

BILL ANALYSIS

Senate Research Center

S.B. 2
By: Ogden
Finance
8/25/2011
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2 amends current law relating to appropriating money for the support of state government for the period beginning September 1, 2011 and ending August 31, 2013; and authorizes and prescribes conditions, limitations, rules, and procedures for allocating and expending the appropriated funds.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Provides that the several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the state treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated agencies.

SECTION 2. LECOS Retirement Fund. Provides that in addition to amounts appropriated in H.B. 1, Acts of the 82nd Legislature, Regular Session, 2011, in Strategy A.1.2, Law Enforcement and Custodial Officer Supplemental Retirement Fund, the Employees Retirement System is hereby appropriated certain estimated amounts in fiscal year 2013 for a state contribution of 0.5 percent to the Law Enforcement and Custodial Officer Supplemental Retirement Program in fiscal year 2013.

SECTION 3. Contingency: Expand Physician and Nurse Trauma Care Fellowship Slots. Provides that contingent on the passage by the 82nd Legislature, 1st Called Session, 2011, and becoming law of legislation to fund the expansion of the number of physician and nurse trauma care fellowships by the Department of State Health Services or similar legislation, \$2,250,000 in fiscal year 2012 and \$2,250,000 in fiscal year 2013 is appropriated to the department for the state fiscal biennium ending August 31, 2013, from General Revenue-Dedicated Account No. 5111, Designated Trauma Facility and EMS Account, for the purposes of the legislation. Provides that any unexpended balances remaining as of August 31, 2012, are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2012.

SECTION 4. Contingency for Senate Bill 1: Debt Service on Cancer Prevention and Research Bonds. Provides that the appropriations listed in Rider 2, Informational Listing of Appropriated Funds and in Bond Debt Service Payments of Article I, General Government, in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, to the Texas Public Finance Authority for General Obligation Bond Debt Service are subject to the following provision. Provides that appropriations out of the Permanent Fund for Health & Tobacco Education & Enforcement Account No. 5044; Permanent Fund for Children & Public Health Account No. 5045; and Permanent Fund for EMS & Trauma Care Account No. 5046, are contingent on the enactment of Senate Bill 1, 82nd Legislature, 1st Called Session, 2011, or similar legislation related to the use of certain Tobacco Settlement Funds for debt service on Cancer Prevention and Research Institute debt, by the 82nd Legislature, 1st Called Session, 2011. Requires the Legislative Budget Board (LBB) to adjust the informational listing of bond debt service pursuant to this provision.

SECTION 5. Appropriations to the Foundation School Program. (a) Provides that Texas Education Agency, Article III, House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), is amended by adding certain appropriations and riders, and to the extent necessary, by giving all riders under the bill pattern of the Texas Education Agency (TEA) full force and effect.

(b) Foundation School Program Funding. Requires that a total of \$19,287,500,000 in fiscal year 2012 and \$19,297,400,000 in fiscal year 2013, out of the funds appropriated above in subsection (a) above and elsewhere in H.B. 1, Acts of the 82nd Legislature, Regular Session, 2011, represent the sum-certain appropriation to the Foundation School Program (FSP). Prohibits the total appropriation from exceeding the sum-certain amount. Provides that this appropriation includes allocations under Chapters 41 (Equalized Wealth Level), Chapter 42 (Foundation School Program), and Chapter 46 (Assistance with Instructional Facilities and Payment of Existing Debt), Education Code.

Formula Funding: Requires the commissioner of education (commissioner) to make allocations to local school districts under Chapters 41, 42, and 46, Education Code, based on the March 2011 estimates of average daily attendance and local district tax rates as determined by LBB and the final tax year 2010 property values.

Provides that for purposes of distributing the FSP basic tier state aid appropriated above and in accordance with Section 42.101 (Basic Allotment), Education Code, the basic allotment is projected to be \$4,765 in fiscal year 2012 and \$4,765 in fiscal year 2013.

Provides that for purposes of distributing the FSP enrichment tier state aid appropriated above and in accordance with Section 41.002(a)(2) (relating to the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to the Austin Independent School District) and Section 42.302(a-1)(1) (relating to the greater of the amount of district tax revenue per weighted student per cent of tax effort that would be available to the Austin Independent School District), Education Code, the guaranteed yield is \$59.97 in fiscal year 2012 and \$59.97 in fiscal year 2013.

Provides that out of amounts appropriated above and allocated by this rider to the FSP, no funds are appropriated for the New Instructional Facilities Allotment under Section 42.158 (New Instructional Facility Allotment), Education Code.

Authorizes TEA, notwithstanding any other provision of this Act, to make transfers as appropriate between Strategy A.1.1, FSP-Equalized Operations, and Strategy A.1.2, FSP-Equalized Facilities. Requires TEA to notify LBB and the governor of any such transfers at least 45 days prior to the transfer.

Requires TEA to submit reports on the prior month's expenditures on programs described by this rider no later than the 20th day of each month to LBB and the Governor's Office in a format determined by LBB in cooperation with TEA.

(c) Foundation School Program Adjustments. Provides that appropriations from the Foundation School Fund No. 193 identified in Subsection (a) above are hereby reduced by \$438,900,000 in fiscal year 2012 and \$361,100,000 in fiscal year 2013. Provides that these adjustments reflect a lower estimate of the state cost of the FSP in the 2012-2013 biennium due to updated pupil projections and projections of district property values.

Requires that property values, and the estimates of local tax collections on which they are based, be decreased by 0.97 percent for tax year 2011, then increased by 0.52 percent for tax year 2012.

Requires that the sum-certain appropriation for the FSP as identified in Subsection (b) above be decreased commensurately to reflect these adjustments.

(d) Contingency for Senate Bill 1: Foundation School Program Deferral. Provides that contingent on enactment of S.B. 1, 82nd Legislature, 1st Called Session, 2011, or similar legislation providing the legal basis for deferring the August 2013 FSP payment to school districts, appropriations made in Subsection (a) above from the Foundation School Fund No. 193 to TEA for the FSP are hereby reduced by \$2,300,000,000 in fiscal year 2013. Provides that it is the intent of the legislature that this payment be made in September 2013 pursuant to the provisions of the bill. Requires that the sum-certain appropriation for the FSP as identified in Subsection (b) above be decreased commensurately.

(e) Contingency for H.J.R. 109: Provides that appropriations from the Foundation School Fund (Fund No. 193) made in Subsection (a) above, Texas Education Agency Strategy A.1.1, FSP - Operations, for the FSP, are hereby reduced by \$150,000,000 in each fiscal year of the 2012-2013 biennium. Provides that TEA is hereby appropriated from the Available School Fund (General Revenue) to the FSP in Strategy A.1.1, FSP - Operations, an amount estimated to be \$150,000,000 in each fiscal year of the 2012-2013 biennium, pursuant to all of the following: passage and enactment of H.J.R. 109 or S.J.R. 5, 82nd Legislature, Regular Session, 2011, or similar legislation relating to proposing a constitutional amendment to clarify references to the Permanent School Fund and to allow the General Land Office or other entity to distribute revenue derived from Permanent School Fund land or other properties to the Available School Fund; voter approval of the associated constitutional amendment; and the distribution of funds from the General Land Office to the Available School Fund pursuant to the provisions of the legislation.

(f) Contingency for Senate Bill 1: Foundation School Program Funding Contingency. Provides that the All Funds appropriations made for the FSP, Texas Education Agency Strategies A.1.1 and A.1.2, in Subsection (a) above, and as adjusted by other subsections in this section, are contingent on enactment of S.B. 1, 82nd Legislature, 1st Called Session, 2011, or similar legislation by the 82nd Legislature, 2011, relating to certain state fiscal matters and that amends Chapter 42, Education Code, to adjust state aid payments to the level of FSP appropriations made in Subsection (a) above as adjusted for other subsections in this section. Provides that, should this legislation fail to pass and be enacted, the All Funds appropriations for the FSP made herein are hereby reduced to zero for each year of the 2012-2013 biennium, including the sum-certain appropriation identified in Subsection (b).

(g) Provides that LBB is directed to make all necessary adjustments to TEA's bill pattern pursuant to the provisions above, including adjustments to strategies, methods of finance, measures, and riders contained in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 6. Contingency for Senate Bill 1: Legislation Relating to Certain Office of Court Administration License Fees. Provides that contingent upon the enactment of S.B. 1, 82nd Legislature, 1st Called Session, 2011, relating to license fees and the allowable use of such fees for process servers, guardians, and court reporters by the 82nd Legislature, the Office of Court Administration is appropriated \$119,603 in fiscal year 2012 and \$119,714 in fiscal year 2013 to implement the provisions of the legislation. Provides that the number of "Full-Time-Equivalent Positions" indicated in the agency's bill pattern is increased by 2.0 each fiscal year. Requires that fees, fines, and other miscellaneous revenues as authorized by the Process Servers Review Board, the Guardianship Certification Board, and the Court Reporters Certification Board, cover, at a minimum, the cost of appropriations made in this provision, as well as an amount sufficient to cover "Other Direct and Indirect Costs Appropriated Elsewhere in this Act" (estimated to be \$27,783 in fiscal year 2012 and \$29,175 in fiscal year 2013). Authorizes LBB, in the event that actual and/or projected revenues are insufficient to offset the costs identified by this provision, to direct the comptroller of public accounts (comptroller) to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

SECTION 7. Contingency for Senate Bill 1: Railroad Commission. Provides that contingent upon enactment of S.B. 1, or similar legislation relating to the Railroad Commission of Texas (railroad commission) by the 82nd Legislature, 1st Called Session, 2011:

(a) Oil and Gas Related Fees. Provides that in addition to amounts appropriated in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, to the railroad commission, and contingent on S.B. 1, 82nd Legislature, 1st Called Session, 2011, or similar legislation creating an account to cover costs of the railroad commission's oil- and gas-related activities, by the 82nd Legislature, appropriations out of the General Revenue Fund are hereby reduced by \$16,766,209 in fiscal year 2012 and by \$16,716,472 in fiscal year 2013, and, to replace these appropriations, there is hereby appropriated \$16,766,209 in fiscal year 2012 and \$16,716,472 in fiscal year 2013 out of the Oil and Gas Regulation and Cleanup (OGRC) Fund created by the bill.

Sets forth certain amounts of General Revenue funding that would be replaced with funding from the OGRC Fund in certain strategies.

Provides that in addition, appropriations out of the Oil Field Cleanup Account No. 145 are hereby reduced by \$20,581,780 in fiscal year 2012, and by \$20,581,779 in fiscal year 2013, and, to replace these appropriations, there is hereby appropriated \$20,581,780 in fiscal year 2012, and \$20,581,779 in fiscal year 2013, out of the OGRC Fund created by the bill. Sets forth the amounts out of the General Revenue-Dedicated Oil Field Cleanup Account No. 145 that would be replaced with funding out of the OGRC Fund in certain strategies.

(b) Expansion of Pipeline Safety Fee Use to Include Gas Utility Regulation. Provides that contingent upon enactment of S.B. 1, 82nd Legislature, 1st Called Session, 2011, or similar legislation allowing for the use of pipeline safety fees for gas utility regulatory functions, by the 82nd Legislature, the railroad commission is hereby appropriated in each fiscal year of the 2012-13 biennium an amount not to exceed \$233,000 in Strategy A.2.1, Gas Utility Compliance. Provides that this appropriation is contingent upon the railroad commission increasing Pipeline Safety Fees and requires that it be limited to revenues deposited to the credit of Revenue Object Code 3553 in excess of the comptroller's Biennial Revenue Estimate for 2012-13.

Requires the railroad commission, upon completion of necessary actions to assess or increase the Pipeline Safety Fee, to furnish copies of the minutes and other information supporting the estimated revenues to be generated for the 2012-13 biennium under the revised fee structure to the comptroller. Requires, if the comptroller finds the information sufficient to support the projection of increased revenues in excess of those estimated in the Biennial Revenue Estimate for 2012-13, a finding of fact to that effect to be issued and the contingent appropriation to be made available for the intended purpose.

SECTION 8. Contingency for Senate Bill 1: Voter Registration. Requires that contingent on enactment of S.B. 1, 82nd Legislature, 1st Called Session, 2011, or similar legislation relating to transferring voter registration payments from the Fiscal Programs - Comptroller of Public Accounts to the Secretary of State, amounts appropriated elsewhere in H.B. 1, Acts of the 82nd Legislature, Regular Session, 2011, to the Fiscal Programs Comptroller of Public Accounts in Strategy A.1.1, Voter Registration, be transferred to the Secretary of State.

SECTION 9. Contingency for Senate Bill 1: Back to Work and Homeless Housing. (a) Authorizes the Trusteed Programs within the Office of the Governor, contingent upon enactment of Senate Bill 1, 82nd Legislature, 1st Called Session, 2011, or similar legislation by the 82nd Legislature, relating to the transfer of General Revenue-Dedicated Texas Enterprise Fund Account No. 5107 appropriations to other state agencies, to transfer \$10,000,000 from the General Revenue-Dedicated Texas Enterprise Fund Account No. 5107 to the Texas Workforce Commission for the Texas Back to Work Program, and \$10,000,000 from the General Revenue-Dedicated Texas Enterprise Fund Account No. 5107 to the Texas Department of Housing and Community Affairs for the Homeless Housing Program.

(b) Provides that if S.B. 1, or similar legislation by the 82nd Legislature, 1st Called Session, 2011, relating to the transfer of General Revenue-Dedicated Texas Enterprise Fund Account No. 5107 appropriations to other state agencies is not enacted, it is the intent of the legislature that the Trusteed Programs within the Office of the Governor award grants totaling \$20,000,000 in the 2012-2013 biennium out of the General Revenue-Dedicated Texas Enterprise Fund Account No. 5107 to the Texas Workforce Commission for the Texas Back to Work Program (\$10,000,000), and to the Texas Department of Housing and Community Affairs for the Homeless Housing Program (\$10,000,000).

(c) Provides that it is the intent of the legislature that the Governor may transfer appropriations from the Trusteed Programs within the Office of the Governor to the Texas Workforce Commission for the purposes of back to work programs, and to the Texas Department of Housing and Community Affairs for programs for the homeless authorized by legislation of the 82nd Legislature, Regular Session, 2011, or 1st Called Session, 2011. Provides that further, notwithstanding other provisions of this Act, it is expressly provided that the Governor, to the extent permitted under federal law and regulations, is authorized to use any unexpended federal American Recovery and Reinvestment Act, State Fiscal Stabilization Fund - Government Services funds (Section 14002(b) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)), originally appropriated in Article XII, Chapter 1424 (Senate Bill 1), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act) and reappropriated in Section 8.02(a), Article IX, House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, for back to work programs or the programs for the homeless identified in subsections (a) and (b) above.

(d) Authorizes each state agency that received federal American Recovery and Reinvestment Act, State Fiscal Stabilization Fund - Government Services funds (Section 14002(b) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)) as identified in subsection (c) above, and has an amount of these federal funds unobligated and available for use, to direct the comptroller to transfer an amount of these federal funds to the Governor for the purpose of transferring appropriations for back to work programs or programs for the homeless.

(e) Amends Rider 18, Transfer Prohibition, on page I-55 in the bill pattern for the Trusteed Programs within the Office of the Governor, House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, as follows:

18. Transfer Prohibition. Prohibits the Trusteed Programs within the Office of the Governor, except as provided by other Acts of the 82nd Legislature, 1st Called Session, 2011, and notwithstanding other provisions of this Act, without the written permission of the LBB, from transferring amounts appropriated to the Emerging Technology Fund Account No. 5124 or appropriated to the Texas Enterprise Fund Account No. 5107.

(f) Provides that Article IX, Section 18.112 on page IX-96 of House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, has no effect.

SECTION 10. Contingency for Senate Bill 7: Managed Care Expansion. Provides that contingent on the enactment of Senate Bill 7 or similar legislation by the 82nd Legislature, 1st Called Session, 2011, authorizing the use of managed care in the South Texas counties of Cameron, Hidalgo, and Maverick, the following actions are required to take place:

a. The Health and Human Services Commission (HHSC) is appropriated \$57,370,186 in General Revenue Funds and \$87,670,192 in Federal Funds in fiscal year 2012, and \$121,680,697 in General Revenue and \$185,809,691 in Federal Funds in fiscal year 2013 for Goal B, Medicaid (a biennial total of \$179,050,883 in General Revenue Funds and \$273,479,883 in Federal Funds); and

- b. General Revenue appropriations to HHSC are increased by \$143,139,236 in fiscal year 2012, and \$297,625,734 in fiscal year 2013, and General Revenue appropriations to the Department of Aging and Disability Services (DADS) are reduced by \$143,139,236 in fiscal year 2012, and \$297,625,734 in fiscal year 2013; therefore, appropriations at HHSC and DADS for the expansion of the managed care model for the provision of services is assumed to be identical to the strategy funding levels of both agencies in House Bill 1, 82nd Legislature, Regular Session, 2011.

Requires HHSC to provide a report detailing the cost savings in General Revenue Funds and All Funds realized by the expansion of managed care in the biennium. Requires that the report be submitted to the LBB and the governor by December 1, 2012.

SECTION 11. Contingency for Senate Bill 7: Institute of Health Care Quality and Efficiency. Provides that contingent on the enactment of Senate Bill 7, 82nd Legislature, 1st Called Session, 2011, or similar legislation relating to creation of an Institute of Health Care Quality and Efficiency and repeal of the Texas Health Care Policy Council, HHSC is appropriated \$228,800 in fiscal year 2012 and \$228,800 in fiscal year 2013 in interagency contracts. Provides that the number of "Full-Time Equivalents (FTE)" is increased by 2.0 FTEs in fiscal year 2012 and 2.0 FTEs in fiscal year 2013.

SECTION 12. Contingency for Senate Bill 7: Health Care Collaborative. Provides that contingent on enactment of Senate Bill 7, 82nd Legislature, 1st Called Session, 2011, or similar legislation relating to creation of health care collaboratives, out of the fees and assessments collected by the Texas Department of Insurance (TDI), TDI is appropriated:

- a. \$169,408 for fiscal year 2012 and \$461,901 for fiscal year 2013 from General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees; and
- b. \$254,112 for fiscal year 2012 and \$692,851 for fiscal year 2013 from General Revenue-Dedicated Fund 36, the TDI operating account, to implement the provisions of the legislation.

The number of FTEs is increased by 8.0 FTEs in fiscal year 2012 and 16.0 FTEs in fiscal year 2013.

SECTION 13. Basic Civil Legal Services and Indigent Defense. Provides that in addition to amounts appropriated in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011:

- (a) Provides that the Supreme Court of Texas in Strategy B.1.1, Basic Civil Legal Services, is hereby appropriated \$8,783,784 in fiscal year 2012, and \$8,783,783 in fiscal year 2013, in General Revenue for Basic Civil Legal Services; and
- (b) Provides that the Office of Court Administration in Strategy A.2.1, Indigent Defense, is hereby appropriated \$2,437,944 in fiscal year 2012, and \$5,175,887 in fiscal year 2013, from the General Revenue-Dedicated Fair Defense Account No. 5073 to restore grants to counties (\$2,350,894 in fiscal year 2012 and \$5,088,837 in fiscal year 2013) and grant administration (\$87,050 each fiscal year). Requires the agency's FTE cap to be increased by 1.0 FTE for grant administration in each year of the biennium.

SECTION 14. Trusteed Programs within the Office of the Governor: Disaster Funding. (a) Provides that in addition to amounts appropriated in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, the Trusteed Programs within the Office of the Governor is hereby appropriated \$39,000,000 in General Revenue in fiscal year 2012 in lapsed appropriations made in House Bill 4586, 81st Legislature, Regular Session, 2009, for the purpose of providing disaster relief.

- (b) Requires any state agency or institution of higher education, if the agency or institution receives reimbursement from the federal government, an insurer, or another source for an expenditure paid for or reimbursed under subsection (a) above, to reimburse the state by depositing the amount of the reimbursement to the credit of the Trusteed

Programs within the Office of the Governor. Provides that amounts deposited under this subsection are reappropriated to the Trusteed Programs within the Office of the Governor for disaster preparedness and recovery costs for the two-year period beginning on the effective date of this Act.

(c) Authorizes any unexpended balance as of August 31, 2012, to be carried forward to the fiscal year starting September 1, 2012, for the same purpose.

SECTION 15. Commission on State Emergency Communications. (a) Provides that Rider 10 on page I-31 of House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, in the bill pattern of the Commission on State Emergency Communications has no effect.

(b) Provides that contingent on the collection of fees in the General Revenue-Dedicated 9-1-1 Services Fees Account No. 5050 in excess of \$112,968,000 contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for the 2012-2013 biennium, the Commission on State Emergency Communications is hereby appropriated the excess revenue, not to exceed \$11,722,424 for the 2012-2013 biennium, in Strategy A.1.1, 9-1-1 Network Operations and Equipment Replacement for 9-1-1 Network Operations and for 9-1-1 equipment replacement per the established 10-year equipment replacement schedule. Provides that if the comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect is required to be issued and the contingent appropriation is required to be made available for the intended purposes.

SECTION 16. Texas State Technical College - Waco Institutional Operations. Provides that contingent on Section 13 of House Bill 4, Acts of the 82nd Legislature, Regular Session, 2011, not taking effect, in addition to amounts appropriated to the Texas State Technical College - Waco in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, \$2,000,000 is hereby appropriated for the 2012-2013 biennium out of General Revenue Fund 0001 to the Texas State Technical College - Waco for institutional operations.

SECTION 17. Lamar Institute of Technology Institutional Operations. Provides that contingent on Section 34 of House Bill 4, Acts of the 82nd Legislature, Regular Session, 2011, not taking effect, in addition to amounts appropriated to the Lamar Institute of Technology in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, \$5,000,000 is hereby appropriated for the 2012-2013 biennium from General Revenue Fund 0001 to the Lamar Institute of Technology for institutional operations.

SECTION 18. Health and Human Services Commission: Umbilical Cord Blood Bank. Provides that if House Bill 4, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 32 of that Act is amended to read as follows:

Sec. 32. Provides that the amount of \$2,000,000 is appropriated from General Revenue Fund 0001 to the Health and Human Services Commission for Strategy A.1.1, Enterprise Oversight and Policy, as designated by page II-73, House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the purpose of entering into a contract with a public cord blood bank in this state for gathering from live births umbilical cord blood and retaining the blood at an unrelated cord blood bank for the primary purpose of making umbilical cord blood available for transplantation purposes. Provides that the contracting blood bank must be accredited by the American Association of Blood Banks and the International Organization for Standardization. Deletes existing text requiring that the amount of \$2,000,000 is appropriated from General Revenue Fund 0001 to The University of Texas Health Science Center at San Antonio for the state fiscal biennium ending August 31, 2013, for the umbilical cord blood bank.

SECTION 19. Sul Ross State University Institutional Operations. Provides that contingent on Section 33, House Bill 4, Acts of the 82nd Legislature, Regular Session, 2011, not becoming law, in addition to amounts appropriated to Sul Ross State University in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, \$7,000,000 is appropriated for the 2012-13 biennium

from General Revenue Fund 0001 to Sul Ross State University for the purpose of institutional operations.

SECTION 20. Contingency for House Bill 3. Provides that contingent on House Bill 3, Acts of the 82nd Legislature, 1st Called Session, 2011, or similar legislation relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association, becoming law:

(1) TDI is appropriated \$131,370 for the state fiscal year beginning September 1, 2011, and \$121,767 for the state fiscal year beginning September 1, 2012, from General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees to implement the provisions of that legislation;

(2) the Number of FTEs in TDI's bill pattern, as provided by page VIII-16, House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), is increased by 2.0 FTEs for the state fiscal year beginning September 1, 2011, and 2.0 FTEs for the state fiscal year beginning September 1, 2012;

(3) the Texas Public Finance Authority is appropriated \$750,000 out of appropriated receipts from the Texas Windstorm Insurance Association for the state fiscal year beginning September 1, 2011, to implement the provisions of that legislation; and

(4) the unexpended and unobligated balance of the amount appropriated under Subdivision (3) of this section remaining on August 31, 2012, is appropriated to the Texas Public Finance Authority for the same purposes for the state fiscal year beginning September 1, 2012.

SECTION 21. University of Texas at El Paso. Provides that it is the intent of the legislature that any decrease in appropriations from the Permanent Endowment Fund Account No. 817 to The University of Texas at El Paso for the state fiscal biennium ending August 31, 2013, from the preceding state fiscal biennium not be replaced with an increase in General Revenue appropriations.

SECTION 22. Contingency for House Bill 26: Inmate Fee for Health Care. Provides that contingent on the enactment of House Bill 26, 82nd Legislature, 1st Called Session, 2011, or similar legislation relating to the containment of costs incurred in the correctional health care system, the Texas Department of Criminal Justice is appropriated from the General Revenue Fund an amount not to exceed \$7,705,800 in the state fiscal year ending August 31, 2012, and \$5,779,350 in the state fiscal year ending August 31, 2013, out of health care services fees deposited to the General Revenue Fund from inmate trust funds not to exceed \$100 per inmate per year for the purpose of providing correctional managed health care to inmates. Provides that unexpended and unobligated balances of the appropriated amounts as of August 31, 2012, and August 31, 2013, are transferred to the undedicated portion of the General Revenue Fund.

SECTION 23. Texas Armed Services Scholarship Program. Provides that contingent on legislation of the 82nd Legislature, 1st Called Session, 2011, becoming law that is substantively similar to provisions of House Bill 2403, Acts of the 82nd Legislature, Regular Session, 2011, relating to retailers engaged in business in this state for purposes of sales and use taxes, in addition to the amounts appropriated by House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), there is appropriated to the Texas Higher Education Coordinating Board, the amount of \$2,685,000 in general revenue funds for each year of the state fiscal biennium ending August 31, 2013, for the purpose of providing additional funding for the biennium in the amount of \$5,370,000 for Strategy B.1.13, Texas Armed Services Scholarship Program, as designated by House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, in the appropriations to the coordinating board.

SECTION 24. Specialty License Plate Revenue. Provides that if Section 13.07, Article IX, House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 13.07(a) of that Article is amended, as follows:

(a) Provides that except as provided by Subsection (c) of this Section, for the fiscal biennium beginning September 1, 2011, 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, all revenue, rather than fifty percent of all revenue, collected by an agency on or after September 1, 2011, 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 2012-13 biennium, including any new license plates that may be authorized or issued after September 1, 2011.

SECTION 25. Texas State University System: System Operations Reimbursement. Provides that in addition to amounts appropriated to the Texas State University System in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, there is hereby appropriated for the 2012-2013 biennium \$1,600,000 in General Revenue to the Texas State University System for one-time costs at the system office. Provides that it is the intent of the legislature that this appropriation is one-time for the 2012-2013 biennium and shall not be included in the base funding for the 2014-2015 biennium.

SECTION 26. Appropriation: Jobs and Education for Texans. Provides that there is hereby appropriated all remaining unexpended and unobligated balances as of August 31, 2011 (estimated to be \$5,000,000), out of the General Revenue-Dedicated Jobs and Education for Texans Account No. 5143 to the Comptroller of Public Accounts - Fiscal Programs for the purposes of providing grants in accordance with Government Code, Chapter 403, Subchapter O, and Education Code, Chapter 134. Provides that any unexpended and unobligated balances remaining as of August 31, 2012, are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2012.

SECTION 27. Contingency for Senate Bill 1: Charter School Bonds. Provides that contingent on enactment of Senate Bill 1, 82nd Legislature, 1st Called Session, 2011, or similar legislation relating to the guarantee of open-enrollment charter school bonds by the Permanent School Fund, by the 82nd Legislature, 1st Called Session, 2011, the Texas Education Agency is hereby appropriated from the General Revenue Fund \$550,000 in each fiscal year of the 2012-2013 biennium. Provides that these appropriations are contingent upon TEA assessing fees sufficient to generate, during the 2012-2013 biennium, revenue to cover the appropriations for implementation of the legislation as well as associated "other direct and indirect costs" appropriated elsewhere in this Act. Provides that in the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the comptroller may reduce the appropriation authority provided herein to be within the amount of revenue expected to be available.

SECTION 28. University of Texas at Austin. Provides that out of funds appropriated to The University of Texas at Austin in Strategy C.4.1, Institutional Enhancement, in House Bill 1, 82nd Legislature, Regular Session, 2011, \$500,000 in General Revenue in fiscal year 2012 and \$500,000 in General Revenue in fiscal year 2013 is for a program at the College of Fine Arts developed in partnership with the Texas Cultural Trust to extend the fine arts digital literacy curriculum to 10th grade fine arts instruction and the development of teacher certification curriculum in digital literacy for the fine arts.

SECTION 29. Texas Forest Service. Provides that in addition to amounts appropriated to the Texas Forest Service in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, there is hereby appropriated \$40,000,000 in General Revenue in fiscal year 2012 to the agency for combating wildfire. Provides that any unexpended balances as of August 31, 2012, are hereby appropriated to the Texas Forest Service for the fiscal year beginning September 1, 2012, for the same purpose.

SECTION 30. Department of Public Safety: Border Security. Provides that in addition to amounts appropriated in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, and in addition to capital purchases authorized in Rider 2 of the bill pattern for the Texas Department of Public Safety: Provides that the Texas Department of Public Safety is hereby appropriated \$1,200,000 in General Revenue for the 2012-2013 biennium to be allocated as follows:

(a) \$1,066,667 is required to be used to purchase the following:

(1) \$800,000 for tactical vessels; and

(2) \$266,667 for weaponry.

(b) \$133,333 is required to be used by the agency for operations costs, not including training costs, associated with the equipment identified above.

Requires the LBB to make all necessary and corresponding adjustments to the bill pattern of the Texas Department of Public Safety, including adjustments to Rider 2, Capital Budget, as necessary to implement the appropriation authority provided by this section.

SECTION 31. Parks and Wildlife Department: Border Security. Provides that in addition to amounts appropriated in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, and in addition to capital purchases authorized in Rider 2 of the bill pattern for the Parks and Wildlife Department: Provides that the Texas Parks and Wildlife Department is hereby appropriated \$909,759 in General Revenue for the 2012-2013 biennium to be allocated as follows:

(a) \$578,959 is required to be used to purchase the following:

(1) \$501,359 for SAFEBOATS; and

(2) \$77,600 for weaponry and ammunition.

(b) \$330,800 is required to be used by the agency for operations costs, not including training costs, associated with the equipment identified above.

Requires the LBB to make all necessary and corresponding adjustments to the bill pattern of the Parks and Wildlife Department, including adjustments to Rider 2, Capital Budget, as necessary to implement the appropriation authority provided by this section.

SECTION 32. Texas Department of Rural Affairs: Transfer of Functions. Provides that contingent on enactment of Senate Bill 1, 82nd Legislature, 1st Called Session, 2011, or similar legislation providing for the transfer of all functions of the Texas Department of Rural Affairs:

(a) Provides that all appropriations, FTEs, riders and measures for the Texas Department of Rural Affairs in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, for all nondisaster relief funding purposes, including Community Development Block Grant planning grant funds, are hereby transferred and appropriated to the Texas Department of Agriculture.

(b) Requires the LBB to work with the affected agencies on an agreement for the proper amount and allocation of appropriations, FTEs, measures and riders. Requires the LBB to approve the allocation agreement by August 31, 2011, and will resolve any allocation issues that arise thereafter.

(c) Requires the LBB to make all necessary adjustments as a result of this section to the bill patterns of the affected agencies.

SECTION 33. Community Development Block Grant: Disaster Relief Funding. Provides that pursuant to the Governor designating the General Land Office as the state agency responsible for administration of the Community Development Block Grant disaster recovery funding for Texas,

as allowed under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act and other related federal provisions:

(a) Provides that all appropriations, FTEs, riders, and measures for the Texas Department of Housing and Community Affairs related to Community Development Block Grant disaster recovery funding and assistance in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, are hereby transferred and appropriated to the General Land Office.

(b) Provides that all appropriations, FTEs, riders and measures for the Texas Department of Rural Affairs, or its successor agency, related to disaster recovery funding in House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, are hereby transferred and appropriated to the General Land Office.

(c) Requires the LBB to work with the affected agencies on an agreement for the proper amount and allocation of appropriations, FTEs, measures and riders. Requires the LBB to approve the allocation agreement by August 31, 2011, and will resolve any allocation issues that arise thereafter.

(d) Requires the LBB to make all necessary adjustments as a result of this section to the bill patterns of the affected agencies.

SECTION 34. SAVING CLAUSE. Prohibits a decision, if any section, sentence, clause or part of this Act shall for any reason be held to be invalid, from affecting the remaining portions of this Act; and provides that it is hereby declared to be the intention of the legislature to have passed each sentence, section, clause, or part thereof irrespective of the fact that any other sentence, section, clause or part thereof may be declared invalid.

SECTION 35. Effective date: immediately. Effective date for appropriations made by this Act, except as otherwise provided by this Act: the two-year period starting September 1, 2011.