

Rider Comparison Packet

Conference Committee on House Bill 1

2012-13 General Appropriations Bill

Article 5 - Criminal Justice

ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE
401 Adjutant General's Department
DIFFERENCES ONLY

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2. Capital Budget. None of the general revenue funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. This rider does not limit the use of federal funds obtained by the department.

2. Capital Budget. None of the general revenue funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. This rider does not limit the use of federal funds obtained by the department.

	<u>2012</u>	<u>2013</u>
a. Construction of Buildings and Facilities		
(1) Fort Bliss Armed Forces Reserve Center and Joint Vehicle Maintenance Facility	\$ 573,000	\$ 573,000
b. Repair or Rehabilitation of Buildings and Facilities		
(1) General Repair and Rehabilitation at Readiness Centers, Training Sites, Army Aviation Support Facilities and Facility Maintenance Shops	\$ 573,600	\$ 573,600
c. Acquisition of Capital Equipment and Items		
(1) Maintenance Department Equipment	\$ 126,112	\$ 126,112
 Total, Capital Budget	 <u>\$ 1,272,712</u>	 <u>\$ 1,272,712</u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 614,612	\$ 614,612
Adjutant General Federal Fund No. 449	573,000	573,000
Current Fund Balance	85,100	85,100
 Total, Method of Financing	 <u>\$ 1,272,712</u>	 <u>\$ 1,272,712</u>

	<u>2012</u>	<u>2013</u>
a. Repair or Rehabilitation of Buildings and Facilities		
(1) General Repair and Rehabilitation at Readiness Centers, Training Sites, Army Aviation Support Facilities and Facility Maintenance Shops	\$ 1,146,600	\$ 1,146,600
b. Acquisition of Capital Equipment and Items		
(1) Maintenance Department Equipment	\$ 126,112	\$ 126,112
 Total, Capital Budget	 <u>\$ 1,272,712</u>	 <u>\$ 1,272,712</u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 614,612	\$ 614,612
Adjutant General Federal Fund No. 449	573,000	573,000
Current Fund Balance	85,100	85,100
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18. Disposition of State-owned Property. Contingent upon sufficient funds from the sale of state-owned properties, appropriations above include \$538,903 in fiscal year 2012 and \$538,903 in fiscal year 2013 from the Current Fund Balance to the Adjutant General's Department in funds derived from sales, in previous biennia and in the current biennium, of State-owned National Guard camps and other property owned by the Adjutant General's Department and of land, improvements, buildings, facilities, installations, and personal property in connection therewith as authorized by Government Code, Chapter 431. Such funds shall be expended by the Adjutant General's Department in one or more of the following ways: (1) as a participating fund in the construction and maintenance of facilities financed in part by the United States Government; or (2) as a construction fund to be used by the Adjutant General's Department; or (3) as a debt-servicing fund as provided in Government Code, Chapter 431, provided, however, that all such funds that are not actually used for the purposes hereinbefore specified shall remain on deposit in the state treasury to the credit of the Adjutant General's Department for the use and benefit of the Texas National Guard, their successors or components, as provided in Government Code, Chapter 431. The Adjutant General's Department is hereby authorized to carry forward unexpended balances from fiscal year 2012 into fiscal year 2013 for the same purpose.

20. Disposition of State-owned Property. Contingent upon sufficient funds from the sale of state-owned properties, appropriations above include \$5,000,000 in fiscal year 2012 and \$5,000,000 in fiscal year 2013 from the Current Fund Balance to the Adjutant General's Department in funds derived from sales, in previous biennia and in the current biennium, of State-owned National Guard camps and other property owned by the Adjutant General's Department and of land, improvements, buildings, facilities, installations, and personal property in connection therewith as authorized by Government Code, Chapter 431. Such funds shall be expended by the Adjutant General's Department in one or more of the following ways: (1) as a participating fund in the construction and maintenance of facilities financed in part by the United States Government; or (2) as a construction fund to be used by the Adjutant General's Department; or (3) as a debt-servicing fund as provided in Government Code, Chapter 431, provided, however, that all such funds that are not actually used for the purposes hereinbefore specified shall remain on deposit in the state treasury to the credit of the Adjutant General's Department for the use and benefit of the Texas National Guard, their successors or components, as provided in Government Code, Chapter 431. The Adjutant General's Department is hereby authorized to carry forward unexpended balances from fiscal year 2012 into fiscal year 2013 for the same purpose.

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458 Alcoholic Beverage Commission
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9. Appropriation Transfers Between Fiscal Years - Gasoline Contingency. In addition to the transfer authority provided elsewhere in this Act, the Alcoholic Beverage Commission may transfer appropriations for fiscal year 2013 to fiscal year 2012 , subject to the following conditions provided by this section:

- a. Transfers under this section may be requested only if the average price per gallon of gasoline paid by the agency during the first six months of fiscal year 2012 exceeds \$3.19 per gallon.
- b. A request to transfer appropriations for fiscal year 2013 to fiscal year 2012 shall be submitted in writing to the Governor and the Legislative Budget Board. The request shall include a justification for the amount of funds to be transferred based on an estimate of the total gallons of gasoline consumed by the agency in a year and the average price per gallon paid over \$3.19 per gallon during the first six months of fiscal year 2012 .
- c. A transfer authorized by this section must receive the prior approval of the Governor and the Legislative Budget Board.
- d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

9. Appropriation - Gasoline Contingency. Included in the amounts appropriated above in Strategy A.1.1, Enforcement and contingent upon certification by the Comptroller of Public Accounts that the average cost per gallon to the agency has risen in the requested amount, the Alcoholic Beverage Commission is appropriated up to \$2,300 per fiscal year from General Revenue Funds for each cent increase in the average gasoline cost per gallon to the agency above \$2.78 per gallon (estimated to be \$280,600 in fiscal year 2012 and \$280,600 in fiscal year 2013 from the General Revenue Fund). The level of appropriation described above is to be prorated based on the number of months remaining in the fiscal year from the date of certification by the Comptroller of Public Accounts.

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- 13. Clothing Provisions.**
- a. A commissioned officer who received a \$1,200 clothing allowance pursuant to the General Appropriations Act during the 2010-11 biennium shall receive a \$1,200 clothing allowance in the 2012-13 biennium.
 - b. No person shall receive a \$1,200 clothing allowance unless eligible in subsection (a).
 - c. An individual who is newly hired or newly commissioned after September 1, 1997, is eligible to receive a \$500 cleaning allowance. No rank other than that of agent is entitled to a \$500 cleaning allowance.
 - d. The Texas Alcoholic Beverage Commission may purchase uniforms for Tax Collectors at International Bridges.

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9. Salary Adjustment Authorized. Notwithstanding other provisions of this Act, the Texas Department of Criminal Justice is authorized to adjust salaries of the following position series to rates within the designated salary group for the purpose of recruiting, employing, and retaining career correctional personnel:

- a. Correctional Officer;
- b. Sergeant, Lieutenant, Captain, and Major of Correctional Officers;
- c. Food Service Manager;
- d. Laundry Manager; and
- e. Parole Officer.

Merit raises are prohibited for all employees who are receiving or are eligible to receive step adjustments in the career ladder system. No compression raise may be granted as a result of the salary adjustment authorized in this article.

10. Appropriation: Meals Authorized. The department shall charge an amount necessary to recover the cost of a meal provided to an employee as described herein. Department employees assigned to work inside correctional facilities or on travel status may receive up to two free meals per shift. None of the funds appropriated above shall be utilized to provide meals to other employees for a charge of less than \$1.00 per meal or to grow, purchase, prepare, or provide food products for employees to use at their homes. All meal fees received are appropriated above in Strategy C.1.4, Institutional Goods. Any fees collected in excess of \$4,308 in fiscal year 2012 and \$4,307 in fiscal year 2013 are hereby appropriated to the department for the same purpose.

9. Salary Adjustment Authorized. Notwithstanding other provisions of this Act, the Texas Department of Criminal Justice is authorized to adjust salaries of the following position series to rates within the designated salary group for the purpose of recruiting, employing, and retaining career correctional personnel:

- a. Correctional Officer;
- b. Sergeant, Lieutenant, Captain, and Major of Correctional Officers;
- c. Food Service Manager;
- d. Laundry Manager; and
- e. Parole Officer.

Merit raises are prohibited for all employees who are receiving or are eligible to receive step adjustments in the career ladder system.

10. Appropriation: Meals Authorized. The department may charge an amount necessary to recover the cost of a meal provided to an employee as described herein. Department employees assigned to work inside correctional facilities or on travel status may receive up to two free meals per shift and employees residing in employee dormitories may receive three free meals per day. None of the funds appropriated above shall be utilized to provide meals to other employees for a charge of less than \$1.00 per meal or to grow, purchase, prepare, or provide food products for employees to use at their homes. All meal fees received are appropriated above in Strategy C.1.4, Institutional Goods. Any fees collected in excess of \$4,308 in fiscal year 2012 and \$4,307 in fiscal year 2013 are hereby appropriated to the department for the same purpose.

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(Continued)

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- 12. Appropriation: State-owned Housing Authorized.**
- a. The department's Regional Directors, Chief Wardens, Assistant Wardens, Majors of Correctional Officers, Captain of Correctional Officers, Lieutenant of Correctional Officers, Kennel Sergeants, Maintenance Supervisors, and Fire/Safety Managers at each facility are authorized to live in state-owned housing at rental rates determined by the department.
 - b. Other department employees may live in available state-owned housing as set forth in Article IX, § 11.04, State Owned Housing - Recover Housing Costs of this Act.
 - c. All fees received for employee housing are appropriated above in Strategy C.1.6, Institutional Operations and Maintenance, to be used for maintaining employee housing. Any fees collected in excess of \$750,000 in fiscal year 2012 and \$750,000 in fiscal year 2013 are hereby appropriated to the department for the same purpose.
 - d. The state-owned housing at the Department of Criminal Justice shall be a cost recovery program. The total fees charged to employees shall at least cover the cost of maintenance and utilities.
- 36. Appropriation Transfers Between Fiscal Years.** In addition to the transfer authority provided elsewhere in this Act, the Texas Department of Criminal Justice may transfer appropriations in an amount not to exceed \$150,000,000 made for fiscal year 2013 to fiscal year 2012, subject to the following conditions provided by this section:
- a. Transfers under this section may be made only:
 - (1) if correctional populations exceed the capacity of the department, or
 - (2) if Federal Funds for Incarcerated Aliens appropriated in fiscal year 2012 to the department are not received in the amount identified in the method of finance for

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- 12. Appropriation: State-owned Housing Authorized.**
- a. The department's Regional Directors, Chief Wardens, Assistant Wardens, Majors of Correctional Officers, Captain of Correctional Officers, Lieutenant of Correctional Officers, Kennel Sergeants, Maintenance Supervisors, and Fire/Safety Managers at each facility are authorized to live in state-owned housing at rental rates determined by the department.
 - b. Other department employees may live in available state-owned housing as set forth in Article IX, § 11.04, State Owned Housing - Recover Housing Costs of this Act.
 - c. All fees received for employee housing are appropriated above in Strategy C.1.6, Institutional Operations and Maintenance, to be used for maintaining employee housing. Any fees collected in excess of \$750,000 in fiscal year 2012 and \$750,000 in fiscal year 2013 are hereby appropriated to the department for the same purpose.
 - d. Notwithstanding Article IX, § 11.04, the department may allocate housing at reduced or no cost to employees with a demonstrated need based on location and job description.
- 37. Appropriation Transfers Between Fiscal Years.** In addition to the transfer authority provided elsewhere in this Act, the Texas Department of Criminal Justice may transfer appropriations in an amount not to exceed \$150,000,000 made for fiscal year 2013 to fiscal year 2012, subject to the following conditions provided by this section:
- a. Transfers under this section may be made only:
 - (1) if correctional populations exceed the capacity of the department, or
 - (2) if Federal Funds for Incarcerated Aliens appropriated in fiscal year 2012 to the department are not received in the amount identified in the method of finance for

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that year, or

that year, or

(3) for any other emergency expenditure requirements, including expenditures necessitated by public calamity.

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b. The transfer authority provided above is exclusive of expenditure needs for Strategy C.1.7, Psychiatric Care, Strategy C.1.8, Managed Health Care - Unit Care, C.1.9, Managed Health Care - Hospital Care, and C.1.10, Managed Health Care - Pharmacy.

b. The transfer authority provided above is exclusive of expenditure needs for Strategy C.1.7, Managed Health Care - Unit and Psychiatric Care, C.1.8, Managed Health Care - Hospital and Clinical Care, and C.1.9, Managed Health Care - Pharmacy.

c. A transfer authorized by this section above must receive the prior approval of the Governor and the Legislative Budget Board.

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d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

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36. Postsecondary Education Programs. Postsecondary education courses shall be available only to inmates who have:

- a. demonstrated a clear and convincing record of rehabilitation while incarcerated, and
- b. demonstrated an interest in a field of study that lends itself to performing specific and beneficial tasks while incarcerated, and
- c. demonstrated the aptitude and capabilities to do college-level study.

The costs of such postsecondary education programs shall be reimbursed by the inmate as a condition of parole.

The Department of Criminal Justice shall not provide in-cell tutoring for inmates who are in administrative segregation.

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The Department of Criminal Justice may not transfer appropriations out of Strategy C.2.2,
Academic/Vocational Training.

37. Managed Health Care - Reporting Requirements. The Correctional Managed Health Care Committee is required to submit to the Legislative Budget Board and Governor a report detailing:

- a. correctional managed health care actual and projected expenditures for on-site, off-site, and pharmaceutical costs;
- b. health care cost for inmates over age 55 including utilization data;
- c. other health care information determined by the Office of the Governor and the Legislative Budget Board; and
- d. all monies held in reserve during any quarterly reporting period by the Correctional Managed Health Care Committee or for Correctional Managed Health Care by the University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center.

Such reports shall be submitted on a quarterly basis.

54. Managed Health Care Staff Loan Repayment. Contingent on the enactment and becoming law of House Bill 1908 or similar legislation of the Eighty-second Legislature, Regular Session, from the amounts appropriated above in Strategies C.1.7, Psychiatric Care, C.1.8, Managed Health Care - Unit Care, C.1.9, Managed Health Care - Hospital Care, and C.1.10, Managed Health Care - Pharmacy, the Department of Criminal Justice may use funds for loan repayment assistance for medical and mental health care staff.

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- 56. Correctional Managed Health Care Payment Limitations.** The use of appropriated funds paid by the Correctional Managed Health Care Committee for managed health care for offenders in custody shall be governed by the specific limitations included in this rider.
- a. C.1.9, Managed Health Care - Hospital Care.
1. For purposes of this section, "rate" is defined to include all payments to medical and mental health care providers and health care provider reimbursements (regardless of methodology) that account for expenditures by the Correctional Managed Health Care Committee in Strategy C.1.9, Managed Health Care - Hospital Care. The Correctional Managed Health Care Committee shall not pay rates to health care providers for hospital services provided to offenders in its custody that exceed the rates that would be paid for same services according to the Medicaid reimbursement methodology adopted by the Health and Human Services Commission in Texas Administrative Code, Chapter 355. Health care providers shall not be reimbursed at Tax Equity and Fiscal Responsibility Act (TEFRA) rates for non-applicable settings or procedures. Hospital reimbursements shall not include adjustments for outliers. The Department of Criminal Justice's Health Services Division shall, for each hospital claim, determine the appropriate Diagnosis Related Groups (DRG) for use in calculating the payment amount in any fiscal year.
 2. In order to pay a rate that exceeds the rate that would be paid for same services according to the Medicaid reimbursement methodology adopted by the Health and Human Services Commission in Texas Administrative Code, Chapter 355, the Correctional Managed Health Care Committee must receive prior written approval from the Legislative Budget Board. To request authorization to increase a rate, the Correctional Managed Health Care Committee shall submit a written request to the Health and Human Services Commission and the Legislative Budget Board. The

- 55. Correctional Managed Health Care.** The use of appropriated funds to the Department of Criminal Justice for managed health care for offenders in custody shall be governed by the specific limitations included in this rider.
- a. Managed Health Care Staff Loan Repayment
1. None of the funds appropriated above shall be used for loan repayment assistance for medical and mental health care staff without prior approval of the Legislative Budget Board.
- b. Correctional Managed Health Care Committee
1. None of the funds appropriated above shall be used for payment of salaries, operating expenses, or travel expenses for staff of the Correctional Managed Health Care Committee.
 2. Out of funds appropriated above, the Department of Criminal Justice may provide reimbursement of travel expenses incurred by the members of the Correctional Managed Health Care Committee with prior approval of the Legislative Budget Board.
- c. Strategy C.1.7, Managed Health Care - Unit and Psychiatric Care
1. In consultation with Texas Tech University Health Sciences Center and the University of Texas Medical Branch, the Department of Criminal Justice shall approve a staffing model and services by unit that conforms with the available annual appropriation in Strategy C.1.7, Managed Health Care - Unit and Psychiatric Care before the beginning of each fiscal year.

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Health and Human Services Commission shall determine if the requested rate is reasonable and shall notify the Legislative Budget Board in writing of its finding. The Legislative Budget Board may consider the Health and Human Services Commission's finding in determining whether to approve the requested rate. The request shall include, but is not limited to, the previous rate; the requested rate; the reason for the request to exceed the previous rate; and the estimated fiscal impact of the increased rate. The request shall not be submitted for approval if such approval would cause expenditures to exceed appropriations in Strategy C.1.9, Managed Health Care - Hospital Care, in any fiscal year.

3. Additional information requested by the Legislative Budget Board shall be provided within ten (10) working days of the request. Notifications, requests and information provided subsequently shall be prepared in a format specified by the Legislative Budget Board.
 4. At the request of the Health and Human Services Commission or the Legislative Budget Board, the Office of the State Auditor may review the fiscal impact information provided under section (2) along with supporting documentation, supporting records, and justification for the rate increase provided by the Correctional Managed Health Care Committee and report back to the Legislative Budget Board before the increased rate is implemented by the Department of Criminal Justice.
 5. Any increase in a rate approved by the Legislative Budget Board shall remain in effect for the remainder of the biennium.
- b. The Correctional Managed Health Care Committee shall not pay any fees, charges, indirect costs, salary adjustments, pay increases, bonuses, or any other administrative costs that are not specifically identified in the contract between the Correctional Managed Health Care Committee and health care providers. Health care related expenditures may not exceed, in any fiscal year, the amounts appropriated by this Act

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2. Texas Tech University Health Sciences Center and the University of Texas Medical Branch shall provide unit medical & psychiatric care services based on the jointly developed staffing model and services approved by the Department of Criminal Justice.
 3. To the extent possible, the Department of Criminal Justice shall maintain at least one Correction Officer or other staff that is a licensed health care professional on duty per unit at all times.
- d. Strategy C.1.8, Managed Health Care - Hospital & Clinical Care
1. The University of Texas Medical Branch shall provide in-patient and out-patient hospital services and physician services provided at the University of Texas Medical Branch Hospital Galveston for offenders in the custody of the Department of Criminal Justice. Inpatient and applicable hospital outpatient services shall be reimbursed at an amount no greater than bill charges times the University of Texas Medical Branch's Medicaid TEFRA rates. Hospital outpatient services not subject to Medicaid TEFRA reimbursements shall be reimbursed at an amount not to exceed the published Medicaid fee schedules for such services. Physician services shall be reimbursed at a rate not to exceed cost.
 2. The Texas Tech University Health Sciences Center and the University of Texas Medical Branch shall provide inpatient and outpatient hospital services for offenders in the custody of the Department of Criminal Justice at a rate not to exceed 100% of what would be paid for similar services according to the Medicare reimbursement methodology.
 3. The Department of Criminal Justice may pay a rate in excess of Medicare reimbursement rates only after receiving prior written approval from the Legislative Budget Board.

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to Strategies C.1.7, Psychiatric Care; C.1.8, Managed Health Care - Unit Care; C.1.9, Managed Health Care - Hospital Care; and C.1.10, Managed Health Care - Pharmacy. Any funds appropriated to these strategies that exceed expenditures, and any remaining funds unexpended or unobligated on August 31 of each fiscal year shall lapse to the General Revenue Fund.

- c. Out of the funds appropriated above, the Correctional Managed Health Care Committee shall not transfer any funds to Strategies C.1.7, Psychiatric Care; C.1.8, Managed Health Care - Unit Care; C.1.9, Managed Health Care - Hospital Care; and C.1.10, Managed Health Care - Pharmacy.

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4. The Department of Criminal Justice may review the appropriateness of non-emergency medical procedures provided by the University of Texas Medical Branch Hospital Galveston.
5. The University of Texas Medical Branch will maintain at least 100 inpatient beds at Hospital Galveston to be staffed based on average daily census.

e. Transferability

1. The Department of Criminal Justice shall not transfer any funds between strategies C.1.7, Managed Health Care - Unit and Psychiatric Care; C.1.8, Managed Health Care - Hospital and Clinical Care, and C.1.9, Managed Health Care - Pharmacy, without prior approval of the Legislative Budget Board.
2. This transferability limitation extends to the Texas Tech University Health Sciences Center and the University of Texas Medical Branch upon receipt of funding from the Department of Criminal Justice.

f. Reimbursement to Institutions

1. At the beginning of each quarter, the Department of Criminal Justice shall prepay Texas Tech University Health Sciences Center and the University of Texas Medical Branch one quarter of the annual appropriation for services to be rendered under contract.
2. The Department of Criminal Justice shall reimburse the Texas Tech University Health Sciences Center and the University of Texas Medical Branch for actual costs, including indirect administrative services based on generally accepted accounting principles.

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- g. Reporting Requirements
 - 1. The Department of Criminal Justice is required to submit quarterly to the Legislative Budget Board and the Office of the Governor a report detailing:
 - i. correctional managed health care actual and projected expenditures for unit and psychiatric care, hospital and clinical care and pharmacy;
 - ii. health care utilization and acuity data; and
 - iii. other health care information determined by the Office of the Governor and the Legislative Budget Board.
 - 2. The Texas Tech University Health Sciences Center and the University of Texas Medical Branch shall provide the Department of Criminal Justice with necessary documentation to fulfill the reporting requirements contained in this section.
- h. Managed Health Care Operational Shortfalls
 - 1. The Department of Criminal Justice may not transfer funds appropriated above if deemed necessary by the Department of Criminal Justice into strategies C.1.7, Managed Health Care - Unit and Psychiatric Care, C.1.8, Managed Health Care - Hospital and Clinical Care, and C.1.9, Managed Health Care - Pharmacy without prior approval of the Legislative Budget Board.
 - 2. In addition to transfer authority provided elsewhere in this Act, the Department of Criminal Justice may transfer appropriations made for the purpose of managed health care for fiscal year 2013 to fiscal year 2012 only with prior approval of the Legislative Budget Board.

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- 56. Battering Intervention and Prevention Program.** Out of funds appropriated above in Strategy A.1.2, Diversion Programs, the Texas Department of Criminal Justice (TDCJ) shall allocate \$1,250,000 in fiscal year 2012 and \$1,250,000 in fiscal year 2013 for funding the Battering Intervention and Prevention Program (BIPP) in the manner required by Article 42.141 of the Code of Criminal Procedure. The BIPP shall be administered using a statewide allocation of direct grants from TDCJ to local non-profit organizations in the manner described in Government Code § 509.011. Funds subject to this provision shall be allocated at the local level and designated for use only for these programs. Funds subject to this provision may not be utilized for administrative expenses of local community supervision and corrections departments nor may they be used to supplant local funding. If the total amount appropriated above in Strategy A.1.2, Diversion Programs, is less than the amount appropriated for Strategy A.1.2, Diversion Programs, in fiscal years 2010-11, the Department of Criminal Justice may reduce the allocation for funding for BIPP by an amount proportionally equal to the reduction in funding in Strategy A.1.2, Diversion Programs.
- 57. Harris County Community Corrections Facility.** Out of funds appropriated above in Strategy A.1.2, Diversion Programs, \$6,500,000 in fiscal year 2012 and \$6,500,000 in fiscal year 2013 in discretionary grants shall be made to the Harris County Community Supervision and Corrections Department for the continued operations of the Harris County Community Corrections Facility.
- 57. Central Unit Closure.** No funds appropriated by this Act shall be used for the operation of the Central Unit located in Sugar Land, Texas in Fort Bend County. The Department of Criminal Justice shall remove all offenders from the Central Unit no later than September 1, 2011.
- 58. Offender Housing Study.** From funds appropriated above, the Department of Criminal Justice shall conduct a study using the Clinical Acuity Rating System to address disease specific and healthy populations and to determine if housing similarly diagnosed offenders together may improve care and reduce costs. The Department shall report the findings of the study to the Legislative Budget Board no later than December 1, 2012.

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- 59. Appropriation: Authority for General Obligation Bond Proceeds.** Appropriated above in Strategy D.1.1, Facilities Construction, in fiscal year 2012 is \$10,000,000 and in fiscal year 2013 is \$40,000,000 in general obligation bond proceeds for projects for the Department of Criminal Justice as described in Article IX, Sec. 18.01, Informational Listing General Obligation Bond Proceeds.

All projects funded herein with general obligation bond proceeds are subject to approval by the Legislative Budget Board prior to issuance of the bond proceeds by the Texas Public Finance Authority. Any unexpended and unobligated balances in general obligation bond proceeds described herein and remaining as of August 31, 2012 are hereby appropriated for the fiscal year beginning September 1, 2012 for the same purpose(s).

- 60. Inmate Package Program.** The Department of Criminal Justice shall institute an inmate package program to allow family members and friends to purchase and ship gifts to inmates through authorized vendors. The program shall be open to all qualified vendors who can demonstrate the proper package security and background checks of employees.
- a. Qualified vendors must agree to dedicate a percent of all purchases made through the inmate package program to the credit of the State's General Revenue Fund. The percent will be determined by the Texas Board of Criminal Justice.
 - b. Not later than September 1, 2011, the Texas Department of Criminal Justice shall institute the inmate package program in Strategy C.1.5, Institutional Services.

- 58. Misdemeanor Funding.** The Texas Department of Criminal Justice shall distribute funds at a rate not to exceed \$0.70 per day for each misdemeanor defendant directly supervised by a community supervision and corrections department. Funding for each misdemeanor defendant may not exceed the period of time authorized by statute.

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411 Commission on Fire Protection
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- 4. Appropriations Limited to Revenue Collections.** Fees, fines, and other miscellaneous revenues as authorized and generated by the agency shall cover, at a minimum, the cost of appropriations made above as well as an amount equal to the amount identified above in the informational item “Other Direct and Indirect Costs Appropriated Elsewhere in this Act” in addition to \$3,373,385 over the biennium. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
- 3. Contingency for Fire Fighter Certification Fees.** Amounts appropriated above in Strategy B.1.1, Certify and Regulate Fire Service, are contingent upon the Commission on Fire Protection not decreasing certification fees compared to 2010-11 levels, pursuant to Government Code, Chapter 419 without prior approval from the Legislative Budget Board.

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409 Commission on Jail Standards
DIFFERENCES ONLY

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- 3. Unexpended Balances Within the Biennium.** Any unexpended balances as of August 31, 2012, in appropriations made to the Commission on Jail Standards are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2012.

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665 Juvenile Probation Commission
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- 10. Appropriation: Refunds of Unexpended Balances from Local Juvenile Probation Departments.** The Juvenile Probation Commission (JPC) shall maintain procedures to ensure that the state is refunded all unexpended and unencumbered balances of state funds held as of the close of each fiscal year by local juvenile probation departments. All fiscal year 2012 and fiscal year 2013 refunds received from local juvenile probation departments by JPC are appropriated above in Strategy B.1.1, Community Corrections Services.

- 10. Appropriation: Refunds of Unexpended Balances from Local Juvenile Probation Departments.** The Juvenile Probation Commission (JPC) shall maintain procedures to ensure that the state is refunded all unexpended and unencumbered balances of state funds held as of the close of each fiscal year by local juvenile probation departments. All fiscal year 2012 and fiscal year 2013 refunds received from local juvenile probation departments by JPC are appropriated above in Strategy B.1.1, Community Corrections Services. Any Basic Probation refunds received in excess of \$650,000 in fiscal year 2012 and \$650,000 in fiscal year 2013 shall lapse to the General Revenue Fund. Any Community Corrections refunds received in excess of \$500,000 in fiscal year 2012 and \$500,000 in fiscal year 2013 shall lapse to the General Revenue Fund.

- 16. Juvenile Boot Camp Funding.** Out of funds appropriated above in Strategy B.1.2, Harris County Boot Camp, the amount of \$1,000,000 annually may be expended only for the purpose of providing a juvenile boot camp in Harris County.

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DIFFERENCES ONLY

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2. Capital Budget. None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.

2. Capital Budget. None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.

	2012	2013
a. Acquisition of Information Resource Technologies		
(1) Distance Learning Program	\$ 217,270	\$ 219,714
Total, Capital Budget	<u>\$ 217,270</u>	<u>\$ 219,714</u>

Method of Financing (Capital Budget):

GR Dedicated - Law Enforcement Officer Standards and Education Account No. 116	\$ 217,270	\$ 219,714
Total, Method of Financing	<u>\$ 217,270</u>	<u>\$ 219,714</u>

8. Appropriation of Receipts. Included in the amounts appropriated above, the Texas Commission on Law Enforcement Officer Standards and Education is hereby appropriated revenue collected from intermediate, advanced, and master peace officer and jailer certifications in an amount not to exceed \$286,212 in fiscal year 2012 and not to exceed \$286,211 in fiscal year 2013 for the purpose of operating and maintaining the Police Officer Standards Education Internet Training (POSEIT).

	2012	2013
a. Acquisition of Information Resource Technologies		
(1) Distance Learning Program	\$ 286,212	\$ 286,211
Total, Capital Budget	<u>\$ 286,212</u>	<u>\$ 286,211</u>

Method of Financing (Capital Budget):

GR Dedicated - Law Enforcement Officer Standards and Education Account No. 116	\$ 286,212	\$ 286,211
Total, Method of Financing	<u>\$ 286,212</u>	<u>\$ 286,211</u>

8. Appropriation of Receipts. Included in the amounts appropriated above to the Texas Commission on Law Enforcement Officers Standards and Education is revenue collected from intermediate, advanced, and master peace officer and jailer certifications in an amount not to exceed \$286,212 in fiscal year 2012 and not to exceed \$286,211 in fiscal year 2013 for the purpose of operating and maintaining the Police Officer Standards Education Internet Training (POSEIT).

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2. Capital Budget. The capital budget authority provided below in paragraphs a, b, c, d, and e is specific to the Department of Public Safety and exclusive of the Texas Division of Emergency Management. The capital budget authority provided below in paragraphs f and g is specific to the Texas Division of Emergency Management and exclusive of the remainder of the Department of Public Safety. None of the funds appropriated above to the Department of Public Safety and the Texas Division of Emergency Management may be expended for capital budget items except as listed below. The transfer authority provided under Article IX, § 14.03 (c) of this Act for the Department of Public Safety shall be limited to paragraphs a, b, c, d, and e, listed below. The transfer authority provided under Article IX, § 14.03 (c) of this Act for the Texas Division of Emergency Management shall be limited to paragraphs f and g listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to Government Code § 1232.103.

2. Capital Budget. The capital budget authority provided below in paragraphs a, b, c, d, e and h is specific to the Department of Public Safety and exclusive of the Texas Division of Emergency Management. The capital budget authority provided below in paragraphs f and g is specific to the Texas Division of Emergency Management and exclusive of the remainder of the Department of Public Safety. None of the funds appropriated above to the Department of Public Safety and the Texas Division of Emergency Management may be expended for capital budget items except as listed below. The transfer authority provided under Article IX, § 14.03 (c) of this Act for the Department of Public Safety shall be limited to paragraphs a, b, c, d, e and h, listed below. The transfer authority provided under Article IX, § 14.03 (c) of this Act for the Texas Division of Emergency Management shall be limited to paragraphs f and g listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to Government Code § 1232.103.

	<u>2012</u>		<u>2013</u>
a. Construction of Buildings and Facilities			
(1) Lubbock and Weslaco Regional Offices & Crime Labs; Rio Grande City Office; Crime Lab Expansions; and Emergency Vehicle Operations Course	\$ 36,280,994	\$	UB
(2) Laredo Crime Lab	5,575,000		UB
 Total, Construction of Buildings and Facilities	 \$ 41,855,994	 \$	 UB
 b. Repair or Rehabilitation of Buildings and Facilities			
(1) Deferred Maintenance and Repair	5,724,385		UB

	<u>2012</u>		<u>2013</u>
a. Construction of Buildings and Facilities			
(1) Lubbock and Weslaco Regional Offices & Crime Labs; Rio Grande City Office; Crime Lab Expansions; and Emergency Vehicle Operations Course	\$ 36,280,994	\$	UB
(2) Laredo Crime Lab	5,575,000		UB
 Total, Construction of Buildings and Facilities	 \$ 41,855,994	 \$	 UB
 b. Repair or Rehabilitation of Buildings and Facilities			
(1) Deferred Maintenance and Repair	5,724,385		UB

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DIFFERENCES ONLY
(Continued)

	House	
c. Acquisition of Information Resource Technologies		
(1) NCIC/TLETS Upgrade - Lease Payments (MLPP) 1998-99	403,813	224,137
(2) Copier Capital Lease	994,128	994,128
(3) CVE Information Technology Purchases	934,350	934,350
(4) Federal Criminal Justice Grant Project	925,000	925,000
 Total, Acquisition of Information Resource Technologies	 \$ <u>3,257,291</u>	 \$ <u>3,077,615</u>
d. Transportation Items		
(1) Vehicles (approximately 880)	12,974,241	12,974,239
e. Acquisition of Capital Equipment and Items		
(1) Vehicle Light Bars	352,638	352,637
(2) Radios	1,569,474	1,569,470
(3) DNA/CODIS Analysis Project	786,000	0
 Total, Acquisition of Capital Equipment and Items	 \$ <u>2,708,112</u>	 \$ <u>1,922,107</u>
f. Emergency Management: Acquisition of Information Resource Technologies		
(1) SOC Enhancement	400,000	0
(2) Disaster District EOC Refresh	1,050,000	1,050,000
(3) SNETS Computer Refresh	310,000	0
(4) SNETS Replacement Parts	300,000	0
(5) Land Mobile Satellite Units	155,000	0
 Total, Emergency Management: Acquisition of Information Resource Technologies	 \$ <u>2,215,000</u>	 \$ <u>1,050,000</u>

	Senate	
c. Acquisition of Information Resource Technologies		
(1) NCIC/TLETS Upgrade - Lease Payments (MLPP) 1998-99	403,813	224,137
(2) Copier Capital Lease	994,128	994,128
(3) CVE Information Technology Purchases	934,350	934,350
(4) Federal Criminal Justice Grant Project	925,000	925,000
(5) Driver's License Process Improvement Plan	1,413,252	0
 Total, Acquisition of Information Resource Technologies	 \$ <u>4,670,543</u>	 \$ <u>3,077,615</u>
d. Transportation Items		
(1) Vehicles (approximately 956)	14,080,655	14,080,653
e. Acquisition of Capital Equipment and Items		
(1) Vehicle Light Bars	352,638	352,637
(2) Radios	2,127,797	2,127,793
(3) DNA/CODIS Analysis Project	786,000	0
 Total, Acquisition of Capital Equipment and Items	 \$ <u>3,266,435</u>	 \$ <u>2,480,430</u>
f. Emergency Management: Acquisition of Information Resource Technologies		
(1) SOC Enhancement	400,000	0
(2) Disaster District EOC Refresh	1,050,000	1,050,000
(3) SNETS Computer Refresh	310,000	0
(4) SNETS Replacement Parts	300,000	0
(5) Land Mobile Satellite Units	155,000	0
 Total, Emergency Management: Acquisition of Information Resource Technologies	 \$ <u>2,215,000</u>	 \$ <u>1,050,000</u>

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(Continued)

	House	
g. Emergency Management: Acquisition of Capital Equipment and Items		
(1) TDEM Warehouse Equipment	<u>123,066</u>	<u>0</u>
Total, Capital Budget	<u>\$ 68,858,089</u>	<u>\$ 19,023,961</u>
Method of Financing (Capital Budget):		
Federal Funds	\$ 5,988,416	\$ 3,914,350
<u>Other Funds</u>		
State Highway Fund No. 006	15,289,294	15,109,611
Bond Proceeds - General Obligation Bonds	47,580,379	UB
Subtotal, Other Funds	<u>\$ 62,869,673</u>	<u>\$ 15,109,611</u>
Total, Method of Financing	<u>\$ 68,858,089</u>	<u>\$ 19,023,961</u>

	Senate	
g. Emergency Management: Acquisition of Capital Equipment and Items		
(1) TDEM Warehouse Equipment	123,066	0
h. Border Security: Acquisition of Capital Equipment and Items		
(1) Border Security Vehicles (approximately 686)	12,050,888	12,050,888
(2) IT and Crime Records	11,768,707	11,768,708
(3) High Altitude Surveillance Aircraft	6,283,000	0
(4) Fiber Optic Scopes	1,960,000	0
(5) Video Communications Downlink	375,000	0
(6) Southbound Checkpoints	1,500,000	0
(7) Case Management IT Tool	4,000,000	0
(8) IT Link Analysis	1,417,000	0
(9) Joint Operations & Intelligence Centers	3,917,000	0
Total, Border Security: Acquisition of Capital Equipment and Items	<u>\$ 43,271,595</u>	<u>\$ 23,819,596</u>
Total, Capital Budget	<u>\$ 115,207,673</u>	<u>\$ 44,508,294</u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 12,089,779	\$ 12,089,780
<u>General Revenue Fund - Dedicated</u>		
Operators and Chauffeurs License Account No. 099	6,067,000	650,000
Driver's License System Improvement Account No. 8346	1,413,252	0
Subtotal, General Revenue Fund - Dedicated	<u>\$ 7,480,252</u>	<u>\$ 650,000</u>
Federal Funds	5,988,416	3,914,350

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(Continued)

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Other Funds

State Highway Fund No. 006	42,068,847	27,854,164
Bond Proceeds - General Obligation Bonds	47,580,379	UB
Subtotal, Other Funds	<u>\$ 89,649,226</u>	<u>\$ 27,854,164</u>
 Total, Method of Financing	 <u>\$ 115,207,673</u>	 <u>\$ 44,508,294</u>

28. Authorized Trooper Strength. From funds appropriated, the Department of Public Safety shall maintain the number of highway patrol trooper positions at no less than 1,874.

28. Authorized Trooper Strength. From funds appropriated, the Department of Public Safety shall maintain the number of highway patrol trooper positions at no less than 2,149.

39. Border Security. From funds appropriated above in A.1.3, Border Security, the Department of Public Safety shall use \$9,736,024 in fiscal year 2012 and \$9,736,023 in fiscal year 2013 from State Highway Fund 6 for enhanced border security operations including salaries, training, operating costs, and equipment for:

39. Border Security. From funds appropriated above in A.1.3, Border Security, the Department of Public Safety shall use \$29,649,346 in fiscal year 2012 and \$13,898,675 in fiscal year 2013 from State Highway Fund 6 for enhanced border security operations including salaries, training, operating costs, and equipment for:

- a. Highway Patrol: 61 staff including 56 commissioned officers.
- b. Criminal Investigations: 33 staff including 25 commissioned officers.
- c. Texas Rangers: five commissioned officers.
- d. Aircraft Operations: 19 staff including 18 commissioned officers.

- a. Highway Patrol staff including commissioned officers;
- b. Criminal Investigations staff including commissioned officers;
- c. Texas Rangers; and
- d. Aircraft Operations staff including commissioned officers.

41. Local Border Security. From funds appropriated above in Strategy A.1.4, Local Border Security, the Texas Rangers Division within the Department of Public Safety (DPS) shall use \$20,042,101 in fiscal year 2012 and \$20,042,101 in fiscal year 2013 for the following border security expenditures:

41. Local Border Security. From funds appropriated above in Strategy A.1.4, Local Border Security, the Texas Rangers Division within the Department of Public Safety (DPS) shall use \$28,838,173 in fiscal year 2012 and \$22,339,623 in fiscal year 2013 for the following border security expenditures:

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(Continued)

House

- a. fund DPS troopers along the border;
- b. fund Texas Ranger positions;
- c. overtime and operational costs for increased patrol and investigative capacity for certified peace officers, certified part time peace officers, and law enforcement support personnel (DPS, Parks and Wildlife Department, and local) following the DPS overtime policy; and operational costs, per diem, and travel expenses for Texas Military Forces;
- d. the operations of the Border Operations Center and the Joint Operations and Intelligence Centers; and
- e. the operations of the Rio Grande Valley Border Security and Technology Training Center.

Out of funds appropriated, on or before December 15th of each year, the Department of Public Safety shall submit a report to the Legislative Budget Board and the Governor's Office on the expenditure of funds provided to local law enforcement agencies.

Prior to the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall be notified. As soon as possible after the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall receive written notification on the operational plans.

Any unexpended balances from appropriations listed above that are remaining as of August 31, 2012 are hereby appropriated for the fiscal year beginning September 1, 2012 for the same purpose(s).

Senate

- a. fund DPS troopers along the border;
- b. fund Texas Ranger positions;
- c. overtime and operational costs for increased patrol and investigative capacity for certified peace officers (DPS, Texas Parks and Wildlife Department, and local) following the DPS overtime policy; and operational costs, per diem, and travel expenses for Texas Military Forces.
- d. the operations of the Border Operations Center and the Joint Operations and Intelligence Centers; and
- e. the operations of the Rio Grande Valley Border Security and Technology Training Center.

Out of funds appropriated, on or before December 15th of each year, the Department of Public Safety shall submit a report to the Legislative Budget Board and the Governor's Office on the expenditure of funds provided to local law enforcement agencies.

Prior to the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall be notified. As soon as possible after the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall receive written notification on the operational plans.

Any unexpended balances from appropriations listed above that are remaining as of August 31, 2012 are hereby appropriated for the fiscal year beginning September 1, 2012 for the same purpose(s).

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(Continued)

House

Senate

- 42. License Plate Reader Project.** The Texas Department of Public Safety may not spend funds appropriated by this Act for a license plate reader project or to purchase and deploy a license plate reader unless:
- a. the department establishes a policy and procedures requiring the immediate and systematic destruction of all license plate information collected through the project that is not linked in the database system to a stolen motor vehicle; and
 - b. the unlinked license plate information is being systematically purged from the database system.

47. Clothing Provisions.

- a. A commissioned officer who received a \$1,200 clothing allowance pursuant to the General Appropriations Act during the 2010-11 biennium shall receive a \$1,200 clothing allowance in the 2012-13 biennium.
- b. A commissioned officer who received a \$500 cleaning allowance pursuant to the General Appropriations Act for the 2010-11 biennium shall receive a \$500 cleaning allowance in the 2012-13 biennium irrespective of promotion to any rank.
- c. No person shall receive a \$1,200 clothing allowance unless eligible in subsection (a).
- d. An individual who is newly hired or newly commissioned after September 1, 1997, is eligible to receive a \$500 cleaning allowance.
- e. All noncommissioned personnel required to wear uniforms are entitled to a \$500 cleaning allowance.

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(Continued)

House

Senate

52. Privacy; Priority Use of DPS Databases. The Department of Public Safety shall prioritize the use of its criminal history information system such that all felony and misdemeanor information is maintained as provided by law. None of the funds appropriated above for purposes of maintaining criminal history information shall be used to maintain personal identifying information of individuals who have been stopped for moving violations but not charged or issued a citation.

- 52. Contingency Appropriation for Senate Bill 9.** Included in the amounts appropriated above to the Department of Public Safety (DPS) and contingent upon enactment of Senate Bill 9 by the Eighty-Second Legislature, or similar legislation, the DPS is appropriated the following General Revenue-Dedicated (Driver's License System Improvement Account) amounts:
- a. \$31,500,000 in fiscal year 2012 and \$31,500,000 in fiscal year 2013 for the purpose of implementing the DPS' Drivers License Process Improvement Plan. The plan includes, but is not limited to, 112 FTEs in fiscal year 2012 and 361 FTEs in fiscal year 2013 for Driver License, Contact Center, and Indirect Support Staff (which are included above in the agency's "Number of Full-Time-Equivalents"); funding to augment staff during summer months; establishes six new mega centers and provides furniture/equipment for those mega centers; provides for acquisitions of new technology to reduce customer wait times; and equipment to open additional mobile offices;
 - b. \$550,000 in fiscal year 2012 and \$550,000 in fiscal year 2013 for the purpose of expanded electronic fingerprint authority and capability; and
 - c. any unexpended balances from appropriations listed above in paragraphs "a." and "b." that are remaining as of August 31, 2012 are hereby appropriated for the fiscal year beginning September 1, 2012 for the same purposes.

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(Continued)

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Out of funds appropriated above in Strategy D.2.2, Driving and Motor Vehicle Safety, the DPS shall ensure that at least ten driver license offices statewide employ, at a minimum, two staff members specially trained in reading and processing temporary visitor documents necessary for obtaining a temporary state driver license. At least one such office shall be located in each of Houston, Dallas/Ft. Worth Metroplex, San Antonio, El Paso, Laredo, McAllen, Brownsville and three other locations around the state. These employees shall provide assistance as necessary to other driver license offices in reading and processing temporary visitor documents.

Out of funds appropriated above in Strategy D.2.2, Driving and Motor Vehicle Safety, the DPS shall operate at least one mobile drivers license processing and application facility in each DPS region of the state.

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Senate

13. State-owned Housing Authorized. The chief superintendent, assistant superintendent, and the director of security are authorized to live in state-owned housing at a rate determined by the commission. Other commission employees may live in state-owned housing as set forth in Article IX, § 11.04, State Owned Housing - Recover Housing Costs, of this Act. Fees for employee housing are hereby appropriated to be used for maintaining employee housing. The state-owned housing at the Texas Youth Commission shall be a cost recovery program. The total fees charged to all employees shall at least cover the cost of maintenance and utilities.

13. State-owned Housing Authorized. The chief superintendent, assistant superintendent, and the director of security are authorized to live in state-owned housing at a rate determined by the commission. Other commission employees may live in state-owned housing as set forth in Article IX, § 11.04, State Owned Housing - Recover Housing Costs, of this Act. Fees for employee housing are hereby appropriated to be used for maintaining employee housing.

23. Executive Salaries. The Texas Youth Commission central office positions of Chief Information Officer, Director of Human Resources, Director of Intergovernmental Relations, Planning and Communications, Director of Youth Services, General Counsel, Inspector General, Medical Director, and Superintendent of Education may not be compensated at a base rate of compensation that is higher than that at which they were compensated on August 31, 2010.

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House

Senate

Sec. 3. Tax Amnesty Program. It is the intent of the Legislature that the Comptroller of Public Accounts establish, for a limited duration, a tax amnesty program under the authority of Tax Code Section 111.103, designed to encourage a voluntary reporting by delinquent taxpayers who do not hold a permit, or are otherwise not registered for a tax or fee administered by the Comptroller, or those permitted taxpayers that may have underreported or owe additional taxes or fees. Such a program should provide for the waiver of penalty or interest, or both, but shall not apply to an established tax liability or taxpayers currently under audit review. The amnesty would include tax due from purchases as defined under current state tax statutes. It is the intent of the legislature that this effort increase General Revenue Funds by at least \$75,000,000 over the Comptroller's January 2011 Biennial Revenue Estimate.

Appropriated elsewhere in this Act are General Revenue amounts to various state agencies out of the General Revenue receipts generated due to implementation of the tax amnesty program described above by the Comptroller of Public Accounts. Those General Revenue appropriations elsewhere in this Act are as follows:

- a. \$12,000 in fiscal year 2012 and \$12,000 in fiscal year 2013 to the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) in Strategy A.1.2, Course Development for the purpose of operating and maintaining a TCLEOSE testing facility and 0.5 Full-Time-Equivalents per fiscal year.
- b. \$22,000 in fiscal year 2012 and \$22,000 in fiscal year 2013 to the Commission on Law Enforcement Officer Standards and Education in Strategy B.1.1, Enforcement for the purpose of itinerant peace officer enforcement and 1.1 Full-Time-Equivalents per fiscal year.
- c. \$425,000 in fiscal year 2012 and \$425,000 in fiscal year 2013 to the Adjutant General's Department for purposes of supporting the Texas State Guard and 5 Full-Time-Equivalents per fiscal year. It is the intent of the Legislature in making this appropriation that the final printing of this Act show this appropriation as a line item in the General Appropriation Act in order to fulfill the requirements of Section 321.056(c), Government Code.

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S05 Article V, Special Provisions
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(Continued)

House

Senate

- d. \$288,200 in fiscal year 2012 and \$288,200 in fiscal year 2013 to the Commission on Jail Standards in Strategy A.1.1, Inspection and Enforcement for the purpose of inspection of county jails and enforcement of jail standards.
- e. \$1,000,000 in fiscal year 2012 and \$1,000,000 in fiscal year 2013 to the Adjutant General's Department for purposes of funding the State Tuition Assistance Program. It is the intent of the Legislature in making the appropriation that the final printing of this Act show this appropriation as a line item in the General Appropriations Act.
- f. \$2,500,000 in fiscal year 2012 and \$2,500,000 in fiscal year 2013 to the Department of Public Safety in Strategy D.4.6, Facilities Management for the purpose of paying electricity costs.
- g. \$750,000 in fiscal year 2012 and \$750,000 in fiscal year 2013 to the Juvenile Probation Commission in Strategy E.1.2, Information Resources for the operations of the Juvenile Case Management System, which includes development services, grants to the Council on Urban Counties, software licenses, and computer hardware and software.
- h. \$7,640,641 in fiscal year 2012 and \$7,640,640 in fiscal year 2013 to the Department of Criminal Justice in Strategy C.2.4, Treatment Services and 211 Full-Time-Equivalents in each fiscal year.
- i. \$1,411,600 in fiscal year 2012 and \$1,411,600 in fiscal year 2013 to the Department of Criminal Justice in Strategy G.1.4, Victim Services and 31 Full-Time-Equivalents in each fiscal year.
- j. \$313,919 in fiscal year 2012 and \$313,918 in fiscal year 2013 to the Department of Criminal Justice in Strategy C.1.11, Health Services and 8 Full-Time-Equivalents per fiscal year; \$1,734,728 in each fiscal year to the Department of Criminal Justice in Strategy G.1.1, Central Administration and 47 Full-Time-Equivalents per fiscal year; \$510,407 in each fiscal year to the Department of Criminal Justice in Strategy G.1.2, Correctional Training and 15 Full-Time-Equivalents per fiscal year; and \$1,078,172 in each fiscal year to the Department of Criminal Justice in Strategy G.1.3, Inspector General and 26 Full-Time-Equivalents per fiscal year.

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S05 Article V, Special Provisions
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(Continued)

House

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- k. \$2,792,387 in each fiscal year in Strategy E.1.1, Board of Pardons and Paroles to the Department of Criminal Justice and 80 Full-Time-Equivalents; and \$1,088,081 in each fiscal year to the Department of Criminal Justice in Strategy E.1.2, Revocation Processing and 26 Full-Time-Equivalents.

In the event that actual and/or projected revenue collections are insufficient to offset the General Revenue costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority identified above to be within the amount of revenue expected to be available.

Sec. 4. Contingency Appropriation for House Bill 275: Priorities for Additional Funding in Article V. Contingent upon the passage and enactment of House Bill 275, relating to making an appropriation of money from the Economic Stabilization Fund for expenditure during the current state fiscal biennium, or similar legislation, by the Eighty-second Legislature, Regular Session, 2011, the following public safety and criminal justice agencies are appropriated elsewhere in this Act the following biennial amounts (and authorized Full-Time-Equivalents) for the 2012-13 biennium:

	<u>General Revenue</u>	<u>All Funds</u>
a. <u>Department of Criminal Justice</u>		
(1) Parole Supervision (208 FTEs per FY)	\$ 16,861,377	\$ 16,861,377
(2) Intermediate Sanction Facilities	\$ 8,444,833	\$ 8,444,833
(3) Substance Abuse Treatment	\$ 54,487,667	\$ 54,487,667
(4) Halfway House Facilities	\$ 12,267,819	\$ 12,267,819
(5) Special Needs Projects	\$ 9,400,000	\$ 9,400,000
(6) Probation	\$ 75,000,000	\$ 75,000,000
(7) Biennialization of FY10-11 Approved Pay Raise for Correctional Officers, Parole Officers, & Unit Staff (636 FTEs per FY)	\$ 43,238,624	\$ 43,238,624
(8) Institutional Goods and Services		

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S05 Article V, Special Provisions
DIFFERENCES ONLY
(Continued)

	House		Senate
(314 FTEs per FY)	\$ 38,000,000	\$ 38,000,000	
(9) Correctional Support Operations (204 FTEs per FY)	\$ 10,000,000	\$ 10,000,000	
(10) Information Technology (55 FTEs per FY)	\$ 8,280,779	\$ 8,280,779	
(11) Repair and Rehabilitation of Facilities (G.O. Bond Proceeds and includes 60 FTEs per FY)	\$	\$ 50,000,000	
 b. <u>Juvenile Probation Commission</u>			
(1) Juvenile Justice Grants	\$ 38,000,000	\$ 38,000,000	
Total:	<u>\$ 313,981,099</u>	<u>\$ 363,981,099</u>	

Not included in amounts above is an estimated debt service amount of \$2,835,000 in General Revenue at the Texas Public Finance Authority.