

By: Pitts

H.B. No. 2

A BILL TO BE ENTITLED

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

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

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

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

23	General Revenue	\$6,698,395
24	General Revenue-Dedicated	96,261

1	Federal Funds	29,330
2	Fund 006	696,386
3	All Funds	\$7,520,472

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

15 SECTION 4. Contingency for Senate Bill ____: Debt Service on
16 Cancer Prevention and Research Bonds. The appropriations made in
17 House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011 to
18 the Texas Public Finance Authority for General Obligation Bond Debt
19 Service are subject to the following provision. Appropriations out
20 of the Permanent Fund for Health & Tobacco Education & Enforcement
21 Account No. 5044; Permanent Fund for Children & Public Health
22 Account No. 5045; and Permanent Fund for EMS & Trauma Care Account
23 No. 5046, are contingent on the enactment of Senate Bill ____, or
24 similar legislation related to the use of certain Tobacco
25 Settlement Funds for debt service on Cancer Prevention and Research
26 Institute debt, by the Eighty-second Legislature, 2011. The
27 Legislative Budget Board shall adjust the informational listing of

1 bond debt service pursuant to this provision.

2 SECTION 5. Appropriations to the Foundation School Program.

3 (a) Texas Education Agency, Article III, House Bill 1, Acts of the
 4 82nd Legislature, Regular Session, 2011 (the General
 5 Appropriations Act), is amended by adding the following
 6 appropriations and riders, and to the extent necessary, by giving
 7 all riders under the bill pattern of the agency full force and
 8 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
A.1.2, Equalized Facilities		
Foundation School Fund	650,000,000	716,100,000

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

24 Formula Funding: The Commissioner shall make allocations to
 25 local school districts under Chapters 41, 42 and 46 based on the
 26 March 2011 estimates of average daily attendance and local district
 27 tax rates as determined by the Legislative Budget Board and the

1 final tax year 2010 property values.

2 For purposes of distributing the Foundation School Program
3 basic tier state aid appropriated above and in accordance with Sec.
4 42.101 of the Texas Education Code, the Basic Allotment is
5 projected to be \$4,765 in fiscal year 2012 and \$4,765 in fiscal year
6 2013.

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

12 Out of amounts appropriated above and allocated by this rider
13 to the Foundation School Program, no funds are appropriated for the
14 New Instructional Facilities Allotment under Sec. 42.158 of the
15 Texas Education Code.

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

22 The Texas Education Agency shall submit reports on the prior
23 month's expenditures on programs described by this rider no later
24 than the 20th day of each month to the Legislative Budget Board and
25 the Governor's Office in a format determined by the Legislative
26 Budget Board in cooperation with the agency.

27 (c) Foundation School Program Adjustments. Appropriations

1 from the Foundation School Fund No. 193 identified in subsection
2 (a) above are hereby reduced by \$438,900,000 in fiscal year 2012 and
3 \$361,100,000 in fiscal year 2013. These adjustments reflect a lower
4 estimate of the state cost of the Foundation School Program in the
5 2012-13 biennium due to updated pupil projections and projections
6 of district property values.

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

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

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

24 (e) Contingency for HJR 109. Appropriations from the
25 Foundation School Fund (Fund 193) made in subsection (a) above,
26 Texas Education Agency Strategy A.1.1, FSP - Operations, for the
27 Foundation School Program, are hereby reduced by 150,000,000 in

1 each fiscal year of the 2012-13 biennium. The Texas Education
2 Agency is hereby appropriated from the Available School Fund
3 (General Revenue) to the Foundation School Program in Strategy
4 A.1.1, FSP - Operations an amount estimated to be \$150,000,000 in
5 each fiscal year of the 2012-13 biennium, pursuant to all of the
6 following:

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

13 b. voter approval of the associated constitutional
14 amendment; and

15 c. the distribution of funds from the General Land
16 Office to the Available School Fund pursuant to the
17 provisions of the legislation.

18 (f) Contingency for Senate Bill ____: Funding Contingency.
19 The All Funds appropriations made for the Foundation School Program
20 (FSP), Texas Education Agency Strategies A.1.1 and A.1.2, in
21 subsection (a) above, and as adjusted by other subsections in this
22 section, are contingent on enactment of SB ____ or similar
23 legislation by the Eighty-second Legislature, 2011, relating to
24 certain state fiscal matters and that amends Chapter 42 of the Texas
25 Education Code to adjust state aid payments to the level of FSP
26 appropriations made in subsection (a) above as adjusted for other
27 subsections in this section. Should this legislation fail to pass

1 and be enacted, the All Funds appropriations for the FSP made herein
2 are hereby reduced to zero for each year of the 2012-13 biennium,
3 including the sum-certain appropriation identified in subsection
4 (b) above.

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

10 SECTION 6. Contingency for Senate Bill ____: Legislation
11 Relating to Certain Office of Court Administration License Fees.
12 Contingent upon the enactment of SB ____ relating to license fees and
13 the allowable use of such fees for process servers, guardians, and
14 court reporters by the Eighty-second Legislature, the Office of
15 Court Administration is appropriated \$119,603 in fiscal year 2012
16 and \$119,714 in fiscal year 2013 to implement the provisions of the
17 legislation. The number of "Full-Time-Equivalent Positions"
18 indicated in the agency's bill pattern is increased by 2.0 each
19 fiscal year. Fees, fines and other miscellaneous revenues as
20 authorized by the Process Servers Review Board, the Guardianship
21 Certification Board, and the Court Reporters Certification Board
22 shall cover, at a minimum, the cost of appropriations made in this
23 provision, as well as an amount sufficient to cover "Other Direct
24 and Indirect Costs Appropriated Elsewhere in this Act" (estimated
25 to be \$27,783 in fiscal year 2012 and \$29,175 in fiscal year 2013).
26 In the event that actual and/or projected revenues are insufficient
27 to offset the costs identified by this provision, the Legislative

1 Budget Board may direct that the Comptroller of Public Accounts to
2 reduce the appropriation authority provided above to be within the
3 amount of revenue expected to be available.

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

15 SECTION 8. Contingency for Senate Bill ____: Railroad
16 Commission. Contingent on enactment of SB ____, or similar
17 legislation relating to the Railroad Commission by the
18 Eighty-second Legislature:

19 a. Oil and Gas Related Fees. In addition to amounts
20 appropriated in House Bill 1, Acts of the 82nd Legislature, Regular
21 Session, 2011 to the Railroad Commission, and contingent on SB ____ or
22 similar legislation creating an account to cover costs of the
23 agency's oil- and gas-related activities, by the Eighty-second
24 Legislature, appropriations out of the General Revenue Fund are
25 hereby reduced by \$16,766,209 in fiscal year 2012 and by
26 \$16,716,472 in fiscal year 2013, and, to replace these
27 appropriations, there is hereby appropriated \$16,766,209 in fiscal

1 year 2012 and \$16,716,472 in fiscal year 2013 out of the Oil and Gas
 2 Regulation and Cleanup (OGRC) Fund created by the bill.

3 The following amounts of General Revenue funding would be
 4 replaced with funding out of the OGRC Fund in the following
 5 strategies:

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

19 In addition, appropriations out of the Oil Field Cleanup
 20 Account No. 145 are hereby reduced by \$20,581,780 in fiscal year
 21 2012 and by \$20,581,779 in fiscal year 2013, and, to replace these
 22 appropriations, there is hereby appropriated \$20,581,780 in fiscal
 23 year 2012 and \$20,581,779 in fiscal year 2013 out of the OGRC Fund
 24 created by the bill. The following amounts out of the General
 25 Revenue-Dedicated Oil Field Cleanup Account No. 145 would be
 26 replaced with funding out of the OGRC Fund in the following
 27

1 strategies:

	2012	2013
2		
3 Strategy A.1.1, Energy	\$1,114,744	\$1,114,744
4 Resource Development		
5 Strategy C.1.1, Oil	\$851,800	\$851,800
6 and Gas Monitoring and		
7 Inspections		
8 Strategy C.2.1, Oil	\$3,786,565	\$3,786,565
9 and Gas Remediation		
10 Strategy C.2.2, Oil	\$14,690,620	\$14,690,620
11 and Gas Well Plugging		
12 Strategy D.1.2, Public	\$138,051	\$138,050
13 Information and		
14 Services		
15 TOTAL	\$20,581,780	\$20,581,779

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

27 The Railroad Commission, upon completion of necessary

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

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

21 SECTION 10. Contingency for Senate Bill ____: Voter
22 Registration. Contingent on enactment of SB ____, or similar
23 legislation relating to transferring voter registration payments
24 from the Fiscal Programs - Comptroller of Public Accounts to the
25 Secretary of State, by the Eighty-second Legislature, 2011, amounts
26 appropriated elsewhere in this Act to the Fiscal Programs
27 Comptroller of Public Accounts in Strategy A.1.1, Voter

1 Registration, shall be transferred to the Secretary of State.

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

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

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

27 SECTION 13. EMERGENCY CLAUSE. The importance of the

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