

Suspending limitations on conference committee
jurisdiction, H.B. No. 24

By: Bivins

S.R. No. 125

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 78th Legislature, 3rd Called Session, 2003, That Senate Rules 12.03 and 12.04 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill No. 24, relating to appropriations to departments and agencies of the state government, including conditions, limitations, rules, and procedures for allocating and expending appropriations, to consider and take action on the following matters:

(1) Senate Rules 12.03(3) and (4) and 12.04(5) are suspended to permit the committee to make a new appropriation by adding a new SECTION 3 of the bill to read as follows:

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

(b) The amount appropriated to the Texas Alcoholic

Beverage Commission under this section may not exceed \$500,000.

Explanation: It is necessary to make the new appropriation to appropriate for the intended purpose surcharges that will be collected under a law added by the 78th Legislature, Regular Session.

(2) Senate Rules 12.03(3) and (4) and 12.04(5) are suspended to permit the committee to make new appropriations by adding a new SECTION 4 of the bill to read as follows:

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

(b) All additional revenue generated by the increase in the amount of certain license fees under Section 77.002(c), Parks and Wildlife Code, as added by House Bill No. 2470, Acts of the 78th Legislature, Regular Session, 2003, and collected during the state fiscal biennium beginning September 1, 2003, by the Parks and Wildlife Department is appropriated to the Department of Agriculture for the state fiscal biennium beginning September 1, 2003, for the implementation and administration of the Texas shrimp marketing assistance program under Subchapter B, Chapter

47, Agriculture Code. The amount appropriated by this subsection may not exceed \$250,000 for each fiscal year of the biennium.

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

Explanation: It is necessary to make the new appropriations to appropriate for the intended purpose certain surcharges and license fee revenue that will be collected under laws added by the 78th Legislature, Regular Session.

(3) Senate Rules 12.03(3) and (4) and 12.04(5) are suspended to permit the committee to make new appropriations by adding a new SECTION 5 of the bill to read as follows:

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

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

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

Explanation: It is necessary to make the new appropriations to account for the increase, since the regular session, in the amount estimated to be available for trauma care.

(4) Senate Rules 12.03(3) and (4) and 12.04(5) are suspended to permit the committee to make a new appropriation by adding a new SECTION 6 of the bill to read as follows:

SECTION 6. (a) In addition to other amounts appropriated to the Department of Licensing and Regulation for the state fiscal biennium beginning September 1, 2003, for the purpose of administering certain provisions of Chapter 816, Acts of the 78th Legislature, Regular Session, 2003, including provisions pertaining to elevator contractor regulation, toll-free customer service lines, and loss damage waiver regulation, the following amounts are appropriated out of the general revenue fund, from fees collected by the department, to the Department of Licensing and Regulation for the purpose of administering the provisions of Chapter 816, Acts of the 78th Legislature, Regular Session, 2003: \$208,909 for the state fiscal year beginning September 1, 2003, and \$230,172 for the state fiscal year beginning September 1, 2004. The full-time

equivalent position limitation established for the department in Chapter 1330, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act), is also increased by 4.5 for the state fiscal year beginning September 1, 2003, and by 5.5 for the state fiscal year beginning September 1, 2004, for that purpose.

(b) Any increase in state employee benefit costs incurred during the state fiscal biennium beginning September 1, 2003, in connection with the increase in the number of full-time equivalent positions authorized by Subsection (a) of this section shall be paid out of the appropriations made by Subsection (a) of this section and shall be allocated to the appropriate employee benefit appropriation items in accordance with applicable rules of the comptroller.

Explanation: It is necessary to make the new appropriations to account for the increase, since the regular session, in the amount of fees estimated to be collected by the Texas Department of Licensing and Regulation that will be needed to administer provisions of the sunset bill for the department.

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on October 10, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate