

BILL ANALYSIS

C.S.H.B. 1025
By: Pitts
Appropriations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Each legislative session, state agencies project the costs of fulfilling their functions and providing important services for the following two-year budget period. This information, combined with the biennial estimate of revenues submitted to the governor and the legislature before the convening of each regular session, is a key component in the construction of the General Appropriations Act.

C.S.H.B. 1025 addresses making supplemental appropriations and giving direction and adjustment authority regarding certain appropriations. The bill makes adjustments to appropriations to various agencies over various periods to address revised revenue estimates and supplemental needs.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1025 reduces the unencumbered appropriations from undedicated or dedicated portions of the general revenue fund to the Texas Public Finance Authority for use during the 2012-2013 state fiscal biennium for bond debt service payments made by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), including appropriations authorized under Rider 2 to the bill pattern of the appropriations to the authority, by a total aggregate reduction of \$22,601,012. The bill requires the Texas Public Finance Authority to identify the strategies and objectives out of which the indicated reduction is to be made.

C.S.H.B. 1025 reduces the unencumbered appropriations from the general revenue fund to the Texas Department of Transportation for use during the 2012-2013 state fiscal biennium made by the General Appropriations Act for Strategy G.1.1, General Obligation Bonds, by the amount of \$110,000,000.

C.S.H.B. 1025 reduces the unencumbered appropriations from the general revenue fund to the Water Development Board for Debt Service Payments for Non-Self Supporting G.O. Water Bonds for use during the 2012-2013 state fiscal biennium made by the General Appropriations Act by the amount of \$2,263,813 from Strategy A.1.1, EDAP Debt Service, and by the amount of \$5,271,541 from Strategy A.1.3, WIF Debt Service.

C.S.H.B. 1025 reduces the unencumbered appropriations from the general revenue fund for use during the 2012-2013 state fiscal biennium made by the General Appropriations Act, as follows:

- to the Department of Family and Protective Services for Strategy B.1.11, Foster Care Payments, by the amount of \$11,489,949;

- to the Health and Human Services Commission (HHSC) for Strategy D.1.1, TANF (Cash Assistance) Grants, by the amount of \$2,330,351;
- to the Higher Education Employees Group Insurance Contributions for Strategy A.1.11, UT Medical - Galveston, by the amount of \$1,400,437;
- to the University of Texas at Austin for Strategy C.4.1, Institutional Enhancement, by the amount of \$2,000,000; and
- to the University of Texas at Dallas for Strategy A.1.1, Operations Support, by the amount of \$890,622.

C.S.H.B. 1025 reduces the unencumbered appropriations from general revenue account number 151, Clean Air, to Texas A&M AgriLife Research for use during the 2012-2013 state fiscal biennium by the General Appropriations Act, for Strategy A.1.1, Agricultural/Life Sciences Research, by the amount of \$12,500.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$1,400,000 out of the general revenue fund to the Texas Facilities Commission (TFC) for Strategy B.2.1, Facilities Operation, as listed in the General Appropriations Act, for the two-year period beginning on the bill's effective date for the purpose of providing for payment of increased utility costs as a result of an increase in utility rates. The bill prohibits money so appropriated from being used by the TFC for a purpose other than payment of utility expenses without the prior written approval of the Legislative Budget Board (LBB).

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$1,546,003 out of the general revenue fund to the Texas Veterans Commission for the 2013 state fiscal year for the purpose of creating two state strike force teams to address the backlog of claims in Houston and Waco and to hire additional counselors to be located in hospitals and clinics operated by the U.S. Department of Veterans Affairs. The bill authorizes the commission, in addition to the number of full-time equivalent employees (FTEs) it is authorized by other law to employ during the 2013 state fiscal year, to employ an additional 16.0 FTEs during that state fiscal year. The bill appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$500,000 out of the general revenue fund to the commission for the 2013 state fiscal year for the purpose of repaying a deficiency grant.

C.S.H.B. 1025 appropriates the following amounts out of the general revenue fund, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium:

- the amount of \$200,000 to the University of Houston - Clear Lake for Strategy A.1.4, Workers' Compensation Insurance, as listed in the General Appropriations Act, for the 2013 state fiscal year for the purpose of current operations;
- the amount of \$1,678,703 to the Texas A&M Engineering Extension Service for the 2013 state fiscal year for the purpose of reimbursing the agency for state-directed deployments for natural disasters;
- the amount of \$162,500 to Texas A&M AgriLife Research for the 2013 state fiscal year for the purpose of current operations;
- the amount of \$475,000 to the Judiciary Section, Comptroller's Department, for Strategy D.1.8, Juror Pay, as listed in the General Appropriations Act, for the 2013 state fiscal year for the purpose of reimbursing the agency for a transfer to Strategy D.1.10, Indigent Inmate Defense, as listed in the General Appropriations Act, to cover costs of providing

legal representation for an inmate in a capital murder trial;

- the amount of \$39,000,000 to the Texas Department of Criminal Justice (TDCJ) for the 2013 state fiscal year for the purpose of providing for correctional managed health care;
- the amount of \$500,000 out of general revenue account number 153, Water Resource Management, to the Texas Commission on Environmental Quality for the two-year period beginning on the bill's effective date for the purpose of paying for Elephant Butte litigation expenses; and
- the amount of \$889,000 to the Parks and Wildlife Department (TPWD) for the two-year period beginning on the bill's effective date for the purpose of providing for state park operations as a result of a revenue shortfall.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$35,500 out of the general revenue fund to the Texas State Library and Archives Commission (TSLAC) for the 2013 state fiscal year for the purpose of providing a salary rate increase for the Director-Librarian. The bill sets the rate of salary for the Director-Librarian at \$140,000 for that state fiscal year, notwithstanding the rate of salary in the bill pattern of TSLAC in the General Appropriations Act.

C.S.H.B. 1025 appropriates the following amounts out of the economic stabilization fund, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium:

- the amount of \$161,065,711 to the Texas A&M Forest Service for the 2013 state fiscal year for the purpose of paying for, or reimbursing payments made for, costs incurred by the forest service associated with wildfires;
- the amount of \$2,700,000 to the Texas Department of Public Safety (DPS) for the 2013 state fiscal year for the purpose of paying for, or reimbursing payments made for, costs incurred by DPS associated with wildfires; and
- the amount of \$4,892,440 to TPWD for the two-year period beginning on the bill's effective date for the purpose of paying for, or reimbursing payments made for, costs incurred by TPWD associated with wildfires that occurred at the Bastrop State Park and Bastrop regional park office.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$16,711,989 out of general revenue dedicated account number 5155, Oil and Gas Regulation and Cleanup Account, to the Railroad Commission of Texas for the two-year period beginning on the bill's effective date for the purpose of modernization of information technology. The bill authorizes the railroad commission to employ an addition 11 full-time equivalent employees (FTEs) in each of those years, in addition to the number of FTEs it is authorized by other law to employ during that two-year period.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$170,000,000 out of general revenue dedicated account number 5111, Trauma Facility and EMS Account, to the Department of State Health Services for the 2013 state fiscal year for the purpose of entering into an interagency contract to transfer money from that account from that department to HHSC to provide for the non-federal share for the Medicaid disproportionate share hospital program.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the following amounts out of the economic stabilization fund to the Trusteed Programs within the Office of the Governor for the two-year period beginning on the bill's effective date for the purposes of wildfire recovery remediation, and mitigation activities

related to wildfires in Bastrop and Cass Counties: the amount of \$4,398,000 to address the needed repair and rehabilitation of roads, bridges, culverts, and parks, and to complete hazardous debris removal and fire risk-mitigation activities in Bastrop County and an amount not to exceed \$1,000,000 for reimbursements to local responders in Cass County for work performed during the Bear Creek wildfires. The bill requires allocation of money so appropriated to specific projects to maximize the receipt of federal money available for similar purposes and prohibits the spending of money so appropriated on activities conducted on private property.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$500,000,000 out of general revenue account number 193, Foundation School Fund, to the Texas Education Agency (TEA) for Strategy A.1.1, FSP – Equalized Operations, as listed in the General Appropriations Act, for the 2013 state fiscal year for the purpose of making payments to independent school districts and charter schools eligible for funding through the Foundation School Program. The bill requires money so appropriated to be distributed in an equal amount per student in weighted average daily attendance (WADA) in eligible districts or charter schools for school year 2013-2013 in an amount not to exceed \$72.50 per WADA.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2013-2013 state fiscal biennium, the amount of \$34,500,000 out of the general revenue fund to the Texas Higher Education Coordinating Board for Strategy B.1.16, Texas Research Incentive Program, as listed in the General Appropriations Act, for the two-year period beginning on the bill's effective date, for the purpose of distributing money to emerging research universities based on a match for certain private donations.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$19,500,000 out of the general revenue fund to TDCJ for Strategy D.1.2, Lease-Purchase of Facilities, as listed in the General Appropriations Act, for the two-year period beginning on the bill's effective date, for the purpose of purchasing a correctional facility located in Jones County. The bill prohibits use of money so appropriated for a purpose other than purchasing a correctional facility located in Jones County without the prior written approval of the LBB.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$10,000,000 out of the general revenue fund to the Department of Agriculture for Strategy D.2.1, Nutrition Assistance, as listed in the General Appropriations Act, for the two-year period beginning on the bill's effective date, for the purpose of sourcing healthy food by Texas food banks for distribution in food deserts and other underserved communities.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, a certain amount out of the general revenue fund to the Judiciary Section, Comptroller's Department, for Strategy A.1.1, District Judges, as listed in the General Appropriations Act, for the 2013 state fiscal year for the purpose of paying salaries for district judges and prosecuting attorneys.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$517,000 out of the general revenue fund to TEA for Strategy B.3.5, Information Systems – Technology, as listed in the General Appropriations Act, for the 2013 state fiscal year for the purpose of costs related to data center services.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$7,000,000 out of general revenue dedicated account number 9, Game, Fish, and Water Safety, to TPWD for Strategy A.2.3, Coastal Fisheries Management, as listed in the General Appropriations Act, for the two-year period beginning on the bill's effective date, for the purpose of the Cedar Bayou Restoration Project in Aransas County.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium, the amount of \$17,000,000 out of the general revenue fund to the Texas Higher Education Coordinating Board for the two-year period beginning on the bill's effective date for the purpose of expansion of first-year residency positions, to be allocated as provided by the bill. The bill sets out provisions relating to the use of money so appropriated for grants to certain graduate medical education (GME) programs and provisions relating to the coordinating board's role in disbursing those grants.

C.S.H.B. 1025 appropriates, in addition to amounts previously appropriated for the 2012-2013 state fiscal biennium to the institutions of higher education listed in the bill, certain specified amounts out of the general revenue fund for the two-year period beginning on the bill's effective date for the purpose of funding the proportionate share of the total cost to each institution for the Hazlewood Exemption, for a total aggregate amount of \$30,000,000.

C.S.H.B. 1025 repeals Rider 26 to the bill pattern of the appropriations to HHSC in the General Appropriations Act and exempts HHSC from being required to comply with that rider on and after the bill's effective date.

C.S.H.B. 1025 requires payment for benefits paid from funds appropriated by the bill, in order to maximize balances in the general revenue fund, to be proportional to the source of the funds except for payments for higher education employees group insurance contributions for public community or junior colleges.

C.S.H.B. 1025 prohibits money appropriated by the bill out of the general revenue fund from being used to pay employee benefit costs or other indirect costs associated with the payment of salaries or wages of employees if the salaries or wages are paid from a source other than the general revenue fund. The bill authorizes a public community or junior college to spend money appropriated by the bill for employee benefit costs for any employee who is eligible to participate in an offered group benefits program and is an instructional or administrative employee whose entire salary may be paid from money appropriated by the bill, regardless of whether the salary is actually paid by that money. The bill requires payments for employee benefit costs associated with salaries and wages paid from sources other than the general revenue fund to be made in proportion to the source of the funds from which the salary or wage is paid. The bill requires reimbursement of the general revenue fund for any payment of employee benefit costs made out of the general revenue fund if the comptroller determines that achieving the required proportionality at the time a payment is made is impractical or inefficient.

C.S.H.B. 1025 requires a state agency or institution of higher education that receives an appropriation by the bill from the general revenue fund or any other source of financing to file with the comptroller and the state auditor a report demonstrating proportionality, due on November 20th of each year and covering the state fiscal year ending on August 31st of the year in which the report is due. The bill requires the report to be in the format prescribed by the comptroller, the LBB, and the State Auditor's Office. The bill authorizes the state auditor to audit a state agency's or institution's compliance at least once if the agency or institution is appropriated money by the bill. The bill requires the state auditor to notify the comptroller of any

amount disproportionately paid from general revenue fund appropriations and requires the comptroller, on receipt of that notice, to reduce the state agency's or institution's current year general revenue fund appropriations until the general revenue fund is reimbursed for the amounts disproportionately paid out of that fund.

C.S.H.B. 1025 provides that the appropriations out of the economic stabilization fund to the forest service, DPS, and TPWD relating to costs incurred due to wildfires and to the Trusteed Programs within the Office of the Governor for purposes of wildfire recovery, remediation, and mitigation activities related to wildfires in Bastrop and Cass Counties take effect only if the bill receives the necessary vote.

EFFECTIVE DATE

Except as otherwise provided, on passage.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1025 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. APPROPRIATION REDUCTION: DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES. The unencumbered appropriations from federal Temporary Assistance for Needy Families (TANF) funds to the Department of Assistive and Rehabilitative Services for use during the state fiscal biennium ending August 31, 2013, made by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for Strategy A.1.1., ECI Services, are reduced by the amount of \$5,800,000.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. APPROPRIATION REDUCTION: TEXAS PUBLIC FINANCE AUTHORITY. The unencumbered appropriations from undedicated or dedicated portions of the general revenue fund to the Texas Public Finance Authority for use during the state fiscal biennium ending August 31, 2013, for bond debt service payments made by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), including appropriations authorized under Rider 2 to the bill pattern of the appropriations to the authority, are reduced by a total aggregate

reduction of \$22,601,012. The Texas Public Finance Authority shall identify the strategies and objectives out of which the indicated reduction is to be made.

No equivalent provision.

SECTION 2. APPROPRIATION REDUCTION: TEXAS DEPARTMENT OF TRANSPORTATION. The unencumbered appropriations from the general revenue fund to the Texas Department of Transportation for use during the state fiscal biennium ending August 31, 2013, made by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for Strategy G.1.1, General Obligation Bonds, are reduced by the amount of \$110,000,000.

No equivalent provision.

SECTION 3. APPROPRIATION REDUCTION: DEBT SERVICE PAYMENTS - NON-SELF SUPPORTING GENERAL OBLIGATION WATER BONDS. The unencumbered appropriations from the general revenue fund to the Water Development Board for Debt Service Payments for Non-Self Supporting G.O. Water Bonds for use during the state fiscal biennium ending August 31, 2013, made by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), are reduced by the following amounts:
(1) \$2,263,813 from Strategy A.1.1, EDAP Debt Service; and
(2) \$5,271,541 from Strategy A.1.3, WIF Debt Service.

SECTION 2. APPROPRIATION REDUCTION: DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. The unencumbered appropriations from the general revenue fund to the Department of Family and Protective Services for use during the state fiscal biennium ending August 31, 2013, made by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for Strategy B.1.11., Foster Care Payments, are reduced by the amount of \$23,536,739.

SECTION 4. APPROPRIATION REDUCTION: DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. The unencumbered appropriations from the general revenue fund to the Department of Family and Protective Services for use during the state fiscal biennium ending August 31, 2013, made by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for Strategy B.1.11, Foster Care Payments, are reduced by the amount of \$11,489,949.

SECTION 3. APPROPRIATION REDUCTION: HEALTH AND HUMAN SERVICES COMMISSION.

SECTION 5. Same as introduced version.

SECTION 4. APPROPRIATION

SECTION 6. Same as introduced version.

REDUCTION: HIGHER EDUCATION
EMPLOYEES GROUP INSURANCE
CONTRIBUTIONS.

SECTION 5. APPROPRIATION
REDUCTION: UNIVERSITY OF TEXAS
AT AUSTIN.

SECTION 6. APPROPRIATION
REDUCTION: UNIVERSITY OF TEXAS
AT DALLAS.

SECTION 7. APPROPRIATION
REDUCTION: COMMUNITY
COLLEGES. The unencumbered
appropriations from the general revenue
fund to Public Community/Junior Colleges
for use during the state fiscal year ending
August 31, 2013, made by Chapter 1355
(H.B. 1), Acts of the 82nd Legislature,
Regular Session, 2011 (the General
Appropriations Act), are reduced,
respectively, in the amounts indicated by
this section, for a total aggregate amount of
\$86,654,557. The comptroller of public
accounts shall apply the reductions in
general revenue appropriations to each
community or junior college in the
following indicated amounts:

- (1) Alamo Community College:
\$7,691,894;
- (2) Alvin Community College: \$1,058,325;
- (3) Amarillo College: \$1,708,432;
- (4) Angelina College: \$488,773;
- (5) Austin Community College: \$9,482,654;
- (6) Blinn College: \$1,613,073;
- (7) Brazosport College: \$1,038,621;
- (8) Central Texas College: \$2,203,642;
- (9) Cisco Junior College: \$275,082;
- (10) Clarendon College: \$108,855;
- (11) Coastal Bend College: \$611,377;
- (12) College of the Mainland: \$1,617,987;
- (13) Collin County Community College:
\$2,569,386;
- (14) Del Mar College: \$2,066,957;
- (15) El Paso Community College:
\$3,903,342;
- (16) Frank Phillips College: \$135,579;
- (17) Galveston College: \$511,170;
- (18) Grayson County College: \$416,429;
- (19) Hill College: \$269,502;
- (20) Houston Community College:
\$8,062,476;
- (21) Howard College: \$315,577;
- (22) Kilgore College: \$731,448;
- (23) Laredo Community College:

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

No equivalent provision.

\$2,238,911;
 (24) Lee College: \$1,347,526;
 (25) Lone Star College System: \$7,119,282;
 (26) McLennan Community College:
 \$1,708,874;
 (27) Midland College: \$1,284,228;
 (28) Navarro College: \$338,086;
 (29) North Central Texas College:
 \$547,632;
 (30) Northeast Texas Community College:
 \$606,919;
 (31) Odessa College: \$1,097,994;
 (32) Panola College: \$420,021;
 (33) San Jacinto College: \$4,435,321;
 (34) South Plains College: \$844,175;
 (35) South Texas College: \$3,429,664;
 (36) Southwest Texas Junior College:
 \$909,179;
 (37) Tarrant County College: \$6,795,981;
 (38) Temple College: \$724,912;
 (39) Texarkana College: \$451,137;
 (40) Trinity Valley Community College:
 \$760,183;
 (41) Tyler Junior College: \$1,288,860;
 (42) Vernon College: \$398,878;
 (43) Victoria College: \$801,220;
 (44) Weatherford College: \$979,850;
 (45) Western Texas College: \$268,687; and
 (46) Wharton County Junior College:
 \$976,456.

SECTION 8. APPROPRIATION
 REDUCTION: TEXAS A&M AGRILIFE
 RESEARCH.

SECTION 9. Same as introduced version.

SECTION 9. FACILITIES COMMISSION:
 UTILITY COSTS.

SECTION 10. Same as introduced version.

SECTION 10. VETERANS
 COMMISSION: STRIKE FORCE TEAMS;
 REPAYMENT OF DEFICIENCY.

SECTION 11. Same as introduced version.

SECTION 11. UNIVERSITY OF
 HOUSTON - CLEAR LAKE.

SECTION 12. Same as introduced version.

SECTION 12. TEXAS A&M
 ENGINEERING EXTENSION SERVICE.

SECTION 13. Same as introduced version.

SECTION 13. TEXAS A&M AGRILIFE
 RESEARCH.

SECTION 14. Same as introduced version.

SECTION 14. JUDICIARY SECTION,
 COMPTROLLER'S DEPARTMENT.

SECTION 15. Same as introduced version.

SECTION 15. DEPARTMENT OF
 CRIMINAL JUSTICE: CORRECTIONAL

SECTION 16. Same as introduced version.

MANAGED HEALTH CARE.

SECTION 16. COMMISSION ON ENVIRONMENTAL QUALITY: ELEPHANT BUTTE LITIGATION EXPENSES.

SECTION 17. PARKS AND WILDLIFE DEPARTMENT: REVENUE SHORTFALL.

SECTION 18. LIBRARY AND ARCHIVES COMMISSION: DIRECTOR-LIBRARIAN SALARY.

SECTION 19. TEXAS A&M FOREST SERVICE: APPROPRIATIONS FOR GENERAL COSTS CAUSED BY WILDFIRES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$161,065,711 is appropriated out of the **general revenue fund** to the Texas A&M Forest Service for the state fiscal year ending August 31, 2013, for the purpose of paying for, or reimbursing payments made for, costs incurred by the Texas A&M Forest Service associated with wildfires **that occurred during the state fiscal biennium beginning September 1, 2011, but before the effective date of this Act.**

SECTION 20. DEPARTMENT OF PUBLIC SAFETY: APPROPRIATIONS FOR GENERAL COSTS CAUSED BY WILDFIRES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$2,700,000 is appropriated out of the **general revenue fund** to the Department of Public Safety for the state fiscal year ending August 31, 2013, for the purpose of paying for, or reimbursing payments made for, costs incurred by the Department of Public Safety associated with wildfires **that occurred during the state fiscal biennium beginning September 1, 2011, but before the effective date of this Act.**

SECTION 21. PARKS AND WILDLIFE DEPARTMENT: APPROPRIATIONS FOR COSTS CAUSED BY WILDFIRES AT THE BASTROP STATE PARK AND BASTROP REGIONAL PARK OFFICE. In addition to amounts previously appropriated for the state fiscal biennium ending August

SECTION 17. Same as introduced version.

SECTION 18. Same as introduced version.

SECTION 19. Same as introduced version.

SECTION 20. TEXAS A&M FOREST SERVICE: APPROPRIATIONS FOR GENERAL COSTS CAUSED BY WILDFIRES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$161,065,711 is appropriated out of the **economic stabilization fund** to the Texas A&M Forest Service for the state fiscal year ending August 31, 2013, for the purpose of paying for, or reimbursing payments made for, costs incurred by the Texas A&M Forest Service associated with wildfires.

SECTION 21. DEPARTMENT OF PUBLIC SAFETY: APPROPRIATIONS FOR GENERAL COSTS CAUSED BY WILDFIRES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$2,700,000 is appropriated out of the **economic stabilization fund** to the Department of Public Safety for the state fiscal year ending August 31, 2013, for the purpose of paying for, or reimbursing payments made for, costs incurred by the Department of Public Safety associated with wildfires.

SECTION 22. PARKS AND WILDLIFE DEPARTMENT: APPROPRIATIONS FOR COSTS CAUSED BY WILDFIRES AT THE BASTROP STATE PARK AND BASTROP REGIONAL PARK OFFICE. In addition to amounts previously appropriated for the state fiscal biennium ending August

31, 2013, the amount of \$4,892,440 is appropriated out of the **general revenue fund** to the Parks and Wildlife Department for the two-year period beginning on the effective date of this Act for the purpose of paying for, or reimbursing payments made for, costs incurred by the Parks and Wildlife Department associated with wildfires that occurred at the Bastrop State Park and Bastrop regional park office **during the state fiscal biennium beginning September 1, 2011, but before the effective date of this Act.**

No equivalent provision.

No equivalent provision.

No equivalent provision.

31, 2013, the amount of \$4,892,440 is appropriated out of the **economic stabilization fund** to the Parks and Wildlife Department for the two-year period beginning on the effective date of this Act for the purpose of paying for, or reimbursing payments made for, costs incurred by the Parks and Wildlife Department associated with wildfires that occurred at the Bastrop State Park and Bastrop regional park office.

SECTION 23. RAILROAD COMMISSION: INFORMATION TECHNOLOGY MODERNIZATION. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$16,711,989 is appropriated out of general revenue dedicated account number 5155, Oil and Gas Regulation and Cleanup Account, to the Railroad Commission for the two-year period beginning on the effective date of this Act for the purpose of modernization of information technology. (b) In addition to the number of full-time equivalent employees (FTEs) the Railroad Commission is authorized by other law to employ during the two-year period beginning on the effective date of this Act, the commission may employ an additional 11.0 FTEs in each of those years.

SECTION 24. DEPARTMENT OF STATE HEALTH SERVICES: DISPROPORTIONATE SHARE HOSPITAL PROGRAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$170,000,000 is appropriated out of general revenue dedicated account number 5111, Trauma Facility and EMS Account, to the Department of State Health Services for the state fiscal year ending August 31, 2013, for the purpose of entering into an interagency contract to transfer money from that account from that department to the Health and Human Services Commission to provide for the non-federal share for the Medicaid disproportionate share hospital program.

SECTION 25. TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE

GOVERNOR: DISASTER RECOVERY.

(a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the following amounts are appropriated out of the economic stabilization fund to the Trusteed Programs within the Office of the Governor for the two-year period beginning on the effective date of this Act for purposes of wildfire recovery, remediation, and mitigation activities related to wildfires in Bastrop and Cass Counties:

(1) \$4,398,000 to address the needed repair and rehabilitation of roads, bridges, culverts, and parks, and to complete hazardous debris removal and fire risk-mitigation activities in Bastrop County; and

(2) an amount not to exceed \$1,000,000 for reimbursements to local responders in Cass County for work performed during the Bear Creek wildfires.

(b) Money appropriated by this section shall be allocated to specific projects to maximize the receipt of federal money available for similar purposes. Money appropriated by this section may not be spent on activities conducted on private property.

No equivalent provision.

SECTION 26. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL PROGRAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$500,000,000 is appropriated out of general revenue account number 193, Foundation School Fund, to the Texas Education Agency for Strategy A.1.1, FSP - Equalized Operations, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the state fiscal year ending August 31, 2013, for the purpose of making payments to independent school districts and charter schools eligible for funding through the Foundation School Program. Money appropriated by this section shall be distributed in an equal amount per student in weighted average daily attendance (WADA) in eligible districts or charter schools for school year 2012-2013 in an amount not to exceed \$72.50 per WADA. It is the intent of the legislature that the amount of money appropriated by this section is in addition to the amount of money required to fully fund entitlement under the Foundation School

Program.

No equivalent provision.

SECTION 27. HIGHER EDUCATION COORDINATING BOARD: TEXAS RESEARCH INCENTIVE PROGRAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$34,500,000 is appropriated out of the general revenue fund to the Higher Education Coordinating Board for Strategy B.1.16, Texas Research Incentive Program, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the two-year period beginning on the effective date of this Act, for the purpose of distributing money to emerging research universities based on a match for certain private donations.

No equivalent provision.

SECTION 28. DEPARTMENT OF CRIMINAL JUSTICE: JONES COUNTY CORRECTIONAL FACILITY. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$19,500,000 is appropriated out of the general revenue fund to the Department of Criminal Justice for Strategy D.1.2, Lease-Purchase of Facilities, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the two-year period beginning on the effective date of this Act, for the purpose of purchasing a correctional facility located in Jones County.

(b) Money appropriated by this section may not be used by the department for a purpose other than purchasing a correctional facility located in Jones County without the prior written approval of the Legislative Budget Board.

No equivalent provision.

SECTION 29. DEPARTMENT OF AGRICULTURE: ACCESS TO HEALTHY FOOD GRANT PROGRAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$10,000,000 is appropriated out of the general revenue fund to the Department of Agriculture for Strategy D.2.1, Nutrition Assistance, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the two-year period beginning on the effective date

of this Act for the purpose of sourcing healthy food by Texas food banks for distribution in food deserts and other underserved communities.

No equivalent provision.

SECTION 30. JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT: REVENUE SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, an amount (estimated to be \$7,495,137) is appropriated out of the general revenue fund to the Judiciary Section, Comptroller's Department, for Strategy A.1.1, District Judges, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the state fiscal year ending August 31, 2013, for the purpose of paying salaries for district judges and prosecuting attorneys.

No equivalent provision.

SECTION 31. TEXAS EDUCATION AGENCY: DATA CENTER SERVICES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$517,000 is appropriated out of the general revenue fund to the Texas Education Agency for Strategy B.3.5, Information Systems - Technology, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the state fiscal year ending August 31, 2013, for the purpose of costs related to data center services.

No equivalent provision.

SECTION 32. PARKS AND WILDLIFE DEPARTMENT: CEDAR BAYOU RESTORATION. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$7,000,000 is appropriated out of general revenue dedicated account number 9, Game, Fish, and Water Safety, to the Parks and Wildlife Department for Strategy A.2.3, Coastal Fisheries Management, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the two-year period beginning on the effective date of this Act, for the purpose of the Cedar Bayou Restoration Project in Aransas County.

No equivalent provision.

SECTION 33. HIGHER EDUCATING

COORDINATING BOARD: GRADUATE MEDICAL EDUCATION EXPANSION.

(a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$17,000,000 is appropriated out of the general revenue fund to the Higher Education Coordinating Board for the two-year period beginning on the effective date of this Act for the purpose of expansion of first-year residency positions. Money appropriated by this section must be allocated as provided by this section.

(b) A portion of the money appropriated under this section must be used to provide funding for one-time planning grants of \$150,000 each to entities that do not currently operate, and have not previously operated, a graduate medical education (GME) program and are therefore eligible for Medicare GME funding. The grants described by this subsection are intended to provide support for those entities to establish GME programs in order to increase the number of first-year residency positions in this state. The application for a grant described by this subsection must be submitted to the Higher Education Coordinating Board on or before July 15 of each year, and the board must determine the grant recipients on or before August 15 of each year. The grants must be awarded based on a competitive application process. Unless additional money is made available as provided by Subsection (f) of this section, not more than 15 planning grants may be awarded in the state fiscal year ending August 31, 2013. An entity that receives a grant under this subsection, becomes accredited, and fills residency positions is eligible to apply for the grants provided under Subsections (c) and (d) of this section, but may not receive more than \$35,000 per resident.

(c) A portion of the money appropriated under this section must be used to provide grants of \$65,000 per resident to currently accredited GME programs for the purpose of filling currently accredited but unfilled first-year residency positions. The grants described by this subsection are intended to assist the applicants by providing money to pay for direct resident costs, including resident stipends and benefits. An application for a grant described by this subsection must be made by submitting to

the Higher Education Coordinating Board proof of the number of accredited but unfilled positions in the applicant's program on or before October 1 of each year, and the board must determine the grant recipients on or before January 1 of the following year. The board may disburse the money to the applicant only after the applicant verifies with the board that the residency position has been filled. An applicant awarded a grant under this subsection in the state fiscal year ending August 31, 2014, shall receive an equivalent grant in the state fiscal year ending August 31, 2015.

(d) A portion of the money appropriated under this section must be used to provide grants of \$65,000 per resident to currently accredited GME programs to provide support to expand existing or establish new GME programs with first-year residency positions. The grants described by this subsection are intended to assist the applicants by providing money to pay for direct resident costs, including resident stipends and benefits. An application for a grant described by this subsection must be made by submitting a plan for receiving accreditation for the expanded or new GME program to the Higher Education Coordinating Board on or before October 1 of each year, and the board must determine the grant recipients on or before January 1 of the following year. The board may disburse the money to the applicant only after the applicant verifies with the board that a residency position created by the expanded or new GME program has been filled. An applicant awarded a grant under this subsection in the state fiscal year ending August 31, 2014, shall receive an equivalent grant in the state fiscal year ending August 31, 2015.

(e) The Higher Education Coordinating Board may award not more than 50 grants described by Subsections (c) and (d) of this section in the state fiscal year ending August 31, 2014, and not more than 175 grants described by Subsections (c) and (d) of this section in the state fiscal year ending August 31, 2015. If the number of applications for grants described by Subsections (c) and (d) of this section exceeds the limitation on the number of awards established by this subsection, the board may give priority for up to 50 percent of the additional 125 grants available in the state fiscal year ending

August 31, 2015, to be awarded to first-year positions in primary care and other critical shortage areas in this state. The board may not reduce the amount of a grant under this section, but may reduce the number of first-year positions funded to each grant recipient on a pro rata basis.

(f) If the Higher Education Coordinating Board determines, based on the number of applications for grants described by Subsections (c) and (d) of this section received by the board by October 2014, that the entire appropriation made by Subsection (a) of this section will not be used, the board may adjust the number of planning grants authorized under Subsection (b) of this section so that the entire appropriation to the board is spent.

No equivalent provision.

SECTION 34. APPROPRIATIONS TO INSTITUTIONS OF HIGHER EDUCATION: HAZLEWOOD EXEMPTION.

In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, to the listed institutions of higher education, the following amounts are appropriated out of the general revenue fund for the two-year period beginning on the effective date of this Act for the purpose of funding the proportionate share of the total cost to each institution for the Hazlewood exemption, for a total aggregate amount of \$30,000,000:

- (1) The University of Texas at Arlington: \$1,406,701;
- (2) The University of Texas at Austin: \$1,736,342;
- (3) The University of Texas at Dallas: \$702,122;
- (4) The University of Texas at El Paso: \$696,939;
- (5) The University of Texas--Pan American: \$419,271;
- (6) The University of Texas at Brownsville: \$153,017;
- (7) The University of Texas of the Permian Basin: \$66,965;
- (8) The University of Texas at San Antonio: \$1,919,554;
- (9) The University of Texas at Tyler: \$300,676;
- (10) Texas A&M University: \$2,435,829;
- (11) Texas A&M University at Galveston: \$140,041;
- (12) Prairie View A&M University: \$361,931;

- (13) Tarleton State University: \$403,137;
- (14) Texas A&M University--Central Texas: \$139,830;
- (15) Texas A&M University--Corpus Christi: \$694,591;
- (16) Texas A&M University--Kingsville: \$326,371;
- (17) Texas A&M University--San Antonio: \$170,885;
- (18) Texas A&M International University: \$112,013;
- (19) West Texas A&M University: \$279,756;
- (20) Texas A&M University--Commerce: \$500,167;
- (21) Texas A&M University--Texarkana: \$31,056;
- (22) University of Houston: \$1,267,175;
- (23) University of Houston--Clear Lake: \$247,905;
- (24) University of Houston--Downtown: \$205,693;
- (25) University of Houston--Victoria: \$114,415;
- (26) Midwestern State University: \$266,493;
- (27) University of North Texas: \$1,450,907;
- (28) University of North Texas at Dallas: \$41,972;
- (29) Stephen F. Austin State University: \$507,780;
- (30) Texas Southern University: \$302,845;
- (31) Texas Tech University: \$1,902,362;
- (32) Angelo State University: \$333,676;
- (33) Texas Woman's University: \$315,905;
- (34) Lamar University: \$617,129;
- (35) Lamar Institute of Technology: \$58,752;
- (36) Lamar State College--Orange: \$23,384;
- (37) Lamar State College--Port Arthur: \$24,590;
- (38) Sam Houston State University: \$956,335;
- (39) Texas State University--San Marcos: \$2,513,969;
- (40) Sul Ross State University: \$60,784;
- (41) The University of Texas Southwestern Medical Center at Dallas: \$30,812;
- (42) The University of Texas Medical Branch at Galveston: \$86,039;
- (43) The University of Texas Health Science Center at Houston: \$29,079;
- (44) The University of Texas Health Science Center at San Antonio: \$177,640;
- (45) The University of Texas M. D. Anderson Cancer Center: \$2,784;
- (46) Texas A&M University System Health

Science Center: \$112,525;
(47) University of North Texas Health Science Center at Fort Worth: \$51,072;
(48) Texas Tech University Health Sciences Center: \$201,985;
(49) Texas State Technical College--Harlingen: \$100,011;
(50) Texas State Technical College--West Texas: \$15,969;
(51) Texas State Technical College--Marshall: \$16,746;
(52) Texas State Technical College--Waco: \$121,812;
(53) Alamo Community College District: \$335,530;
(54) Alvin Community College: \$40,839;
(55) Amarillo College: \$129,144;
(56) Angelina College: \$17,865;
(57) Austin Community College: \$621,188;
(58) Blinn College: \$158,713;
(59) Brazosport College: \$26,463;
(60) Central Texas College: \$80,575;
(61) Cisco Junior College: \$34,473;
(62) Clarendon College: \$8,088;
(63) Coastal Bend College: \$32,958;
(64) College of the Mainland Community College District: \$21,115;
(65) Collin County Community College District: \$43,143;
(66) Dallas County Community College District: \$106,489;
(67) Del Mar College: \$239,923;
(68) El Paso Community College District: \$340,197;
(69) Frank Phillips College: \$4,153;
(70) Galveston College: \$9,593;
(71) Grayson County College: \$28,976;
(72) Hill College: \$26,577;
(73) Houston Community College: \$235,719;
(74) Howard College: \$24,419;
(75) Kilgore College: \$60,438;
(76) Laredo Community College: \$60,203;
(77) Lee College: \$31,006;
(78) Lone Star College System District: \$243,510;
(79) McLennan Community College: \$92,399;
(80) Midland College: \$32,895;
(81) Navarro College: \$401,058;
(82) North Central Texas College: \$41,066;
(83) Northeast Texas Community College: \$23,887;
(84) Odessa College: \$19,382;
(85) Panola College: \$13,630;
(86) Paris Junior College: \$27,678;

- (87) Ranger College: \$12,154;
- (88) San Jacinto College: \$120,361;
- (89) South Plains College: \$122,024;
- (90) South Texas College: \$115,340;
- (91) Southwest Texas Junior College: \$23,068;
- (92) Tarrant County College District: \$117,020;
- (93) Temple College: \$128,794;
- (94) Texarkana College: \$16,682;
- (95) Texas Southmost College: \$179,695;
- (96) Trinity Valley Community College: \$50,349;
- (97) Tyler Junior College: \$128,796;
- (98) Vernon College: \$46,291;
- (99) Victoria College: \$66,232;
- (100) Weatherford College: \$30,136;
- (101) Western Texas College: \$18,174; and
- (102) Wharton County Junior College: \$55,853.

SECTION 22. HEALTH AND HUMAN SERVICES COMMISSION: CERTAIN RIDERS.

SECTION 23. BENEFITS PAID PROPORTIONAL BY FUND. (a) This section applies to each item of appropriation made by this Act.

(b) In order to maximize balances in the general revenue fund, payment for benefits paid from funds appropriated by this Act, including "local funds" and "educational and general funds," as those terms are defined by Sections 51.009(a) and (c), Education Code, must be proportional to the source of the funds except for payments for higher education employees group insurance contributions for public community or junior colleges.

(c) Money appropriated by this Act out of the general revenue fund may not be used to pay employee benefit costs or other indirect costs associated with the payment of salaries or wages of employees if the salaries or wages are paid from a source other than the general revenue fund. A public community or junior college may spend money appropriated by this Act for employee benefit costs for any employee who is eligible to participate in an offered group benefits program and is an instructional or administrative employee whose entire salary may be paid from money appropriated by this Act, regardless of whether the salary is actually paid by that

SECTION 35. Same as introduced version.

SECTION 36. BENEFITS PAID PROPORTIONAL BY FUND. (a) This section applies to each item of appropriation made by this Act.

(b) In order to maximize balances in the general revenue fund, payment for benefits paid from funds appropriated by this Act, including "local funds" and "educational and general funds," as those terms are defined by Sections 51.009(a) and (c), Education Code, must be proportional to the source of the funds except for payments for higher education employees group insurance contributions for public community or junior colleges.

(c) Money appropriated by this Act out of the general revenue fund may not be used to pay employee benefit costs or other indirect costs associated with the payment of salaries or wages of employees if the salaries or wages are paid from a source other than the general revenue fund. A public community or junior college may spend money appropriated by this Act for employee benefit costs for any employee who is eligible to participate in an offered group benefits program and is an instructional or administrative employee whose entire salary may be paid from money appropriated by this Act, regardless of whether the salary is actually paid by that money. Payments for

money. Payments for employee benefit costs associated with salaries and wages paid from sources other than the general revenue fund, including payments received under interagency agreement or as contract receipts, must be made in proportion to the source of the funds from which the salary or wage is paid. If the comptroller of public accounts determines that achieving proportionality as required by this section at the time a payment is made is impractical or inefficient, **the comptroller shall reimburse** the general revenue fund for any payment of employee benefit costs made out of that fund.

(d) A state agency or institution of higher education that receives an appropriation by this Act from the general revenue fund or any other source of financing shall file with the comptroller of public accounts and the state auditor a report demonstrating proportionality. The report is due on November 20th of each year and must cover the state fiscal year ending on August 31st of the year in which the report is due. The report shall be in the format prescribed by the comptroller, the Legislative Budget Board, and the State Auditor's Office. The state auditor **shall review each** state agency's or institution's compliance with this section at least once if the agency or institution is appropriated money by this Act. The state auditor shall notify the comptroller of any amount disproportionately paid from general revenue fund appropriations. On receipt of that notice, the comptroller shall reduce the state agency's or institution's current year general revenue fund appropriations until the general revenue fund is reimbursed for the amounts disproportionately paid out of that fund.

SECTION 24. EFFECTIVE DATE. This Act takes effect immediately as provided for a General Appropriations Act under Section 39, Article III, Texas Constitution.

employee benefit costs associated with salaries and wages paid from sources other than the general revenue fund, including payments received under interagency agreement or as contract receipts, must be made in proportion to the source of the funds from which the salary or wage is paid. If the comptroller of public accounts determines that achieving proportionality as required by this section at the time a payment is made is impractical or inefficient, **then the general revenue fund shall be reimbursed** for any payment of employee benefit costs made out of the general revenue fund.

(d) A state agency or institution of higher education that receives an appropriation by this Act from the general revenue fund or any other source of financing shall file with the comptroller of public accounts and the state auditor a report demonstrating proportionality. The report is due on November 20th of each year and must cover the state fiscal year ending on August 31st of the year in which the report is due. The report shall be in the format prescribed by the comptroller, the Legislative Budget Board, and the State Auditor's Office. The state auditor **may audit a** state agency's or institution's compliance with this section if the agency or institution is appropriated money by this Act. The state auditor shall notify the comptroller of any amount disproportionately paid from general revenue fund appropriations. On receipt of that notice, the comptroller shall reduce the state agency's or institution's current year general revenue fund appropriations until the general revenue fund is reimbursed for the amounts disproportionately paid out of that fund.

SECTION 37. EFFECTIVE DATE. **(a)** **Subject to Subsection (b) of this section,** this Act takes effect immediately as provided for a General Appropriations Act under Section 39, Article III, Texas Constitution.

(b) Sections 20, 21, 22, and 25 of this Act take effect only if this Act receives a vote of two-thirds of the members present in each house of the legislature, as provided by Section 49-g(m), Article III, Texas Constitution.

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