

By: Ogden

S.B. No. 2

A BILL TO BE ENTITLED

AN ACT

1
2
3 appropriating money for the support of state government for the
4 period beginning September 1, 2011 and ending August 31, 2013; and
5 authorizing and prescribing conditions, limitations, rules, and
6 procedures for allocating and expending the appropriated funds; and
7 declaring an emergency.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

9 SECTION 1. The several sums of money herein specified, or so
10 much thereby as may be necessary, are appropriated out of any funds
11 in the State Treasury not otherwise appropriated, or out of special
12 funds as indicated, for the support, maintenance, or improvement of
13 the designated agencies.

14 SECTION 2. Contingency for Senate Bill _____. Contingent on
15 enactment of Senate Bill _____, or similar legislation relating to
16 state contributions to the Law Enforcement and Custodial Officer
17 Supplemental Retirement, in addition to amounts appropriated in
18 House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011 in
19 Strategy A.1.2, Law Enforcement and Custodial Officer Supplemental
20 Retirement Fund, the Employees Retirement System is hereby
21 appropriated the following amounts in fiscal year 2013 for a state
22 contribution of 0.5 percent to the Law Enforcement and Custodial
23 Officer Supplemental Retirement Program in fiscal year
24 2013:

1	General Revenue	\$6,698,395
2	General Revenue-Dedicated	96,261
3	Federal Funds	29,330
4	Fund 006	696,386
5		
6	All Funds	\$7,520,472

7 SECTION 3. Tobacco User Monthly Premium Fee. Contingent
 8 upon enactment of Senate Bill ___or similar legislation relating to
 9 the creation of a tobacco user monthly premium fee, by the
 10 Eighty-Second Legislature, 2011 the Employees Retirement System
 11 shall apply a \$30 monthly tobacco user fee to any tobacco user
 12 covered under the state health plan. Also contingent upon the
 13 enactment of this legislation, the Comptroller of Public Accounts
 14 shall deposit revenue from the fee (estimated to be \$16,720,343 in
 15 fiscal year 2012 and \$25,080,514 in fiscal year 2013) into the
 16 Employees Life, Accident, Health Insurance and Benefits Trust
 17 Account

18 SECTION 4. Contingency for Senate Bill___: Debt Service on
 19 Cancer Prevention and Research Bonds. The appropriations made in
 20 House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011 to
 21 the Texas Public Finance Authority for General Obligation Bond Debt
 22 Service are subject to the following provision. Appropriations out
 23 of the Permanent Fund for Health & Tobacco Education & Enforcement
 24 Account No. 5044; Permanent Fund for Children & Public Health
 25 Account No. 5045; and Permanent Fund for EMS & Trauma Care Account
 26 No. 5046, are contingent on the enactment of Senate Bill___, or
 27 similar legislation related to the use of certain Tobacco

1 Settlement Funds for debt service on Cancer Prevention and Research
 2 Institute debt, by the Eighty-second Legislature, 2011. The
 3 Legislative Budget Board shall adjust the informational listing of
 4 bond debt service pursuant to this provision.

5 SECTION 5. Appropriations to the Foundation School Program.

6 (a) Texas Education Agency, Article III, House Bill 1, Acts
 7 of the 82nd Legislature, Regular Session, 2011 (the General
 8 Appropriations Act), is amended by adding the following
 9 appropriations and riders, and to the extent necessary, by giving
 10 all riders under the bill pattern of the agency full force and
 11 effect:

A.1.1., Equalized Operations	2012	2013
Available School Fund	1,099,948,815	1,726,989,252
Foundation School Fund	13,412,514,119	12,656,939,681
Property Tax Relief Fund	2,198,994,000	2,338,574,000
Appropriated Receipts	906,500,000	835,600,000
Lottery Proceeds	1,002,457,000	1,006,111,000
18		
A.1.2, Equalized Facilities		
Foundation School Fund	650,000,000	716,100,000
21		

22 (b) Foundation School Program Funding. Out of the funds
 23 appropriated above, a total of \$19,287,500,000 in fiscal year 2012
 24 and \$19,297,400,000 in fiscal year 2013 shall represent the
 25 sum-certain appropriation to the Foundation School Program. The
 26 total appropriation may not exceed the sum-certain amount. This
 27 appropriation includes allocations under Chapters 41, 42 and 46 of

1 the Texas Education Code.

2 Formula Funding: The Commissioner shall make allocations to local
3 school districts under Chapters 41, 42 and 46 based on the March
4 2011 estimates of average daily attendance and local district tax
5 rates as determined by the Legislative Budget Board and the final
6 tax year 2010 property values.

7 For purposes of distributing the Foundation School Program basic
8 tier state aid appropriated above and in accordance with §42.101 of
9 the Texas Education Code, the Basic Allotment is projected to be
10 \$4,765 in fiscal year 2012 and \$4,765 in fiscal year 2013.

11 For purposes of distributing the Foundation School Program
12 enrichment tier state aid appropriated above and in accordance with
13 §41.002(a)(2) and §42.302(a-1)(1) of the Texas Education Code, the
14 Guaranteed Yield is \$59.97 in fiscal year 2012 and \$59.97 in fiscal
15 year 2013.

16 Out of amounts appropriated above and allocated by this rider to the
17 Foundation School Program, no funds are appropriated for the New
18 Instructional Facilities Allotment under §42.158 of the Texas
19 Education Code.

20 Notwithstanding any other provision of this Act, the Texas
21 Education Agency may make transfers as appropriate between Strategy
22 A.1.1, FSP-Equalized Operations, and Strategy A.1.2, FSP Equalized
23 Facilities. The TEA shall notify the Legislative Budget Board and
24 the Governor of any such transfers at least 45 days prior to the
25 transfer.

26 The Texas Education Agency shall submit reports on the prior
27 month's expenditures on programs described by this rider no later

1 than the 20th day of each month to the Legislative Budget Board and
2 the Governor's Office in a format determined by the Legislative
3 Budget Board in cooperation with the agency.

4 (c) Foundation School Program Adjustments. Appropriations
5 from the Foundation School Fund No. 193 identified in subsection
6 (a) above are hereby reduced by \$438,900,000 in fiscal year 2012 and
7 \$361,100,000 in fiscal year 2013. These adjustments reflect a
8 lower estimate of the state cost of the Foundation School Program in
9 the 2012-13 biennium due to updated pupil projections and
10 projections of district property values.

11 Property values, and the estimates of local tax collections on
12 which they are based, shall be decreased by 0.97 percent for tax
13 year 2011, then increased by 0.52 percent for tax year 2012.

14 The sum-certain appropriation for the Foundation School Program as
15 identified in subsection (b) above shall be decreased
16 commensurately to reflect these adjustments.

17 (d) Contingency for Senate Bill__: Foundation School
18 Program Deferral. Contingent on enactment of SB __ or similar
19 legislation providing the legal basis for deferring the August 2013
20 Foundation School Program payment to school districts,
21 appropriations made in subsection (a) above from the Foundation
22 School Fund 193 to the Texas Education Agency for the Foundation
23 School Program are hereby reduced by \$2,300,000,000 in fiscal year
24 2013. It is the intent of the legislature that this payment be made
25 in September 2013 pursuant to the provisions of the bill. The
26 sum-certain appropriation for the Foundation School Program as
27 identified subsection (b) above shall be decreased commensurately.

1 (e) Contingency for HJR 109. Appropriations from the
2 Foundation School Fund (Fund 193) made in subsection (a) above,
3 Texas Education Agency Strategy A.1.1, FSP - Operations, for the
4 Foundation School Program, are hereby reduced by 150,000,000 in
5 each fiscal year of the 2012-13 biennium. The Texas Education
6 Agency is hereby appropriated from the Available School Fund
7 (General Revenue) to the Foundation School Program in Strategy
8 A.1.1, FSP - Operations an amount estimated to be \$150,000,000 in
9 each fiscal year of the 2012-13 biennium, pursuant to all of the
10 following:

11 a. passage and enactment of HJR 109, SJR 5 or similar
12 legislation relating to proposing a constitutional amendment to
13 clarify references to the Permanent School Fund and to allow the
14 General Land Office or other entity to distribute revenue derived
15 from Permanent School Fund land or other properties to the
16 Available School Fund;

17 b. voter approval of the associated constitutional
18 amendment; and

19 c. the distribution of funds from the General Land
20 Office to the Available School Fund pursuant to the provisions of
21 the legislation.

22 (f) Contingency for Senate Bill ____: Funding Contingency.
23 The All Funds appropriations made for the Foundation School Program
24 (FSP), Texas Education Agency Strategies A.1.1 and A.1.2, in
25 subsection (a) above, and as adjusted by other subsections in this
26 section, are contingent on enactment of SB ____ or similar
27 legislation by the Eighty-second Legislature, 2011, relating to

1 certain state fiscal matters and that amends Chapter 42 of the Texas
2 Education Code to adjust state aid payments to the level of FSP
3 appropriations made in subsection (a) above as adjusted for other
4 subsections in this section. Should this legislation fail to pass
5 and be enacted, the All Funds appropriations for the FSP made herein
6 are hereby reduced to zero for each year of the 2012-13 biennium,
7 including the sum-certain appropriation identified in subsection
8 (b) above.

9 (f) The Legislative Budget Board is directed to make all
10 necessary adjustments to the Texas Education Agency pursuant to the
11 provisions above, including adjustments to strategies, methods of
12 finance, measures and riders contained in House Bill 1, 82nd
13 Legislature, 2011.

14 SECTION 6. Contingency for Senate Bill__: Legislation
15 Relating to Certain Office of Court Administration License Fees.
16 Contingent upon the enactment of SB__ relating to license fees and
17 the allowable use of such fees for process servers, guardians, and
18 court reporters by the Eighty-second Legislature, the Office of
19 Court Administration is appropriated \$119,603 in fiscal year 2012
20 and \$119,714 in fiscal year 2013 to implement the provisions of the
21 legislation. The number of "Full-Time-Equivalent Positions"
22 indicated in the agency's bill pattern is increased by 2.0 each
23 fiscal year. Fees, fines and other miscellaneous revenues as
24 authorized by the Process Servers Review Board, the Guardianship
25 Certification Board, and the Court Reporters Certification Board
26 shall cover, at a minimum, the cost of appropriations made in this
27 provision, as well as an amount sufficient to cover "Other Direct

1 and Indirect Costs Appropriated Elsewhere in this Act" (estimated
2 to be \$27,783 in fiscal year 2012 and \$29,175 in fiscal year 2013).
3 In the event that actual and/or projected revenues are insufficient
4 to offset the costs identified by this provision, the Legislative
5 Budget Board may direct that the Comptroller of Public Accounts to
6 reduce the appropriation authority provided above to be within the
7 amount of revenue expected to be available.

8 SECTION 7. Contingency for Senate Bill___: Office of Court
9 Administration Collection and Improvement Audits. Contingent on
10 enactment of Senate Bill___or similar legislation relating to state
11 fiscal matters and collection improvement audits, by the
12 Eighty-second Legislature, the Office of Court Administration is
13 appropriated \$550,448 in fiscal year 2012 and \$529,824 in fiscal
14 year 2013 from General Revenue Funds to implement the provisions of
15 the legislation. In addition, the "Number of Full-Time Equivalents
16 (FTE)" indicated in the Office of Court Administration's bill
17 pattern is increased by 8.0 FTEs in fiscal year 2012 and 8.0 FTEs in
18 fiscal year 2013.

19 SECTION 8. Contingency for Senate Bill___: Railroad
20 Commission. Contingent on enactment of SB ___, or similar
21 legislation relating to the Railroad Commission by the
22 Eighty-second Legislature:

23 a. Oil and Gas Related Fees. In addition to amounts
24 appropriated in House Bill 1, Acts of the 82nd Legislature, Regular
25 Session, 2011 to the Railroad Commission, and contingent on SB ___
26 or similar legislation creating an account to cover costs of the
27 agency's oil- and gas-related activities, by the Eighty-second

1 Legislature, appropriations out of the General Revenue Fund are
 2 hereby reduced by \$16,766,209 in fiscal year 2012 and by
 3 \$16,716,472 in fiscal year 2013, and, to replace these
 4 appropriations, there is hereby appropriated \$16,766,209 in fiscal
 5 year 2012 and \$16,716,472 in fiscal year 2013 out of the Oil and Gas
 6 Regulation and Cleanup (OGRC) Fund created by the bill.

7 The following amounts of General Revenue funding would be
 8 replaced with funding out of the OGRC Fund in the following
 9 strategies:

	2012	2013
10 Strategy A.1.1, Energy Resource	\$ 4,099,221	\$ 4,070,349
11 Development		
12 Strategy C.1.1, Oil and Gas	\$10,314,041	\$10,350,753
13 Monitoring and Inspections		
14 Strategy C.2.1, Oil and Gas	\$ 496,396	\$ 461,550
15 Remediation		
16 Strategy C.2.2, Oil and Gas	\$ 935,444	\$ 919,808
17 Well Plugging		
18 Strategy D.1.2, Public	\$ 921,107	\$ 914,012
19 Information and Services		
20		
21		
22 TOTAL	\$16,766,209	\$16,716,472

23 In addition, appropriations out of the Oil Field Cleanup
 24 Account No. 145 are hereby reduced by \$20,581,780 in fiscal year
 25 2012 and by \$20,581,779 in fiscal year 2013, and, to replace these
 26 appropriations, there is hereby appropriated \$20,581,780 in fiscal
 27 year 2012 and \$20,581,779 in fiscal year 2013 out of the OGRC Fund

1 created by the bill. The following amounts out of the General
 2 Revenue-Dedicated Oil Field Cleanup Account No. 145 would be
 3 replaced with funding out of the OGRC Fund in the following
 4 strategies:

	2012	2013
5 Strategy A.1.1, Energy Resource	\$ 1,114,744	\$ 1,114,744
6 Development		
7 Strategy C.1.1, Oil and Gas	\$ 851,800	\$ 851,800
8 Monitoring and Inspections		
9 Strategy C.2.1, Oil and Gas	\$ 3,786,565	\$ 3,786,565
10 Remediation		
11 Strategy C.2.2, Oil and Gas	\$14,690,620	\$14,690,620
12 Well Plugging		
13 Strategy D.1.2, Public	\$ 138,051	\$ 138,050
14 Information and Services		
15		
16		
17 TOTAL	\$20,581,780	\$20,581,779

18 (b) Expansion of Pipeline Safety Fee Use to Include Gas
 19 Utility Regulation. Contingent upon enactment of SB ____, or
 20 similar legislation allowing for the use of pipeline safety fees
 21 for gas utility regulatory functions, by the Eighty-second
 22 Legislature, the Railroad Commission is hereby appropriated in each
 23 fiscal year of the 2012-13 biennium an amount not to exceed \$233,000
 24 in Strategy C.2.1, Gas Utility Compliance. This appropriation is
 25 contingent upon the Railroad Commission increasing Pipeline Safety
 26 Fees and shall be limited to revenues deposited to the credit of
 27 Revenue Object Code 3553 in excess of the Comptroller's Biennial

1 Revenue Estimate for 2012-13.

2 The Railroad Commission, upon completion of necessary
3 actions to assess or increase the Pipeline Safety Fee, shall
4 furnish copies of the minutes and other information supporting the
5 estimated revenues to be generated for the 2012-13 biennium under
6 the revised fee structure to the Comptroller of Public Accounts. If
7 the Comptroller finds the information sufficient to support the
8 projection of increased revenues in excess of those estimated in
9 the Biennial Revenue Estimate for 2012-13, a finding of fact to that
10 effect shall be issued and the contingent appropriation shall be
11 made available for the intended purpose.

12 SECTION 9. Contingency for Senate Bill___: Department of
13 State Health Services. Contingent upon the enactment of SB ___ or
14 similar legislation allowing for the increase of certain licensing
15 and public health service fees assessed by the Department of State
16 Health Services (DSHS), by the Eighty-second Legislature, any
17 additional revenues generated as a result of the fee increases
18 certified by the Comptroller to be in excess of Comptroller of
19 Public Accounts' January 2011 Biennial Revenue Estimate are
20 appropriated to DSHS for the 2012-13 biennium for use in Strategy
21 A.4.1, Laboratory Services, and Goal D, Consumer Protection
22 Services.

23 SECTION 10. Contingency for Senate Bill___: Voter
24 Registration. Contingent on enactment of SB ___, or similar
25 legislation relating to transferring voter registration payments
26 from the Fiscal Programs - Comptroller of Public Accounts to the
27 Secretary of State, by the Eighty-second Legislature, 2011, amounts

1 appropriated elsewhere in this Act to the Fiscal Programs
2 Comptroller of Public Accounts in Strategy A.1.1, Voter
3 Registration, shall be transferred to the Secretary of State.

4 SECTION 11. Contingency for Senate Bill __: Back to Work.
5 Contingent on enactment of Senate Bill ___or similar legislation by
6 the Eighty-second Legislature, relating to the transfer of General
7 Revenue-Dedicated Texas Enterprise Fund Account No. 5107
8 appropriations to other state agencies, the Trusteed Programs
9 within the Office of the Governor shall transfer \$20,000,000 from
10 the General Revenue-Dedicated Texas Enterprise Fund Account No.
11 5107 to the Texas Workforce Commission for the Texas Back to Work
12 Program.

13 If SB ____, or similar legislation by the Eighty-second Legislature,
14 2011, relating to the transfer of General Revenue-Dedicated Texas
15 Enterprise Fund Account No. 5107 appropriations to other state
16 agencies is not enacted, it is the intent of the Legislature that
17 the Trusteed Programs within the Office of the Governor award a
18 grant in the amount of \$20,000,000 in the 2012-13 biennium out of
19 the General Revenue-Dedicated Texas Enterprise Fund Account No.
20 5107 to the Texas Workforce Commission for the Texas Back to Work
21 Program.

22 SECTION 12. SAVINGS CLAUSE. If any section, sentence,
23 clause or part of this Act shall for any reason be held to be
24 invalid, such decision shall not affect the remaining portions of
25 this Act; and it is hereby declared to be the intention of the
26 Legislature to have passed each sentence, section, clause, or part
27 thereof irrespective of the fact that any other sentence, section,

1 clause or part thereof may be declared invalid.

2 SECTION 13. EMERGENCY CLAUSE. The importance of the
3 legislation to the people of the State of Texas and the crowded
4 condition of the calendars in both Houses of the Legislature create
5 an emergency and an imperative public necessity that the
6 Constitutional Rule requiring bills to be read on three separate
7 days in each House be suspended, and said Rule is hereby suspended;
8 and this Act shall take effect and be in force from and after its
9 passage, and it is so enacted.