

AN ACT

appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds.

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

SECTION 1. 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. In addition to amounts appropriated in House Bill 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 the following 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:

General Revenue	\$6,698,395
General Revenue-Dedicated	96,261
Federal Funds	29,330
Fund 006	<u>696,386</u>

1 All Funds \$7,520,372

2 SECTION 3. Contingency: Expand Physician and Nurse Trauma  
3 Care Fellowship Slots. Contingent on the passage by the 82nd  
4 Legislature, 1st Called Session, 2011, and becoming law of  
5 legislation to fund the expansion of the number of physician and  
6 nurse trauma care fellowships by the Department of State Health  
7 Services or similar legislation, \$2,250,000 in fiscal year 2012 and  
8 \$2,250,000 in fiscal year 2013 is appropriated to the department  
9 for the state fiscal biennium ending August 31, 2013, from General  
10 Revenue-Dedicated Account No. 5111, Designated Trauma Facility and  
11 EMS Account, for the purposes of the legislation. Any unexpended  
12 balances remaining as of August 31, 2012, are hereby appropriated  
13 for the same purpose for the fiscal year beginning September 1,  
14 2012.

15 SECTION 4. Contingency for Senate Bill 1: Debt Service on  
16 Cancer Prevention and Research Bonds. The appropriations listed in  
17 Rider 2, Informational Listing of Appropriated Funds and in Bond  
18 Debt Service Payments of Article I, General Government, in House  
19 Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, to the  
20 Texas Public Finance Authority for General Obligation Bond Debt  
21 Service are subject to the following provision. Appropriations out  
22 of the Permanent Fund for Health & Tobacco Education & Enforcement  
23 Account No. 5044; Permanent Fund for Children & Public Health  
24 Account No. 5045; and Permanent Fund for EMS & Trauma Care Account  
25 No. 5046, are contingent on the enactment of Senate Bill 1, 82nd  
26 Legislature, 1st Called Session, 2011, or similar legislation  
27 related to the use of certain Tobacco Settlement Funds for debt

1 service on Cancer Prevention and Research Institute debt, by the  
 2 82nd Legislature, 1st Called Session, 2011. The Legislative Budget  
 3 Board shall adjust the informational listing of bond debt service  
 4 pursuant to this provision.

5 SECTION 5. Appropriations to the Foundation School Program.

6 (a) Texas Education Agency, Article III, House Bill 1, Acts of the  
 7 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:

12 A.1.1, FSP Equalized

13 Operations	2012	2013
14 Available School Fund	\$1,099,948,815	\$1,726,989,252
15 Foundation School Fund	13,412,514,119	12,656,939,681
16 Property Tax Relief Fund	2,198,994,000	2,338,574,000
17 Appropriated Receipts	906,500,000	835,600,000
18 Lottery Proceeds	<u>1,002,457,000</u>	<u>1,006,111,000</u>
19 Total, A.1.1	\$18,620,413,934	\$18,564,213,933

20 A.1.2, FSP Equalized

21 Facilities

22 Foundation School Fund	\$650,000,000	\$716,100,000
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23 (b) Foundation School Program Funding. Out of the funds  
 24 appropriated above in subsection (a) above and elsewhere in House  
 25 Bill 1, Acts of the 82nd Legislature, Regular Session, 2011, a total  
 26 of \$19,287,500,000 in fiscal year 2012 and \$19,297,400,000 in

1 fiscal year 2013 shall represent the sum-certain appropriation to  
2 the Foundation School Program. The total appropriation may not  
3 exceed the sum-certain amount. This appropriation includes  
4 allocations under Chapters 41, 42, and 46 of the Texas Education  
5 Code.

6         **Formula Funding:** The Commissioner shall make allocations to  
7 local school districts under Chapters 41, 42, and 46 of the Texas  
8 Education Code based on the March 2011 estimates of average daily  
9 attendance and local district tax rates as determined by the  
10 Legislative Budget Board and the final tax year 2010 property  
11 values.

12         For purposes of distributing the Foundation School Program  
13 basic tier state aid appropriated above and in accordance with  
14 Section 42.101 of the Texas Education Code, the Basic Allotment is  
15 projected to be \$4,765 in fiscal year 2012 and \$4,765 in fiscal year  
16 2013.

17         For purposes of distributing the Foundation School Program  
18 enrichment tier state aid appropriated above and in accordance with  
19 Section 41.002(a)(2) and Section 42.302(a-1)(1) of the Texas  
20 Education Code, the Guaranteed Yield is \$59.97 in fiscal year 2012  
21 and \$59.97 in fiscal year 2013.

22         Out of amounts appropriated above and allocated by this rider  
23 to the Foundation School Program, no funds are appropriated for the  
24 New Instructional Facilities Allotment under Section 42.158 of the  
25 Texas Education Code.

26         Notwithstanding any other provision of this Act, the Texas  
27 Education Agency may make transfers as appropriate between Strategy

1 A.1.1, FSP-Equalized Operations, and Strategy A.1.2, FSP-Equalized  
2 Facilities. The Texas Education Agency shall notify the  
3 Legislative Budget Board and the Governor of any such transfers at  
4 least 45 days prior to the transfer.

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

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

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

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

23 (d) Contingency for Senate Bill 1: Foundation School  
24 Program Deferral. Contingent on enactment of Senate Bill 1, 82nd  
25 Legislature, 1st Called Session, 2011, or similar legislation  
26 providing the legal basis for deferring the August 2013 Foundation  
27 School Program payment to school districts, appropriations made in

1 subsection (a) above from the Foundation School Fund No. 193 to the  
2 Texas Education Agency for the Foundation School Program are hereby  
3 reduced by \$2,300,000,000 in fiscal year 2013. It is the intent of  
4 the legislature that this payment be made in September 2013  
5 pursuant to the provisions of the bill. The sum-certain  
6 appropriation for the Foundation School Program as identified in  
7 subsection (b) above shall be decreased commensurately.

8 (e) Contingency for H.J.R. No. 109. Appropriations from the  
9 Foundation School Fund (Fund No. 193) made in subsection (a) above,  
10 Texas Education Agency Strategy A.1.1, FSP - Operations, for the  
11 Foundation School Program, are hereby reduced by \$150,000,000 in  
12 each fiscal year of the 2012-2013 biennium. The Texas Education  
13 Agency is hereby appropriated from the Available School Fund  
14 (General Revenue) to the Foundation School Program in Strategy  
15 A.1.1, FSP - Operations an amount estimated to be \$150,000,000 in  
16 each fiscal year of the 2012-2013 biennium, pursuant to all of the  
17 following:

- 18 a. passage and enactment of H.J.R. No. 109 or S.J.R. No. 5,  
19 82nd Legislature, Regular Session, 2011, or similar  
20 legislation relating to proposing a constitutional  
21 amendment to clarify references to the Permanent School  
22 Fund and to allow the General Land Office or other entity  
23 to distribute revenue derived from Permanent School Fund  
24 land or other properties to the Available School Fund;
- 25 b. voter approval of the associated constitutional  
26 amendment; and
- 27 c. the distribution of funds from the General Land Office to

1 the Available School Fund pursuant to the provisions of  
2 the legislation.

3 (f) Contingency for Senate Bill 1: Foundation School  
4 Program Funding Contingency. The All Funds appropriations made for  
5 the Foundation School Program (FSP), Texas Education Agency  
6 Strategies A.1.1 and A.1.2, in subsection (a) above, and as  
7 adjusted by other subsections in this section, are contingent on  
8 enactment of Senate Bill 1, 82nd Legislature, 1st Called Session,  
9 2011, or similar legislation by the 82nd Legislature, 2011,  
10 relating to certain state fiscal matters and that amends Chapter 42  
11 of the Texas Education Code to adjust state aid payments to the  
12 level of FSP appropriations made in subsection (a) above as  
13 adjusted for other subsections in this section. Should this  
14 legislation fail to pass and be enacted, the All Funds  
15 appropriations for the FSP made herein are hereby reduced to zero  
16 for each year of the 2012-2013 biennium, including the sum-certain  
17 appropriation identified in subsection (b) above.

18 (g) The Legislative Budget Board is directed to make all  
19 necessary adjustments to the Texas Education Agency's bill pattern  
20 pursuant to the provisions above, including adjustments to  
21 strategies, methods of finance, measures, and riders contained in  
22 House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011.

23 SECTION 6. Contingency for Senate Bill 1: Legislation  
24 Relating to Certain Office of Court Administration License Fees.  
25 Contingent upon the enactment of Senate Bill 1, 82nd Legislature,  
26 1st Called Session, 2011, relating to license fees and the  
27 allowable use of such fees for process servers, guardians, and

1 court reporters by the 82nd Legislature, the Office of Court  
2 Administration is appropriated \$119,603 in fiscal year 2012 and  
3 \$119,714 in fiscal year 2013 to implement the provisions of the  
4 legislation. The number of "Full-Time-Equivalent Positions"  
5 indicated in the agency's bill pattern is increased by 2.0 each  
6 fiscal year. Fees, fines, and other miscellaneous revenues as  
7 authorized by the Process Servers Review Board, the Guardianship  
8 Certification Board, and the Court Reporters Certification Board  
9 shall cover, at a minimum, the cost of appropriations made in this  
10 provision, as well as an amount sufficient to cover "Other Direct  
11 and Indirect Costs Appropriated Elsewhere in this Act" (estimated  
12 to be \$27,783 in fiscal year 2012 and \$29,175 in fiscal year 2013).  
13 In the event that actual and/or projected revenues are insufficient  
14 to offset the costs identified by this provision, the Legislative  
15 Budget Board may direct that the Comptroller of Public Accounts  
16 reduce the appropriation authority provided above to be within the  
17 amount of revenue expected to be available.

18 SECTION 7. Contingency for Senate Bill 1: Railroad  
19 Commission. Contingent on enactment of Senate Bill 1, or similar  
20 legislation relating to the Railroad Commission by the 82nd  
21 Legislature, 1st Called Session, 2011:

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



1 appropriations out of the General Revenue Fund are hereby reduced  
 2 by \$16,766,209 in fiscal year 2012 and by \$16,716,472 in fiscal year  
 3 2013, and, to replace these appropriations, there is hereby  
 4 appropriated \$16,766,209 in fiscal year 2012 and \$16,716,472 in  
 5 fiscal year 2013 out of the Oil and Gas Regulation and Cleanup  
 6 (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	\$4,099,221	\$4,070,349
11 Resource 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 TOTAL	\$16,766,209	\$16,716,472

22 In addition, appropriations out of the Oil Field Cleanup  
 23 Account No. 145 are hereby reduced by \$20,581,780 in fiscal year  
 24 2012 and by \$20,581,779 in fiscal year 2013, and, to replace these  
 25 appropriations, there is hereby appropriated \$20,581,780 in fiscal  
 26 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	\$1,114,744	\$1,114,744
6 Resource 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 TOTAL	\$20,581,780	\$20,581,779

17 (b) Expansion of Pipeline Safety Fee Use to Include Gas  
 18 Utility Regulation. Contingent upon enactment of Senate Bill 1,  
 19 82nd Legislature, 1st Called Session, 2011, or similar legislation  
 20 allowing for the use of pipeline safety fees for gas utility  
 21 regulatory functions, by the 82nd Legislature, the Railroad  
 22 Commission is hereby appropriated in each fiscal year of the  
 23 2012-2013 biennium an amount not to exceed \$233,000 in Strategy  
 24 A.2.1, Gas Utility Compliance. This appropriation is contingent  
 25 upon the Railroad Commission increasing Pipeline Safety Fees and  
 26 shall be limited to revenues deposited to the credit of Revenue

1 Object Code 3553 in excess of the Comptroller's Biennial Revenue  
2 Estimate for 2012-2013.

3         The Railroad Commission, upon completion of necessary  
4 actions to assess or increase the Pipeline Safety Fee, shall  
5 furnish copies of the minutes and other information supporting the  
6 estimated revenues to be generated for the 2012-2013 biennium under  
7 the revised fee structure to the Comptroller of Public Accounts. If  
8 the Comptroller finds the information sufficient to support the  
9 projection of increased revenues in excess of those estimated in  
10 the Biennial Revenue Estimate for 2012-2013, a finding of fact to  
11 that effect shall be issued and the contingent appropriation shall  
12 be made available for the intended purpose.

13         SECTION 8. Contingency for Senate Bill 1: Voter  
14 Registration. Contingent on enactment of Senate Bill 1, 82nd  
15 Legislature, 1st Called Session, 2011, or similar legislation  
16 relating to transferring voter registration payments from the  
17 Fiscal Programs - Comptroller of Public Accounts to the Secretary  
18 of State, amounts appropriated elsewhere in House Bill 1, Acts of  
19 the 82nd Legislature, Regular Session, 2011, to the Fiscal Programs  
20 Comptroller of Public Accounts in Strategy A.1.1, Voter  
21 Registration, shall be transferred to the Secretary of State.

22         SECTION 9. Contingency for Senate Bill 1: Back to Work and  
23 Homeless Housing. (a) Contingent on enactment of Senate Bill 1,  
24 82nd Legislature, 1st Called Session, 2011, or similar legislation  
25 by the 82nd Legislature, relating to the transfer of General  
26 Revenue-Dedicated Texas Enterprise Fund Account No. 5107  
27 appropriations to other state agencies, the Trusteed Programs

1 within the Office of the Governor may transfer \$10,000,000 from the  
2 General Revenue-Dedicated Texas Enterprise Fund Account No. 5107 to  
3 the Texas Workforce Commission for the Texas Back to Work Program,  
4 and \$10,000,000 from the General Revenue-Dedicated Texas  
5 Enterprise Fund Account No. 5107 to the Texas Department of Housing  
6 and Community Affairs for the Homeless Housing Program.

7 (b) If Senate Bill 1, or similar legislation by the 82nd  
8 Legislature, 1st Called Session, 2011, relating to the transfer of  
9 General Revenue-Dedicated Texas Enterprise Fund Account No. 5107  
10 appropriations to other state agencies is not enacted, it is the  
11 intent of the legislature that the Trusteed Programs within the  
12 Office of the Governor award grants totaling \$20,000,000 in the  
13 2012-2013 biennium out of the General Revenue-Dedicated Texas  
14 Enterprise Fund Account No. 5107 to the Texas Workforce Commission  
15 for the Texas Back to Work Program (\$10,000,000), and to the Texas  
16 Department of Housing and Community Affairs for the Homeless  
17 Housing Program (\$10,000,000).

18 (c) It is the intent of the legislature that the Governor  
19 may transfer appropriations from the Trusteed Programs within the  
20 Office of the Governor to the Texas Workforce Commission for the  
21 purposes of back to work programs, and to the Texas Department of  
22 Housing and Community Affairs for programs for the homeless  
23 authorized by legislation of the 82nd Legislature, Regular Session,  
24 2011, or 1st Called Session, 2011. Further, notwithstanding other  
25 provisions of this Act, it is expressly provided that the Governor,  
26 to the extent permitted under federal law and regulations, may use  
27 any unexpended federal American Recovery and Reinvestment Act,

1 State Fiscal Stabilization Fund - Government Services funds  
2 (Section 14002(b) of the American Recovery and Reinvestment Act of  
3 2009 (Public Law 111-5)), originally appropriated in Article XII,  
4 Chapter 1424 (Senate Bill 1), Acts of the 81st Legislature, Regular  
5 Session, 2009 (the General Appropriations Act) and reappropriated  
6 in Section 8.02(a), Article IX, House Bill 1, Acts of the 82nd  
7 Legislature, Regular Session, 2011, for back to work programs or  
8 the programs for the homeless identified in subsections (a) and (b)  
9 above.

10 (d) Each state agency that received federal American  
11 Recovery and Reinvestment Act, State Fiscal Stabilization Fund -  
12 Government Services funds (Section 14002(b) of the American  
13 Recovery and Reinvestment Act of 2009 (Public Law 111-5)) as  
14 identified in subsection (c) above, and has an amount of these  
15 federal funds unobligated and available for use, may direct the  
16 Comptroller of Public Accounts to transfer an amount of these  
17 federal funds to the Governor for the purpose of transferring  
18 appropriations for back to work programs or programs for the  
19 homeless.

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

24 18. Transfer Prohibition. Except as provided by other Acts  
25 of the 82nd Legislature, 1st Called Session, 2011, and  
26 notwithstanding [~~Notwithstanding~~] other provisions of this Act,  
27 without the written permission of the Legislative Budget Board, the

1 Trusteed Programs within the Office of the Governor may not  
2 transfer amounts appropriated to the Emerging Technology Fund  
3 Account No. 5124 or appropriated to the Texas Enterprise Fund  
4 Account No. 5107.

5 (f) Article IX, Section 18.112 on page IX-96 of House Bill  
6 1, Acts of the 82nd Legislature, Regular Session, 2011, has no  
7 effect.

8 SECTION 10. Contingency for Senate Bill 7: Managed Care  
9 Expansion. Contingent on the enactment of Senate Bill 7 or similar  
10 legislation by the 82nd Legislature, 1st Called Session, 2011,  
11 authorizing the use of managed care in the South Texas counties of  
12 Cameron, Hidalgo, and Maverick, the following actions shall take  
13 place:

14 a. The Health and Human Services Commission (HHSC) is  
15 appropriated \$57,370,186 in General Revenue Funds and  
16 \$87,670,192 in Federal Funds in fiscal year 2012 and  
17 \$121,680,697 in General Revenue and \$185,809,691 in  
18 Federal Funds in fiscal year 2013 for Goal B, Medicaid (a  
19 biennial total of \$179,050,883 in General Revenue Funds  
20 and \$273,479,883 in Federal Funds); and

21 b. General Revenue appropriations to HHSC are increased by  
22 \$143,139,236 in fiscal year 2012 and \$297,625,734 in  
23 fiscal year 2013, and General Revenue appropriations to  
24 the Department of Aging and Disability Services (DADS)  
25 are reduced by \$143,139,236 in fiscal year 2012 and  
26 \$297,625,734 in fiscal year 2013; therefore,  
27 appropriations at HHSC and DADS for the expansion of the

1 managed care model for the provision of services is  
2 assumed to be identical to the strategy funding levels of  
3 both agencies in House Bill 1, 82nd Legislature, Regular  
4 Session, 2011.

5 The Commission shall provide a report detailing the cost  
6 savings in General Revenue Funds and All Funds realized by the  
7 expansion of managed care in the biennium. The report shall be  
8 submitted to the Legislative Budget Board and the Governor by  
9 December 1, 2012.

10 SECTION 11. Contingency for Senate Bill 7: Institute of  
11 Health Care Quality and Efficiency. Contingent on the enactment of  
12 Senate Bill 7, 82nd Legislature, 1st Called Session, 2011, or  
13 similar legislation relating to creation of an Institute of Health  
14 Care Quality and Efficiency and repeal of the Texas Health Care  
15 Policy Council, the Health and Human Services Commission is  
16 appropriated \$228,800 in fiscal year 2012 and \$228,800 in fiscal  
17 year 2013 in interagency contracts. The number of "Full-Time  
18 Equivalent (FTE)" is increased by 2.0 FTEs in fiscal year 2012 and  
19 2.0 FTEs in fiscal year 2013.

20 SECTION 12. Contingency for Senate Bill 7: Health Care  
21 Collaborative. Contingent on enactment of Senate Bill 7, 82nd  
22 Legislature, 1st Called Session, 2011, or similar legislation  
23 relating to creation of health care collaboratives, out of the fees  
24 and assessments collected by the Department of Insurance, the  
25 Department is appropriated:

- 26 a. \$169,408 for fiscal year 2012 and \$461,901 for fiscal  
27 year 2013 from General Revenue Insurance Companies

1 Maintenance Tax and Insurance Department Fees; and

2 b. \$254,112 for fiscal year 2012 and \$692,851 for fiscal  
3 year 2013 from General Revenue-Dedicated Fund 36, the  
4 Texas Department of Insurance operating account, to  
5 implement the provisions of the legislation.

6 The number of "Full-Time Equivalents (FTE)" is increased by  
7 8.0 FTEs in fiscal year 2012 and 16.0 FTEs in fiscal year 2013.

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

11 (a) The Supreme Court of Texas in Strategy B.1.1, Basic  
12 Civil Legal Services, is hereby appropriated \$8,783,784 in fiscal  
13 year 2012 and \$8,783,783 in fiscal year 2013 in General Revenue for  
14 Basic Civil Legal Services; and

15 (b) The Office of Court Administration in Strategy A.2.1,  
16 Indigent Defense, is hereby appropriated \$2,437,944 in fiscal year  
17 2012 and \$5,175,887 in fiscal year 2013 from the General  
18 Revenue-Dedicated Fair Defense Account No. 5073 to restore grants  
19 to counties (\$2,350,894 in fiscal year 2012 and \$5,088,837 in  
20 fiscal year 2013) and grant administration (\$87,050 each fiscal  
21 year). The agency's FTE cap shall be increased by 1.0 FTE for grant  
22 administration in each year of the biennium.

23 SECTION 14. Trusteed Programs within the Office of the  
24 Governor: Disaster Funding. (a) In addition to amounts  
25 appropriated in House Bill 1, Acts of the 82nd Legislature, Regular  
26 Session, 2011, the Trusteed Programs within the Office of the  
27 Governor is hereby appropriated \$39,000,000 in General Revenue in



1 fiscal year 2012 in lapsed appropriations made in House Bill 4586,  
2 81st Legislature, Regular Session, 2009, for the purpose of  
3 providing disaster relief.

4 (b) If any state agency or institution of higher education  
5 receives reimbursement from the federal government, an insurer, or  
6 another source for an expenditure paid for or reimbursed under  
7 subsection (a) above, the agency or institution shall reimburse the  
8 state by depositing the amount of the reimbursement to the credit of  
9 the Trusteed Programs within the Office of the Governor. Amounts  
10 deposited under this subsection are reappropriated to the Trusteed  
11 Programs within the Office of the Governor for disaster  
12 preparedness and recovery costs for the two-year period beginning  
13 on the effective date of this Act.

14 (c) Any unexpended balance as of August 31, 2012, may be  
15 carried forward to the fiscal year starting September 1, 2012, for  
16 the same purpose.

17 SECTION 15. Commission on State Emergency Communications.

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

21 (b) Contingent on the collection of fees in the General  
22 Revenue-Dedicated 9-1-1 Services Fees Account No. 5050 in excess of  
23 \$112,968,000 contained in the Comptroller of Public Accounts'  
24 Biennial Revenue Estimate for the 2012-2013 biennium, the  
25 Commission on State Emergency Communications is hereby  
26 appropriated the excess revenue, not to exceed \$11,722,424 for the  
27 2012-2013 biennium, in Strategy A.1.1, 9-1-1 Network Operations and

1 Equipment Replacement for 9-1-1 Network Operations and for 9-1-1  
2 equipment replacement per the established 10-year equipment  
3 replacement schedule. If the Comptroller finds the information  
4 sufficient to support the projection of increased revenues, a  
5 finding of fact to that effect shall be issued and the contingent  
6 appropriation shall be made available for the intended purposes.

7 SECTION 16. Texas State Technical College - Waco  
8 Institutional Operations. Contingent on Section 13 of House Bill  
9 4, Acts of the 82nd Legislature, Regular Session, 2011, not taking  
10 effect, in addition to amounts appropriated to the Texas State  
11 Technical College - Waco in House Bill 1, Acts of the 82nd  
12 Legislature, Regular Session, 2011, \$2,000,000 is hereby  
13 appropriated for the 2012-2013 biennium out of General Revenue Fund  
14 0001 to the Texas State Technical College - Waco for institutional  
15 operations.

16 SECTION 17. Lamar Institute of Technology Institutional  
17 Operations. Contingent on Section 34 of House Bill 4, Acts of the  
18 82nd Legislature, Regular Session, 2011, not taking effect, in  
19 addition to amounts appropriated to the Lamar Institute of  
20 Technology in House Bill 1, Acts of the 82nd Legislature, Regular  
21 Session, 2011, \$5,000,000 is hereby appropriated for the 2012-2013  
22 biennium from General Revenue Fund 0001 to the Lamar Institute of  
23 Technology for institutional operations.

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

1           Sec. 32. The amount of \$2,000,000 is appropriated from  
2 General Revenue Fund 0001 to the Health and Human Services  
3 Commission for Strategy A.1.1, Enterprise Oversight and Policy, as  
4 designated by page II-73, House Bill 1, Acts of the 82nd  
5 Legislature, Regular Session, 2011 (the General Appropriations  
6 Act), for the purpose of entering into a contract with a public cord  
7 blood bank in this state for gathering from live births umbilical  
8 cord blood and retaining the blood at an unrelated cord blood bank  
9 for the primary purpose of making umbilical cord blood available  
10 for transplantation purposes. The contracting blood bank must be  
11 accredited by the American Association of Blood Banks and the  
12 International Organization for Standardization [~~THE UNIVERSITY OF~~  
13 ~~TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO: UMBILICAL CORD BLOOD~~  
14 ~~BANK. The amount of \$2,000,000 is appropriated from General~~  
15 ~~Revenue Fund 0001 to The University of Texas Health Science Center~~  
16 ~~at San Antonio for the state fiscal biennium ending August 31, 2013,~~  
17 ~~for the umbilical cord blood bank].~~

18           SECTION 19. Sul Ross State University Institutional  
19 Operations. Contingent on Section 33, House Bill 4, Acts of the  
20 82nd Legislature, Regular Session, 2011, not becoming law, in  
21 addition to amounts appropriated to Sul Ross State University in  
22 House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011,  
23 \$7,000,000 is appropriated for the 2012-13 biennium from General  
24 Revenue Fund 0001 to Sul Ross State University for the purpose of  
25 institutional operations.

26           SECTION 20. Contingency for House Bill 3. Contingent on  
27 House Bill 3, Acts of the 82nd Legislature, 1st Called Session,

1 2011, or similar legislation relating to the operation of the Texas  
2 Windstorm Insurance Association and to the resolution of certain  
3 disputes concerning claims made to that association, becoming law:

4 (1) the Texas Department of Insurance is appropriated  
5 \$131,370 for the state fiscal year beginning September 1, 2011, and  
6 \$121,767 for the state fiscal year beginning September 1, 2012,  
7 from General Revenue Insurance Companies Maintenance Tax and  
8 Insurance Department Fees to implement the provisions of that  
9 legislation;

10 (2) the Number of Full-Time Equivalents (FTE) in the  
11 Texas Department of Insurance's bill pattern, as provided by page  
12 VIII-16, House Bill 1, Acts of the 82nd Legislature, Regular  
13 Session, 2011 (the General Appropriations Act), is increased by 2.0  
14 FTEs for the state fiscal year beginning September 1, 2011, and 2.0  
15 FTEs for the state fiscal year beginning September 1, 2012;

16 (3) the Texas Public Finance Authority is appropriated  
17 \$750,000 out of appropriated receipts from the Texas Windstorm  
18 Insurance Association for the state fiscal year beginning September  
19 1, 2011, to implement the provisions of that legislation; and

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

25 SECTION 21. University of Texas at El Paso. It is the  
26 intent of the legislature that any decrease in appropriations from  
27 the Permanent Endowment Fund Account No. 817 to The University of

1 Texas at El Paso for the state fiscal biennium ending August 31,  
2 2013, from the preceding state fiscal biennium not be replaced with  
3 an increase in General Revenue appropriations.

4 SECTION 22. Contingency for House Bill 26: Inmate Fee for  
5 Health Care. Contingent on the enactment of House Bill 26, 82nd  
6 Legislature, 1st Called Session, 2011, or similar legislation  
7 relating to the containment of costs incurred in the correctional  
8 health care system, the Texas Department of Criminal Justice is  
9 appropriated from the General Revenue Fund an amount not to exceed  
10 \$7,705,800 in the state fiscal year ending August 31, 2012, and  
11 \$5,779,350 in the state fiscal year ending August 31, 2013, out of  
12 health care services fees deposited to the General Revenue Fund  
13 from inmate trust funds not to exceed \$100 per inmate per year for  
14 the purpose of providing correctional managed health care to  
15 inmates. Unexpended and unobligated balances of the appropriated  
16 amounts as of August 31, 2012, and August 31, 2013, are transferred  
17 to the undedicated portion of the General Revenue Fund.

18 SECTION 23. Texas Armed Services Scholarship Program.  
19 Contingent on legislation of the 82nd Legislature, 1st Called  
20 Session, 2011, becoming law that is substantively similar to  
21 provisions of House Bill 2403, Acts of the 82nd Legislature,  
22 Regular Session, 2011, relating to retailers engaged in business in  
23 this state for purposes of sales and use taxes, in addition to the  
24 amounts appropriated by House Bill 1, Acts of the 82nd Legislature,  
25 Regular Session, 2011 (the General Appropriations Act), there is  
26 appropriated to the Texas Higher Education Coordinating Board, the  
27 amount of \$2,685,000 in general revenue funds for each year of the

1 state fiscal biennium ending August 31, 2013, for the purpose of  
2 providing additional funding for the biennium in the amount of  
3 \$5,370,000 for Strategy B.1.13, Texas Armed Services Scholarship  
4 Program, as designated by House Bill 1, Acts of the 82nd  
5 Legislature, Regular Session, 2011, in the appropriations to the  
6 coordinating board.

7 SECTION 24. Specialty License Plate Revenue. If Section  
8 13.07, Article IX, House Bill 1, Acts of the 82nd Legislature,  
9 Regular Session, 2011, becomes law, Section 13.07(a) of that  
10 Article is amended to read as follows:

11 (a) Except as provided by Subsection (c) of this Section,  
12 for the fiscal biennium beginning September 1, 2011, the amounts  
13 appropriated to an agency under Articles I-VIII of this Act  
14 include, regardless of whether or not the amounts may be shown under  
15 or limited by the bill pattern or riders of the agency or the  
16 special provisions applicable to the Article of this Act under  
17 which the agency's appropriation might be located, [~~fifty percent~~  
18 ~~of~~] all revenue collected by an agency on or after September 1,  
19 2011, that are associated with the sale of a Texas specialty license  
20 plate, as authorized by Subchapter G, Chapter 504, Transportation  
21 Code, or other applicable statute, during the 2012-13 biennium,  
22 including any new license plates that may be authorized or issued  
23 after September 1, 2011.

24 SECTION 25. Texas State University System: System  
25 Operations Reimbursement. In addition to amounts appropriated to  
26 the Texas State University System in House Bill 1, Acts of the 82nd  
27 Legislature, Regular Session, 2011, there is hereby appropriated

1 for the 2012-2013 biennium \$1,600,000 in General Revenue to the  
2 Texas State University System for one-time costs at the system  
3 office. It is the intent of the legislature that this appropriation  
4 is one-time for the 2012-2013 biennium and shall not be included in  
5 the base funding for the 2014-2015 biennium.

6 SECTION 26. Appropriation: Jobs and Education for Texans.  
7 There is hereby appropriated all remaining unexpended and  
8 unobligated balances as of August 31, 2011 (estimated to be  
9 \$5,000,000), out of the General Revenue-Dedicated Jobs and  
10 Education for Texans Account No. 5143 to the Comptroller of Public  
11 Accounts - Fiscal Programs for the purposes of providing grants in  
12 accordance with Government Code, Chapter 403, Subchapter O, and  
13 Education Code, Chapter 134. Any unexpended and unobligated  
14 balances remaining as of August 31, 2012, are hereby appropriated  
15 for the same purpose for the fiscal year beginning September 1,  
16 2012.

17 SECTION 27. Contingency for Senate Bill 1: Charter School  
18 Bonds. Contingent on enactment of Senate Bill 1, 82nd Legislature,  
19 1st Called Session, 2011, or similar legislation relating to the  
20 guarantee of open-enrollment charter school bonds by the Permanent  
21 School Fund, by the 82nd Legislature, 1st Called Session, 2011, the  
22 Texas Education Agency is hereby appropriated from the General  
23 Revenue Fund \$550,000 in each fiscal year of the 2012-2013  
24 biennium. These appropriations are contingent upon the Texas  
25 Education Agency assessing fees sufficient to generate, during the  
26 2012-2013 biennium, revenue to cover the appropriations for  
27 implementation of the legislation as well as associated "other

1 direct and indirect costs" appropriated elsewhere in this Act. In  
2 the event that actual and/or projected revenue collections are  
3 insufficient to offset the costs identified by this provision, the  
4 Comptroller of Public Accounts may reduce the appropriation  
5 authority provided herein to be within the amount of revenue  
6 expected to be available.

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

17 SECTION 29. Texas Forest Service. In addition to amounts  
18 appropriated to the Texas Forest Service in House Bill 1, Acts of  
19 the 82nd Legislature, Regular Session, 2011, there is hereby  
20 appropriated \$40,000,000 in General Revenue in fiscal year 2012 to  
21 the agency for combating wildfire. Any unexpended balances as of  
22 August 31, 2012, are hereby appropriated to the Texas Forest  
23 Service for the fiscal year beginning September 1, 2012, for the  
24 same purpose.

25 SECTION 30. Department of Public Safety: Border Security.  
26 In addition to amounts appropriated in House Bill 1, Acts of the  
27 82nd Legislature, Regular Session, 2011, and in addition to capital



1 purchases authorized in Rider 2 of the bill pattern for the Texas  
2 Department of Public Safety: The Texas Department of Public Safety  
3 is hereby appropriated \$1,200,000 in General Revenue for the  
4 2012-2013 biennium to be allocated as follows:

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

6 (1) \$800,000 for tactical vessels; and

7 (2) \$266,667 for weaponry.

8 (b) \$133,333 shall be used by the agency for operations  
9 costs, not including training costs, associated with the equipment  
10 identified above.

11 The Legislative Budget Board shall make all necessary and  
12 corresponding adjustments to the bill pattern of the Texas  
13 Department of Public Safety, including adjustments to Rider 2,  
14 Capital Budget, as necessary to implement the appropriation  
15 authority provided by this section.

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

23 (a) \$578,959 shall be used to purchase the following:

24 (1) \$501,359 for SAFEBOATS; and

25 (2) \$77,600 for weaponry and ammunition.

26 (b) \$330,800 shall be used by the agency for operations  
27 costs, not including training costs, associated with the equipment

1 identified above.

2           The Legislative Budget Board shall make all necessary and  
3 corresponding adjustments to the bill pattern of the Parks and  
4 Wildlife Department, including adjustments to Rider 2, Capital  
5 Budget, as necessary to implement the appropriation authority  
6 provided by this section.

7           SECTION 32. Texas Department of Rural Affairs: Transfer of  
8 Functions. Contingent on enactment of Senate Bill 1, 82nd  
9 Legislature, 1st Called Session, 2011, or similar legislation  
10 providing for the transfer of all functions of the Texas Department  
11 of Rural Affairs:

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

18           (b) The Legislative Budget Board shall work with the  
19 affected agencies on an agreement for the proper amount and  
20 allocation of appropriations, FTEs, measures and riders. The  
21 Legislative Budget Board shall approve the allocation agreement by  
22 August 31, 2011, and will resolve any allocation issues that arise  
23 thereafter.

24           (c) The Legislative Budget Board shall make all necessary  
25 adjustments as a result of this section to the bill patterns of the  
26 affected agencies.

27           SECTION 33. Community Development Block Grant: Disaster

1 Relief Funding. Pursuant to the Governor designating the General  
2 Land Office as the state agency responsible for administration of  
3 the Community Development Block Grant disaster recovery funding for  
4 Texas, as allowed under the Consolidated Security, Disaster  
5 Assistance, and Continuing Appropriations Act and other related  
6 federal provisions:

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

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

18 (c) The Legislative Budget Board shall work with the  
19 affected agencies on an agreement for the proper amount and  
20 allocation of appropriations, FTEs, measures and riders. The  
21 Legislative Budget Board shall approve the allocation agreement by  
22 August 31, 2011, and will resolve any allocation issues that arise  
23 thereafter.

24 (d) The Legislative Budget Board shall make all necessary  
25 adjustments as a result of this section to the bill patterns of the  
26 affected agencies.

27 SECTION 34. SAVING CLAUSE. If any section, sentence,

1 clause or part of this Act shall for any reason be held to be  
2 invalid, such decision shall not affect the remaining portions of  
3 this Act; and it is hereby declared to be the intention of the  
4 legislature to have passed each sentence, section, clause, or part  
5 thereof irrespective of the fact that any other sentence, section,  
6 clause, or part thereof may be declared invalid.

7         SECTION 35. This Act takes effect immediately. Except as  
8 otherwise provided by this Act, the appropriations made by this Act  
9 are effective for the two-year period starting September 1, 2011.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2 passed the Senate on June 3, 2011, by the following vote: Yeas 20, Nays 11; June 13, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; June 15, 2011, House granted request of the Senate; June 27, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 20, Nays 10; passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2 passed the House, with amendments, on June 10, 2011, by the following vote: Yeas 101, Nays 42, one present not voting; June 15, 2011, House granted request of the Senate for appointment of Conference Committee; June 27, 2011, House adopted Conference Committee Report by the following vote: Yeas 89, Nays 55, one present not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

I, Susan Combs, Comptroller of Public Accounts, do hereby certify that the amounts appropriated in the herein S.B. No. 2, 1st Called Session, 82nd Legislature, are within the amount estimated to be available in the affected fund. Certified \_\_\_\_\_, 2011.

\_\_\_\_\_  
Comptroller of Public Accounts