

1 AN ACT

2 relating to appropriations to departments and agencies of the state
3 government, including conditions, limitations, rules, and
4 procedures for allocating and expending appropriations.

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

6 SECTION 1. (a) All fees collected during the state fiscal
7 biennium beginning September 1, 2003, by the Department of
8 Licensing and Regulation or the Commission of Licensing and
9 Regulation under Chapter 1305, Occupations Code, as added by House
10 Bill No. 1487, Acts of the 78th Legislature, Regular Session, 2003,
11 or under Section 3, House Bill No. 1487, Acts of the 78th
12 Legislature, Regular Session, 2003, are appropriated to the
13 Department of Licensing and Regulation for the purpose of
14 administering Chapter 1305. The full-time equivalent position
15 limitation established for the department in House Bill No. 1, Acts
16 of the 78th Legislature, Regular Session, 2003 (the General
17 Appropriations Act), is also increased by 32 for the state fiscal
18 biennium beginning September 1, 2003, for that purpose.

19 (b) Any increase in state employee benefit costs incurred
20 during the state fiscal biennium beginning September 1, 2003, in
21 connection with administering Chapter 1305, Occupations Code, as
22 added by House Bill No. 1487, Acts of the 78th Legislature, Regular
23 Session, 2003, shall be paid out of the appropriations made by
24 Subsection (a) of this section and shall be allocated to the

1 appropriate employee benefit appropriation items in accordance
2 with applicable rules of the comptroller.

3 (c) None of the appropriations made by Subsection (a) of
4 this section may be expended by the Department of Licensing and
5 Regulation, the Commission of Licensing and Regulation, or the
6 Electrical Safety and Licensing Advisory Board created under
7 Chapter 1305, Occupations Code, as added by House Bill No. 1487,
8 Acts of the 78th Legislature, Regular Session, 2003, on regulatory
9 activities under Chapter 1305 or under Section 3, House Bill No.
10 1487, Acts of the 78th Legislature, Regular Session, 2003, that
11 pertain to the installation, maintenance, alteration, or repair of
12 electrical equipment or wiring in or on buildings, devices, pumps,
13 structures, or premises used solely for agricultural uses,
14 including the production or delivery of water used in agriculture.
15 For purposes of this section:

16 (1) "agriculture" and "agricultural use" have the
17 meanings assigned by Section 11.002, Water Code; and

18 (2) "regulatory activities" include licensing,
19 enforcement, and administration of rules adopted under Chapter
20 1305.

21 SECTION 2. (a) None of the appropriations made by the 78th
22 Legislature to the Department of Licensing and Regulation or to the
23 Commission of Licensing and Regulation may be expended for
24 regulatory activities under Chapter 1202, Occupations Code, that
25 pertain to a commercial building or structure that is not installed
26 on a permanent foundation and that is either:

27 (1) not open to the public; or

1 (2) less than 1,500 square feet in total area and not
2 used as a school or place of religious worship.

3 (b) In this section, "regulatory activities" include
4 licensing, enforcement, inspection, and administration of rules
5 adopted under Chapter 1202.

6 SECTION 3. (a) Except as provided by Subsection (b) of this
7 section, all surcharges collected during the state fiscal biennium
8 beginning September 1, 2003, by the Texas Alcoholic Beverage
9 Commission under Section 5.55(b), Alcoholic Beverage Code, as added
10 by Chapter 101, Acts of the 78th Legislature, Regular Session,
11 2003, are appropriated to the Texas Alcoholic Beverage Commission
12 for the state fiscal biennium beginning September 1, 2003, for the
13 purpose described by Section 5.55, Alcoholic Beverage Code.

14 (b) The amount appropriated to the Texas Alcoholic Beverage
15 Commission under this section may not exceed \$500,000.

16 SECTION 4. (a) All surcharges authorized by Section
17 134.014(b), Agriculture Code, as added by Chapter 677, Acts of the
18 78th Legislature, Regular Session, 2003, and collected during the
19 state fiscal biennium beginning September 1, 2003, are appropriated
20 to the Department of Agriculture for the state fiscal biennium
21 beginning September 1, 2003, for the implementation and
22 administration of the Texas shrimp marketing assistance program
23 under Subchapter B, Chapter 47, Agriculture Code. The amount
24 appropriated by this subsection may not exceed \$25,000 for each
25 fiscal year of the biennium.

26 (b) All additional revenue generated by the increase in the
27 amount of certain license fees under Section 77.002(c), Parks and

1 Wildlife Code, as added by House Bill No. 2470, Acts of the 78th
2 Legislature, Regular Session, 2003, and collected during the state
3 fiscal biennium beginning September 1, 2003, by the Parks and
4 Wildlife Department is appropriated to the Department of
5 Agriculture for the state fiscal biennium beginning September 1,
6 2003, for the implementation and administration of the Texas shrimp
7 marketing assistance program under Subchapter B, Chapter 47,
8 Agriculture Code. The amount appropriated by this subsection may
9 not exceed \$250,000 for each fiscal year of the biennium.

10 (c) The full-time equivalent position limitation
11 established for the Department of Agriculture in Chapter 1330, Acts
12 of the 78th Legislature, Regular Session, 2003 (the General
13 Appropriations Act), is increased by two for the state fiscal
14 biennium beginning September 1, 2003.

15 SECTION 5. Rider 68 following the appropriations to the
16 Department of Health on page II-41, Chapter 1330, Acts of the 78th
17 Legislature, Regular Session, 2003 (the General Appropriations
18 Act), is amended to read as follows:

19 68. Contingency Appropriation for House Bill 3588.
20 Contingent upon enactment of House Bill 3588, or similar
21 legislation relating to the construction, acquisition, financing,
22 maintenance, management, operation, ownership, and control of
23 transportation facilities and the progress, improvement, policing,
24 and safety of transportation in the state, an estimated amount not
25 to exceed \$108,000,000 [~~\$59,338,603~~] in fiscal year 2004 and an
26 estimated amount not to exceed \$161,300,000 [~~\$112,613,914~~] in
27 fiscal year 2005 in funds deposited in the trauma facility and

1 emergency medical services account established under the bill are
2 hereby appropriated to the Department of Health. These funds shall
3 be used to fund designated trauma facilities, county and regional
4 emergency medical services, and trauma care systems. Of the funds
5 appropriated from this account, the Commissioner of Health shall
6 maintain a reserve of \$500,000 for extraordinary emergencies.

7 SECTION 6. (a) In addition to other amounts appropriated to
8 the Department of Licensing and Regulation for the state fiscal
9 biennium beginning September 1, 2003, for the purpose of
10 administering certain provisions of Chapter 816, Acts of the 78th
11 Legislature, Regular Session, 2003, including provisions
12 pertaining to elevator contractor regulation, toll-free customer
13 service lines, and loss damage waiver regulation, the following
14 amounts are appropriated out of the general revenue fund, from fees
15 collected by the department, to the Department of Licensing and
16 Regulation for the purpose of administering the provisions of
17 Chapter 816, Acts of the 78th Legislature, Regular Session, 2003:
18 \$208,909 for the state fiscal year beginning September 1, 2003, and
19 \$230,172 for the state fiscal year beginning September 1, 2004. The
20 full-time equivalent position limitation established for the
21 department in Chapter 1330, Acts of the 78th Legislature, Regular
22 Session, 2003 (the General Appropriations Act), is also increased
23 by 4.5 for the state fiscal year beginning September 1, 2003, and by
24 5.5 for the state fiscal year beginning September 1, 2004, for that
25 purpose.

26 (b) Any increase in state employee benefit costs incurred
27 during the state fiscal biennium beginning September 1, 2003, in

1 connection with the increase in the number of full-time equivalent
2 positions authorized by Subsection (a) of this section shall be
3 paid out of the appropriations made by Subsection (a) of this
4 section and shall be allocated to the appropriate employee benefit
5 appropriation items in accordance with applicable rules of the
6 comptroller.

7 SECTION 7. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect on the 91st day after the last day of the
12 legislative session.

President of the Senate

Speaker of the House

I certify that H.B. No. 24 was passed by the House on September 17, 2003, by the following vote: Yeas 124, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 24 on September 29, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 24 on October 10, 2003, by the following vote: Yeas 127, Nays 0, 1 present, not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Chief Clerk of the House

H.B. No. 24

I certify that H.B. No. 24 was passed by the Senate, with amendments, on September 24, 2003, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 24 on October 12, 2003, by the following vote: Yeas 31, Nays 0; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Secretary of the Senate

I certify that the amounts appropriated in the herein H.B. No. 24, 3rd Called Session of the 78th Legislature, are within amounts estimated to be available in the affected fund.

Certified _____

Comptroller of Public Accounts

APPROVED: _____

Date

Governor