor to other agencies without the written permission of the Legislative Budget Board.

Sec. 17.10. Internal Audit. The Adjutant General's Department shall use funds appropriated elsewhere in this Act for the following purposes:

- (a) To report to the Governor's Office, Legislative Budget Board and State Auditor's Office every

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30 days on all internal audit work performed. Each month the director of Internal audit of the Adjutant General's Department shall report to the State Auditor's Office to brief an individual designated by the State Auditor; and

- (b) To hold meetings by the internal audit committee at the Adjutant General's Department at least once each fiscal quarter and to provide minutes of these meetings to the Governor's office and the State Auditor's office.

Sec. 17.11. Fraud Reporting. A state agency or institution of higher education appropriated funds by this Act, shall use appropriated funds to assist with the detection and reporting of fraud involving state funds, including funds received pursuant to the American Recovery and Reinvestment Act, as follows:

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

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Sec. 17.11. Contingency for House Bill 1358. Contingent on enactment of House Bill 1358 by the Eighty-first Legislature, Regular Session, or similar legislation that allows bonds to be used for cancer prevention and research, the Department of State Health Services is hereby appropriated \$875,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011 out of Cancer Bond proceeds shown as appropriated to the Cancer Prevention and Research Institute of Texas under Article I of this Act for the purpose of enhancing the infrastructure of the cancer registry.

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Sec. 17.12. Eligibility for Teacher Retirement System Supplemental Annuity Payment.

- (a) To be eligible for the supplemental payment provided for above in Section 17.03, a person must be, disregarding any forfeiture of benefits under Section 824.601, Government Code, an annuitant eligible to receive:
- (1) a standard retirement annuity payment, based on an effective date of retirement on or before December 31, 2008;
 - (2) an optional retirement annuity payment as either a retiree or beneficiary, based on an effective date of retirement on or before December 31, 2008;
 - (3) a life annuity payment under Section 824.402(a)(4), Government Code, based on a date of death of a member of the system on or before December 31, 2008; or
 - (4) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3), Government Code, based on a date of death of a member of the system on or before December 31, 2008; or
 - (5) an alternate payee annuity payment under Section 804.005, Government Code, based on a date of commencement of the annuity payment to the alternate payee on or before December 31, 2008.
- (b) The supplemental payment does not apply to payments under:
- (1) Section 824.304(a), Government Code, relating to disability retirees with less than 10 years of service credit;
 - (2) Section 824.804(b), Government Code, relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement

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option plan accounts; or

- (3) Section 824.404(a) or 824.501(a), Government Code, relating to active Member or retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute.

Sec.17.12. Contingency Appropriation: Senate Bill 16. Texas Emissions Reduction Plan (TERP) Account No. 5071-Texas Commission on Environmental Quality. (a) Notwithstanding appropriations and allocations made herein out of the Texas Emissions Reduction Plan (TERP) Account No. 5071, and contingent upon passage of Senate Bill 16, or similar legislation, by the Eighty-first Legislature, Regular Session, appropriations to the Texas Commission on Environmental Quality are hereby decreased by \$3,088,011 in each fiscal year of the 2010-11 biennium, for a total of \$165,894,840 in appropriations to the TCEQ out of the TERP Account No. 5071 each fiscal year. In addition, the allocation of TERP Account No. 5071 funds at the TCEQ is hereby modified as follows:

- (1) \$150,111,670 in each fiscal year of the 2010-11 biennium shall be used for the Diesel Reductions Program established in Health and Safety Code, Chapter 386, Subchapter C. Of this amount:
- (A) \$6,000,467 shall be used to implement the Clean School Bus Initiative established in Health and Safety Code § 386.252;
- (B) \$50,000,000 shall be used to implement the New Technology Program established in Health and Safety Code, Chapter 391, pursuant to Health and Safety Code § 386.252;
- (C) \$1,000,000 shall be used to implement the Plug-In Hybrid Motor Vehicle Rebate program established in Health and Safety Code Chapter 391, pursuant to Health and Safety Code § 386.252; and
- (D) the remaining \$93,111,203 shall be used for incentive payments.

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- (2) \$12,352,046 in each fiscal year of the 2010-11 biennium shall be used for grant funding for the New Technology Research Development Program established in Health and Safety Code, Chapter 387 according to provisions in Health and Safety Code § 386.252 of which not more than \$250,000 each fiscal year shall be used to administer the New Technology Research Development Program; and
 - (3) \$3,431,124 in each fiscal year of the 2010-11 biennium shall be used to administer the Diesel Emissions Reduction Program.
 - (4) Notwithstanding these allocations, the TCEQ may re-allocate funds for programs under Health and Safety Code § 385.252 (a) as authorized in Health and Safety Code §386.252.
 - (5) In addition, the "Number of Full-Time Equivalent Positions in the TCEQ's bill pattern is hereby increased by 15.0 in each fiscal year of the 2010-11 biennium.
- (b) Texas Emissions Reduction Plan (TERP) Account No. 5071-Appropriation to Comptroller of Public Accounts In addition to amounts appropriated above and contingent upon passage of Senate Bill 16, or similar legislation, by the Eighty-first Legislature, Regular Session, there is hereby appropriated to the Comptroller of Public Accounts out of the Texas Emissions Reduction Plan Account No. 5071 \$3,088,111 in each fiscal year of the 2010-11 biennium for the implementation of the Energy Efficient Appliance Purchase Incentive Program established in Government Code, Subchapter E, Chapter 2305, pursuant to Health and Safety Code § 386.252.
- (c) Clean Air Account No. 151-Appropriation to TCEQ for the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP). Notwithstanding appropriations and allocations made out of the Clean Air Account No. 151 for the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP), and contingent upon passage of Senate Bill 16, or similar legislation, by the Eighty-first Legislature, Regular Session, providing for the elimination of funding for the local initiatives projects in Chapter 382 of the Health and Safety Code, \$5 million in funds out of the Clean Air

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Account No. 151 otherwise designated for county-implemented local initiatives projects are hereby designated for rebate and repair assistance payments for the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) in Health and Safety Code § 382.209.

House

Sec. 17.13. Contingency Appropriation for Senate Bill 1388. Contingent upon passage of Senate Bill 1388, or similar legislation relating to process server certification and the establishment of a certification division within the Office of Court Administration, by the Eighty-first Legislature, Regular Session, and in addition to the amounts included in the agency bill pattern, the Office of Court Administration is appropriated \$265,466 in FY 2010 and \$246,300 in FY 2011 for the establishment and operation of a certification division. This appropriation is also contingent upon the Office of Court Administration collecting sufficient revenue from fees recommended by the Process Server Review Board and approved by the Supreme Court to cover the cost of this appropriation. Any unexpended balances from amounts appropriated in FY 2010 are hereby appropriated in FY 2011 for the same purposes. The "Number of Full-Time Equivalents" in the agency bill pattern is increased by 4.0 FTEs in both fiscal years for the operation of the certification division.

Sec. 17.13. No Destruction of Human Embryos for Research Purposes. No funds appropriated under this Act shall be used in conjunction with or to support research which involves the destruction of a human embryo.

Sec. 17.14. Contingency for House Bill 3594. Contingent on the enactment of House Bill 3594, or similar legislation, relating to the preservation of biological evidence and allowing use of the Private Sector Prison Industry Expansion Account for this purpose, by the Eighty-first Legislature, Regular Session, 2009, the Department of Criminal Justice shall transfer \$500,000 in fiscal year 2010 and \$500,000 in fiscal year 2011 from the General Revenue Fund - Dedicated Account No. 5060, Private Sector Prison Industry Expansion, to the Department of Public Safety for the purpose of repairs, renovation, or construction of crime laboratory facilities. The Department of Public Safety is hereby

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authorized to transfer these funds to the appropriate strategies. Funds transferred under this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

Sec. 17.14. Funding Contingent upon the Passage of Legislation. It is the intent of the Senate that, before finalizing the conference committee report on Committee Substitute for Senate Bill 1, the conference committee will consider funding bills with a fiscal note that have passed at least one chamber of the Legislature. The Legislative Budget Board shall maintain a list of legislation that has a fiscal note once it has passed at least one chamber of the Legislature.

Sec. 17.15. Reservoir Suite Acquisition. It is the intent of the Legislature that, during the fiscal year 2010-11 biennium, no appropriation may be used to fund the acquisition of a reservoir site that is under study by a committee established by the Eightieth Legislature.