

**Rider Comparison Packet**

**Conference Committee on House Bill 1**

**2012-13 General Appropriations Bill**

**Article 6 - Natural Resources**

**ARTICLE VI - NATURAL RESOURCES**  
**551 Department of Agriculture**  
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**22. Appropriations Limited to Revenue Collections: Regulatory.** Included in amounts appropriated above to the Department of Agriculture, is funding for the programs listed below in the following amounts:

Strategy	Program Name	2012			2013		
		General Revenue	ODIC	FTE	General Revenue	FTE	ODIC
A.1.2	Regulate Pesticide Use	\$3,925,917	\$1,045,502	63.8	\$3,925,917	63.8	\$1,063,475
A.1.3	Integrated Pest Management (except Boll Weevil Eradication)	\$1,401,692	\$508,190	36.3	\$1,451,795	36.3	\$515,058
A.1.4	Certify Produce	\$182,279	\$41,095	1.8	\$178,605	1.8	\$42,085
B.1.2	Verify Seed Quality (except Seed Testing)	\$1,991,630	\$666,724	43.8	\$2,068,958	43.8	\$676,683
B.1.3	Agricultural Commodity Regulation	\$1,043,582	\$290,790	17.0	\$1,062,209	17.0	\$267,222
B.1.4	Structural Pest Control	\$2,234,805	\$744,546	49.2	\$2,369,082	49.2	\$752,931
Total		\$10,779,905	\$3,296,847	211.9	\$11,056,566	211.9	\$3,317,454

**22. Appropriations Limited to Revenue Collections: Regulatory.** Included in amounts appropriated above to the Department of Agriculture, is funding for the programs listed below in the following amounts:

Strategy	Program Name	2012-13	2012		2013	
		FTE	General Revenue	ODIC	General Revenue	ODIC
A.1.2	Regulate Pesticide Use	87.6	\$3,828,822	\$1,037,944	\$3,828,822	\$1,060,886
A.1.3	Integrated Pest Management (except Mediterranean and Mexican fruit fly programs and Obliqua programs)	17.9	\$609,394	\$206,287	\$659,497	\$214,181
A.1.4	Certify Produce	1.8	\$182,279	\$40,842	\$178,605	\$42,079
B.1.2	Verify Seed Quality	43.8	\$1,991,630	\$668,077	\$2,068,988	\$683,064
B.1.3	Agricultural Commodity Regulation	17.0	\$1,043,582	\$289,306	\$1,062,209	\$296,488
B.1.4	Structural Pest Control	49.2	\$2,234,805	\$741,343	\$2,369,082	\$752,849
Total		217.3	\$9,890,512	\$2,983,799	\$10,167,173	\$3,049,547

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These appropriations and full-time equivalents are contingent upon the Department of Agriculture assessing fees from all of the programs named above sufficient to generate during the 2012-13 biennium, revenue to cover all costs related to all programs, at a minimum \$10,779,905 in fiscal year 2012 and \$11,056,566 in fiscal year 2013 as well as "Other direct and indirect costs" for the programs estimated to be \$3,296,847 in fiscal year 2012 and \$3,317,454 in fiscal year 2013, appropriated elsewhere in this Act. Additionally, these appropriations are contingent on the agency generating sufficient revenues to support other appropriations that are limited to revenue collections.

In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision and other provisions making appropriations limited to revenues collected, the Comptroller of Public Accounts shall reduce the appropriation authority by this Act to be within the amount of fee revenue expected to be available.

Also, contingent on the generation of such revenue required above to fund the Department of Agriculture's programs listed above and any other direct and indirect costs appropriated elsewhere in this Act for the operation of these programs, all 211.9 FTEs in each fiscal year included in the Department of Agriculture's "Number of Full-Time Equivalents (FTE)" cap. In the event that actual and/or projected total revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may reduce the FTE cap provided by this Act to reflect the amount of revenue expected to be available.

- 23. Appropriation: Feral Hog Abatement Program.** Included in the amounts appropriated above out of the General Revenue Fund in Strategy A.1.5, Agricultural Production Development, is \$1,000,000 in fiscal year 2012 to be used to implement feral hog abatement technologies.

The Texas Department of Agriculture shall submit a report to the Legislative Budget Board and the Governor no later than September 1, 2012 providing information on the number of feral

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These appropriations are contingent upon the Department of Agriculture assessing fees sufficient to generate during the 2012-13 biennium, revenue to cover, at a minimum the General Revenue appropriations of these programs as well as "Other direct and indirect costs" for the programs, appropriated elsewhere in this Act.

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 by this Act to be within the amount of fee revenue expected to be available.

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hogs abated and the cost per abatement using certain technologies.

**25. Additional Appropriation Authority: Selected Regulatory Programs.** Included in amounts appropriated above to the Department of Agriculture, is funding for the programs listed below in the following amounts:

Strategy	Program Name	2012		2013	
		General Revenue	FTE	General Revenue	FTE
A.1.5	Seed Certification	\$677,704	13.5	\$787,226	13.5
B.1.2	Seed Testing	\$305,634	4.2	\$316,992	4.2
C.1.1	Inspect Measuring Devices	\$4,191,596	76.4	\$4,189,939	76.4
Total		\$5,174,934	94.1	\$5,294,157	94.1

- a. These appropriations are contingent upon the Department of Agriculture assessing fees sufficient to generate during the 2012-13 biennium, revenue to cover, at a minimum the General Revenue Appropriations of these programs as well as "Other direct and indirect costs" for the programs appropriated elsewhere in this Act (estimated to be \$1,545,861 in fiscal year 2012 and \$1,573,691 in fiscal year 2013). Additionally, these appropriations are contingent on the agency generating sufficient revenues to support other appropriations that are limited to revenues collected.
- b. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified to individual programs by this provision and other provisions making appropriations limited to revenues collected, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority made by this Act to be within the amount of fee revenue expected to be available.

**24. Additional Appropriation Authority: Selected Regulatory Programs.** Included in amounts appropriated above to the Department of Agriculture, is funding for the programs listed below in the following amounts:

Strategy	Program Name	2012-13		2012		2013	
		FTE	General Revenue	ODIC	General Revenue	ODIC	
A.1.5	Seed Certification	13.5	\$677,704	\$226,609	\$787,226	\$233,179	
B.1.2	Seed Testing	4.2	\$305,634	\$78,963	\$316,992	\$81,283	
C.1.1	Inspect Measuring Devices	76.4	\$4,191,596	\$1,234,760	\$4,189,939	\$1,260,904	
Total		94.1	\$5,174,934	\$1,540,332	\$5,294,157	\$1,575,366	

- a. These appropriations are contingent upon the Department of Agriculture assessing fees sufficient to generate during the 2012-13 biennium, revenue to cover, at a minimum the General Revenue Appropriations of these programs as well as "Other direct and indirect costs" for the programs appropriated elsewhere in this Act. Additionally, these appropriations are contingent on the agency generating sufficient revenues to support other appropriations that are limited to revenues collected.
- b. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified to individual programs by this provision and other provisions making appropriations limited to revenues collected, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority made by this Act to be within the amount of fee revenue expected to be available.

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- c. In addition to amounts appropriated above, the Department of Agriculture is hereby appropriated any receipts in the Seed Certification, Seed Testing, and Inspect Measuring Devices programs in excess of \$33,149,608 (Object Codes 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3422, 3428, 3435, 3770, 3795, and 3839), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013, for the entire revenue collections deposited into the General Revenue Fund by the Department of Agriculture. Also, contingent on the generation of revenue required to be generated in Subsection (a) of this rider, and in order to meet the demand of the above named programs, the Department of Agriculture may temporarily exceed the agency FTE limit ("Number of Full-Time-Equivalents" listed in the agency bill pattern) by notifying the Legislative Budget Board of the number of temporary FTEs to be hired, the expected length of employment, and the related salary costs.
- d. Also, contingent on the generation of such revenue required above to fund the Department of Agriculture's programs listed above and any other direct and indirect costs appropriated elsewhere in this Act for the operation of these programs, the Department of Agriculture's "Number of Full-Time Equivalents" includes 94.1 FTEs in each fiscal year. 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 reduce the FTE cap provided by this Act to reflect the amount of revenue expected to be available.

- c. In addition to amounts appropriated above, the Department of Agriculture is hereby appropriated any receipts in the Seed Certification, Seed Testing, and Inspect Measuring Devices programs in excess of \$33,149,608 (Object Codes 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3422, 3428, 3435, 3770, 3795, and 3839), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013, for the entire revenue collections deposited into the General Revenue Fund by the Department of Agriculture. Also, contingent on the generation of revenue required to be generated in Subsection (a) of this rider, and in order to meet the demand of the above named programs, the Department of Agriculture may temporarily exceed the agency FTE limit ("Number of Full-Time-Equivalents" listed in the agency bill pattern) by notifying the Legislative Budget Board of the number of temporary FTEs to be hired, the expected length of employment, and the related salary costs.

**26. Equine Incentive Program.** In addition to the amounts appropriated above, any fees collected in accordance with Section 12.044 of the Agriculture Code in each fiscal year (estimated to be \$25,000 in each fiscal year) in excess of \$2,576,000 in fiscal year 2012 and \$2,306,000 in fiscal year 2013 (Object Code 3400) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013, are hereby appropriated to the Department of Agriculture, from the General Revenue Fund to Strategy A.1.1, Economic Development for the Equine Incentive Program.

**25. Equine Incentive Program.** In addition to the amounts appropriated above, any fees collected in accordance with Section 12.044 of the Agriculture Code in fiscal year 2012 and fiscal year 2013 (estimated to be \$25,000 in each fiscal year) are hereby appropriated to the Department of Agriculture, from the General Revenue Fund in Strategy A.1.1, Economic Development. Also, in addition to the amounts appropriated above, the Department of Agriculture is hereby appropriated out of the General Revenue Fund in fiscal year 2012, an amount equal to the revenue deposited to the credit of the Comptroller revenue object code 3400 related to the fees collected in accordance with Section 12.044 of the Agriculture Code in the 2010-11 biennium

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(estimated to be \$37,260).

**27. Equine Incentive Program.** In addition to the amounts appropriated above, any fees collected in accordance with Section 12.044 of the Agriculture Code in fiscal year 2012 and fiscal year 2013 (estimated to be \$25,000 in each fiscal year) are hereby appropriated to the Department of Agriculture for those purposes.

**27. Zebra Chip Research.** In addition to amounts appropriated above, the Department of Agriculture is hereby appropriated \$800,000 out of the General Revenue Fund in Strategy E.1.1, Research and Development, in fiscal year 2012 to fund research of the Zebra Chip Disease affecting potatoes in Texas. The Texas Department of Agriculture and the Texas Agricultural Experiment Station shall enter into an interagency contract for the funds appropriated above to be used for this research. Any unexpended balances remaining on August 31, 2012 are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2012.

**28. Farm to School Coordinator.** The Department of Agriculture's "Number of Full Time Equivalentents" is increased by 1.0 for fiscal year 2012 and fiscal year 2013 for a full time, 100 percent federally funded Farm to School Coordinator position.

**29. Appropriations: Hostable Cotton Fee.** In addition to the amounts appropriated above, any fees collected in accordance § 74.0032, Texas Agriculture Code, in excess of amounts for the applicable object code contained in the Comptroller of Public Accounts' Biennial Revenue Estimate in FY 2012 and FY 2013 are hereby appropriated from general revenue to Strategy A.1.3, Strategy: Integrated Pest Management, for the purpose of cotton stalk destruction regulatory activities.

**26. Appropriation: Hostable Cotton Fee.** In addition to the amounts appropriated above, any fees collected in accordance § 74.0032, Texas Agriculture Code, in fiscal year 2012 and fiscal year 2013 (estimated to be \$35,000 in each fiscal year) are hereby appropriated out of the General Revenue Fund to Strategy A.1.3, Strategy: Integrated Pest Management, for the purpose of cotton stalk destruction regulatory activities.

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- 30. Contingent Increase of Number of Full-Time-Equivalents.** Contingent on the receipt of a gift or grant to pay costs incurred by the department in performing its functions, the Texas Department of Agriculture may increase its number of full-time-equivalents to the extent that the grant or gift is allocated for salary costs. A full-time-equivalent authorized under this rider may not be counted against the number of full-time-equivalents allowed to the department under this Act. The department shall report any additional full-time-equivalent positions authorized under this rider to the Comptroller of Public Accounts, the Legislative Budget Board, and the Governor before filling the position.

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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.

	2012	2013
a. Acquisition of Information Resource Technologies		
(1) Technology Refresh	\$ 150,000	\$ 150,000
b. Transportation Items		
(1) Fleet Vehicles	\$ 150,000	\$ 150,000
Total, Capital Budget	\$ 300,000	\$ 300,000
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 300,000	\$ 300,000
Total, Method of Financing	\$ 300,000	\$ 300,000

- 8. Collection of Revenue from Laboratory Testing Fees Applied to Out-of-State Clients.**  
Any fees collected by the Texas Animal Health Commission for the purpose of reimbursing the state-federal laboratory system for laboratory tests performed on samples from other states are hereby appropriated to the Texas Animal Health Commission for the biennium beginning September 1, 2011 and ending August 31, 2013.

- 9. Collection of Revenue from Laboratory Testing Fees Applied to Out-of-State Clients.**  
Any fees collected by the Texas Animal Health Commission for the purpose of reimbursing the state-federal laboratory system for laboratory tests performed on samples from other states are hereby appropriated to the Texas Animal Health Commission for the biennium beginning September 1, 2011 and ending August 31, 2013 (estimated to be \$0).



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**9. Contingency Appropriation: Cost Recovery for Animal Health Programs.** In addition to amounts appropriated above to the Texas Animal Health Commission (TAHC), there is hereby appropriated out of the General Revenue Fund to Strategy A.1.1, Field Operations \$5,219,911 and 57.5 Full-time Equivalent Positions (FTEs) in fiscal year 2012 and \$5,219,911 out of the General Revenue Fund and 57.5 FTEs in fiscal year 2013. These additional funds and related FTEs are appropriated contingent upon the Texas Animal Health Commission assessing fees sufficient to generate, during the 2012-13 biennium, revenue to cover, at a minimum the General Revenue appropriations for these programs as well as the estimated "Other direct and indirect costs" for these programs, appropriated elsewhere in this Act, and as required, the passage of legislation authorizing the Commission to charge or assess additional fees. "Other direct and indirect costs" (ODIC) are estimated to be \$837,445 for fiscal year 2012 and for fiscal year 2013.

Out of the amounts appropriated in this section contingent on revenue collections, no more than \$256,258 in fiscal year 2012 and \$256,258 in fiscal year 2013 may be used to provide salary increases for livestock inspectors. Funding for this purpose shall be allocated to the appropriate strategy(ies). In addition, the following performance measure target is increased by the following amounts, contingent upon the Texas Animal Health Commission assessing fees sufficient to recover the appropriations and estimated "Other direct and indirect costs" identified by this provision and the passage of legislation authorizing the Commission to charge or assess additional fees:

	2012	2013
Number of Specimens Processed through the State/Federal Cooperative Laboratory System	1,100,000	1,100,000

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 the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of

**10. Contingency Appropriation: Cost Recovery for Animal Health Programs.** In addition to amounts appropriated above to the Texas Animal Health Commission (TAHC), there is hereby appropriated out of the General Revenue Fund to Strategy A.1.1, Field Operations \$4,989,643 and 57.5 Full-time Equivalent Positions (FTEs) in fiscal year 2012 and \$4,954,520 out of the General Revenue Fund and 57.5 FTEs in fiscal year 2013. These additional funds and related FTEs are appropriated contingent upon the Texas Animal Health Commission assessing fees sufficient to generate, during the 2012-13 biennium, revenue to cover, at a minimum the General Revenue appropriations for these programs as well as the estimated "Other direct and indirect costs" for these programs, appropriated elsewhere in this Act, and as required, the passage of legislation authorizing the Commission to charge or assess additional fees. "Other direct and indirect costs" (ODIC) are estimated to be \$811,455 for fiscal year 2012 and \$846,578 for fiscal year 2013.

In addition, the following performance measure target is increased by the following amounts, contingent upon the Texas Animal Health Commission assessing fees sufficient to recover the appropriations and estimated "Other direct and indirect costs" identified by this provision and the passage of legislation authorizing the Commission to charge or assess additional fees:

	<u>2012</u>	<u>2013</u>
Number of Specimens Processed through the State/Federal Cooperative Laboratory System	1,100,000	1,100,000

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 the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available. Further, in the event that actual receipts or revenue collections are in excess of the amounts appropriated by this provision, the Texas Animal Health Commission is authorized to expend these funds. However, such expenditures must comply with limitations established for salary, travel, and capital expenditures, employment

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revenue expected to be available. Further, in the event that actual receipts or revenue collections are in excess of the amounts appropriated by this provision, the Texas Animal Health Commission is authorized to expend these funds. However, such expenditures must comply with limitations established for salary, travel, and capital expenditures, employment levels, and other provisions contained in Article IX of this Act.

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levels, and other provisions contained in Article IX of this Act.

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- 12. Federal Funds and Capital Budget Expenditures.** To comply with the legislative intent to maximize the use of federal funds and to fulfill grant requirements required for the receipt and expenditure of federal funds, the Texas Commission on Environmental Quality (TCEQ) is hereby exempted from the Capital Budget Rider Provisions contained in Article IX of this Act, "Limitations on Expenditures - Capital Budget", when federal funds are received in excess of amounts identified in the agency's Capital Budget Rider and such funds are federally designated solely for the purchase of specific capital items. In addition, TCEQ also is hereby exempted from the Capital Budget Rider provisions within Article IX of this Act when funds are received in the form of gifts to the agency in excess of amounts identified in the agency's Capital Budget Rider and such funds are designated solely for the purchase of specific capital items. The TCEQ shall notify the Legislative Budget Board and the Governor upon receipt of such federal funds or gift proceeds, of the amount received and items to be purchased.

It is the intent of the Legislature that the expenditure of funds pursuant to this rider not create any ongoing operating costs.

- 21. Texas Emissions Reduction Plan (TERP): Grants and Administration.** Included in amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, is \$44,665,047 in each fiscal year of the 2012-13 biennium out of the Texas Emissions Reduction Plan Account No. 5071. The funds shall be used as follows: \$43,750,855 in each fiscal year of the 2012-13 biennium shall be used as incentive payments for the Diesel Emissions Reduction Programs established in Health and Safety Code, Chapter 386, Subchapter C, of which \$1,749,879 in each fiscal year of the 2012-13 biennium shall be used to implement the Clean School Bus Initiative established in Health and Safety Code, Chapter 390, pursuant to Health and Safety Code § 386.252, and \$2,187,549 each fiscal year of the 2012-13 biennium shall be used to implement the Clean Fleet Program established in Health and Safety Code, Chapter 391 (c); and not more than \$914,192 in each fiscal year shall be used to administer the Diesel Emissions Reduction Program.

- 12. Federal Funds and Capital Budget Expenditures.** To comply with the legislative intent to maximize the use of federal funds and to fulfill grant requirements required for the receipt and expenditure of federal funds, the Texas Commission on Environmental Quality (TCEQ) is hereby exempted from the Capital Budget Rider Provisions contained in Article IX of this Act, "Limitations on Expenditures - Capital Budget", when federal funds are received in excess of amounts identified in the agency's Capital Budget Rider and such funds are federally designated solely for the purchase of specific capital items. In addition, TCEQ also is hereby exempted from the Capital Budget Rider provisions within Article IX of this Act when funds are received in the form of gifts to the agency in excess of amounts identified in the agency's Capital Budget Rider and such funds are designated solely for the purchase of specific capital items. The TCEQ shall notify the Legislative Budget Board and the Governor upon receipt of such federal funds or gift proceeds, of the amount received and items to be purchased.

- 21. Texas Emissions Reduction Plan (TERP): Grants and Administration.** Included in amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, is \$57,165,047 in each fiscal year of the 2012-13 biennium out of the Texas Emissions Reduction Plan Account No. 5071. The funds shall be used as follows: \$55,995,008 in each fiscal year of the 2012-13 biennium shall be used as incentive payments for the Diesel Emissions Reduction Programs established in Health and Safety Code, Chapter 386, Subchapter C, of which \$2,239,602 in each fiscal year of the 2012-13 biennium shall be used to implement the Clean School Bus Initiative established in Health and Safety Code, Chapter 390, pursuant to Health and Safety Code § 386.252, and \$2,799,759 each fiscal year of the 2012-13 biennium shall be used to implement the Clean Fleet Program established in Health and Safety Code, Chapter 391 (c); and not more than \$1,170,039 in each fiscal year shall be used to administer the Diesel Emissions Reduction Program.

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It is the intent of the Legislature for the Commission on Environmental Quality to work with the Texas Procurement and Support Services Division of the Office of the Comptroller of Public Accounts to negotiate state contract pricing for equipment purchased under the Texas State Clean School Bus Initiative.

- 26. Appropriation: Operating Costs of the Low-Level Radioactive Waste Disposal Compact Commission (LLRWDC) and Revenues in Excess of the Comptroller's Biennial Revenue Estimate (BRE).** Included in amounts appropriated above in Strategy A.3.1, Radioactive Materials Management, is \$1,546,591 in each fiscal year of the 2012-13 biennium out of the Low-Level Waste Account No. 88. Of this amount, \$583,289 in each fiscal year shall be allocated for use by the Low-Level Radioactive Waste Disposal Compact Commission (LLRWDC) for operating costs relating to regulatory activities, legal matters, policy implementation, staffing, travel, and other general operating expenses. The LLRWDC shall file an annual report of the use of funds from this appropriation to the Comptroller of Public Accounts, the Texas Commission on Environmental Quality (TCEQ), and the Legislative Budget Board for the preceding fiscal year on or before December 31 of each year.

In addition to amounts appropriated above out of the Low-Level Waste Account in Strategy A.3.1, Radioactive Materials Management, there is hereby appropriated to the TCEQ an amount not to exceed \$483,289 in each fiscal year of the 2012-13 biennium in revenues to the Low-Level Waste Account No. 88 in excess of the Comptroller's Biennial Revenue Estimate for 2012-13. The TCEQ shall use these funds in Strategy A.3.1, Radioactive Materials Management, to operate the Low-Level Radioactive Waste and Radioactive Materials

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In addition to amounts appropriated above, there is hereby appropriated to the Texas Commission on Environmental Quality for the biennium beginning on September 1, 2011 revenues received and deposited to the credit of the Texas Emissions Reduction Plan Account No. 5071 in excess of the Comptroller's Biennial Revenue Estimate for 2012-13 in an amount not to exceed \$8,000,000 in each fiscal year of the 2012-13 biennium. These additional funds shall be used as incentive payments for the Diesel Emissions Reduction Programs.

It is the intent of the Legislature for the Commission on Environmental Quality to work with the Texas Procurement and Support Services Division of the Office of the Comptroller of Public Accounts to negotiate state contract pricing for equipment purchased under the Texas State Clean School Bus Initiative.

- 26. Appropriation: Low-Level Radioactive Waste Compact Commission.** Included in amounts appropriated above out of the Low-Level Waste Account No. 88 in Strategy A.3.1, Radioactive Materials Management, is \$100,000 in each fiscal year of the 2012-13 biennium to be used for operating costs relating to regulatory activities, legal matters, policy implementation, staffing, travel, and other general operating expenses of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

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Management programs. This appropriation is contingent upon revenues to the Low-Level Waste Account No. 88 in excess of the Comptroller's Biennial Revenue for 2012-13 in an amount sufficient to cover the appropriation of \$483,289 in each fiscal year of the 2012-13 biennium. None of these additional funds shall be used to pay for costs related to "full-time equivalent (FTE)" positions.

- 29. Contingency Appropriation: Revenues in Excess of the Comptroller's Biennial Revenue Estimate for the Operating Permit Fees Account No. 5094.** Included in amounts appropriated above out of the Operating Permit Fees Account to the Texas Commission on Environmental Quality (TCEQ) is \$28,653,574 in fiscal year 2012 and \$28,650,482 in fiscal year 2013.

In addition to amounts appropriated above there is hereby appropriated to the TCEQ an amount not to exceed \$2,424,344 in fiscal year 2012 and an amount not to exceed \$2,414,256 in fiscal year 2013 in revenues in excess of the Comptroller's Biennial Revenue Estimate for 2012-13. The TCEQ is authorized to transfer appropriations made pursuant to this provision to the appropriate strategy items to implement the Title V air permitting program. This appropriation is contingent upon the TCEQ assessing or increasing fees deposited to the Operating Permit Fees Account No. 5094 sufficient to generate, during the 2012-13 biennium, at least \$2,424,344 in fiscal year 2012 and \$2,414,256 in fiscal year 2013 in excess of the Comptroller's Biennial Revenue for 2012-13. None of these additional funds shall be used to pay for costs related to "full-time equivalent (FTE)" positions.

- 28. Contingency Appropriation: Revenues in Excess of the Comptroller's Biennial Revenue Estimate for the Operating Permit Fees Account No. 5094.** In addition to amounts appropriated above out of the Operating Permit Fees Account No. 5094, there is hereby appropriated to the TCEQ an amount not to exceed \$1,500,000 in each fiscal year of the 2012-13 biennium in excess of the Comptroller's Biennial Revenue Estimate for 2012-13. The TCEQ is authorized to transfer appropriations made pursuant to this provision to the appropriate strategy items to implement the Title V air permitting program. This appropriation is contingent upon the TCEQ assessing or increasing fees deposited to the Operating Permit Fees Account No. 5094 sufficient to generate, during the 2012-13 biennium, at least \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013 in excess of the Comptroller's Biennial Revenue Estimate for 2012-13 as well as "Other direct and indirect costs" related to the programs funded by the additional appropriation. The TCEQ, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the TCEQ's minutes and other information supporting the estimated revenues to be generated for the 2012-13 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

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- 31. Appropriation: Revenue in Excess of the Comptroller's Biennial Revenue Estimate for the Low-Level Waste Account No. 88.** In addition to amounts appropriated above, there is hereby appropriated to the Texas Commission on Environmental Quality (TCEQ) an amount not to exceed \$225,000 in each fiscal year of the 2012-13 biennium in revenues from compact disposal facility fees deposited to the Low-Level Waste Account No. 88 in excess of the Comptroller's Biennial Revenue Estimate (BRE) for 2012-13. The funds shall be provided to the LLRWDC used for reasonable and necessary operating costs once the low-level waste disposal site in Andrews County becomes operational.

This appropriation is contingent upon revenues to the Low-Level Waste Account No. 88 in excess of the Comptroller's Biennial Revenue for 2012-13 in an amount sufficient to cover the appropriation of \$225,000 in each fiscal year of the 2012-13. The TCEQ, upon completion of necessary actions to assess or increase fees to be deposited to the Low-Level Waste Account No. 88, shall furnish copies of the TCEQ's minutes and other information supporting the estimated revenues to be generated for the 2012-13 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes. and are subject to all applicable state laws regarding limitations on the use of funds provided by the State of Texas.

- 33. Barnett Shale Permit By Rule Study.** The Texas Commission on Environmental Quality (TCEQ) is not authorized to expend any funds appropriated in this Act to develop a rule that would extend 30 Texas Administrative Code, § 106.352, Oil and Gas Handling Production Facilities, Rule Project No. 2010-018-106-PR ("Barnett Shale permit by rule") to oil and gas sources located outside the 23-county area of the Barnett Shale identified in subsection (a)(1) of the Barnett Shale permit by rule region ("Barnett Shale Region") until after the agency conducts a study and files a report with the Legislature on the economic impact of extending the provisions of the Barnett Shale permit by rule to other areas of the state. Such a study may

**ARTICLE VI - NATURAL RESOURCES**  
**582 Commission on Environmental Quality**  
**DIFFERENCES ONLY**  
(Continued)

**House**

**Senate**

be funded through (1) grants, awards, or other gifts made to the TCEQ for that purpose; (2) funds directed to this study through supplemental environmental projects; or (3) by the use of the Texas Emissions Reduction Plan funds, as available. The study shall:

- (a) Be based on data collected during the 18-month period following initial implementation of the Barnett Shale permit by rule in the Barnett Shale Region;
- (b) Assess the technical feasibility and economic reasonableness of the implementation of the Barnett Shale permit by rule in geographic areas outside of the Barnett Shale Region, including an assessment of the economic impacts on the oil and gas industry and the Texas economy; and
- (c) Assess any other factors the TCEQ deems relevant.

Nothing herein shall be construed to limit the TCEQ's authority to develop a permit by rule of other authorization for planned maintenance, startup, and shutdown emissions from oil and gas sources located outside the Barnett Shale Region.

- 33. Contingent Appropriation: Revenue to the Environmental Laboratory Accreditation Account No. 5065 in Excess of the Comptroller's Biennial Revenue Estimate for 2012-13.** In addition to amounts appropriated above in Strategy C.1.2, Enforcement and Compliance Support, there is hereby appropriated an amount not to exceed \$250,000 in each fiscal year of the 2012-13 biennium in revenue collected and deposited to the Environmental Laboratory Accreditation Account No. 5065 in excess of the Comptroller's Biennial Revenue Estimate for 2012-13.

**ARTICLE VI - NATURAL RESOURCES**  
**305 General Land Office and Veterans' Land Board**  
**DIFFERENCES ONLY**

**House**

**Senate**

**2. Capital Budget.** Funds appropriated above may be expended for capital budget items listed below. The amounts identified for each item may be adjusted or expended on other capital expenditures, subject to the aggregate dollar restrictions on capital budget expenditures provided in the General Provisions of this Act.

**2. Capital Budget.** Funds appropriated above may be expended for capital budget items listed below. The amounts identified for each item may be adjusted or expended on other capital expenditures, subject to the aggregate dollar restrictions on capital budget expenditures provided in the General Provisions of this Act.

	<u>2012</u>	<u>2013</u>
a. Construction of Buildings and Facilities		
(1) Oily Bilge Reclamation Systems	\$ 123,500	\$ 123,500
(2) Texas State Veterans' Cemeteries	2,046,000	0
(3) Coastal Erosion Response Construction	<u>\$ 4,626,185</u>	<u>\$ 4,626,185</u>
Total, Construction of Buildings and Facilities	<u>\$ 6,795,685</u>	<u>\$ 4,749,685</u>
b. Acquisition of Information Resource Technologies		
(1) Combined Systems Upgrade	109,812	109,812
(2) Agency Land Program Project (ALPS)	187,500	0
(3) Business Process Integration Project	262,500	0
(4) Business Analytics Project	225,000	0
(5) Gas Management System	239,250	0
(6) Storage Enhancement Project	<u>\$ 708,000</u>	<u>\$ 0</u>
Total, Acquisition of Information Resource Technologies	<u>\$ 1,732,062</u>	<u>\$ 109,812</u>
c. Acquisition of Capital Equipment and Items		
(1) Equipment - Replacement	\$ 87,216	\$ 87,216
Total, Capital Budget	<u><u>\$ 8,614,963</u></u>	<u><u>\$ 4,946,713</u></u>

Method of Financing (Capital Budget):

	<u>2012</u>	<u>2013</u>
a. Construction of Buildings and Facilities		
(1) Oily Bilge Reclamation Systems	\$ 123,500	\$ 123,500
(2) Texas State Veterans' Cemeteries	2,046,000	0
(3) Coastal Erosion Response Construction	<u>\$ 8,697,228</u>	<u>\$ 8,697,228</u>
Total, Construction of Buildings and Facilities	<u>\$ 10,866,728</u>	<u>\$ 8,820,728</u>
b. Acquisition of Information Resource Technologies		
(1) Combined Systems Upgrade	109,812	109,812
(2) Agency Land Program Project (ALPS)	187,500	0
(3) Business Process Integration Project	262,500	0
(4) Business Analytics Project	225,000	0
(5) Gas Management System	239,250	0
(6) Storage Enhancement Project	<u>\$ 708,000</u>	<u>\$ 0</u>
Total, Acquisition of Information Resource Technologies	<u>\$ 1,732,062</u>	<u>\$ 109,812</u>
c. Acquisition of Capital Equipment and Items		
(1) Equipment - Replacement	\$ 87,216	\$ 87,216
Total, Capital Budget	<u><u>\$ 12,686,006</u></u>	<u><u>\$ 9,017,756</u></u>

Method of Financing (Capital Budget):



**ARTICLE VI - NATURAL RESOURCES**  
**305 General Land Office and Veterans' Land Board**  
**DIFFERENCES ONLY**  
(Continued)

	<b>House</b>		<b>Senate</b>	
General Revenue Fund	\$ 4,626,185	\$ 4,626,185	GR Dedicated - Coastal Protection Account No. 027	\$ 210,716 \$ 210,716
GR Dedicated - Coastal Protection Account No. 027	210,716	210,716	Federal Funds	2,754,000 0
Federal Funds	2,754,000	0	<u>Other Funds</u>	
<u>Other Funds</u>			Permanent School Fund No. 044	950,854 36,604
Permanent School Fund No. 044	950,854	36,604	Veterans Land Program Administration Fund No. 522	73,208 73,208
Veterans Land Program Administration Fund No. 522	73,208	73,208	Interagency Contracts	8,697,228 8,697,228
Subtotal, Other Funds	<u>\$ 1,024,062</u>	<u>\$ 109,812</u>	Subtotal, Other Funds	<u>\$ 9,721,290</u> <u>\$ 8,807,040</u>
Total, Method of Financing	<u>\$ 8,614,963</u>	<u>\$ 4,946,713</u>	Total, Method of Financing	<u>\$ 12,686,006</u> <u>\$ 9,017,756</u>

**20. Appropriation: Coastal Management and Coastal Erosion Control.** Included in amounts appropriated above out of Interagency Contracts is \$124,009 in each fiscal year of the 2012-13 biennium in Strategy A.1.5, Coastal Leasing and Inspection, \$633,674 in fiscal year 2012 and \$585,704 in fiscal year 2013 in Strategy B.1.1, Coastal Management, and \$10,476,277 in fiscal year 2012 and \$10,524,247 in fiscal year 2013 in Strategy B.1.2, Coastal Erosion Control Grants. The General Land Office (GLO) shall enter into an Interagency Contract with the Parks and Wildlife Department for coastal management and coastal erosion control purposes from proceeds of the Sporting Goods Sales Tax Transfer to the State Parks Account No. 64 in the amount of \$11,233,960 in each fiscal year of the 2012-13 biennium.

**21. Contingency Appropriation of New Funding to Implement the Coastal Erosion Planning and Response Act.**

(1) Notwithstanding appropriations made above and contingent upon enactment of House Bill 2206, or similar legislation by the 82nd Legislature, 2011, providing sources of funding for the

**ARTICLE VI - NATURAL RESOURCES**  
**305 General Land Office and Veterans' Land Board**  
**DIFFERENCES ONLY**  
(Continued)

**House**

**Senate**

Coastal Erosion Planning and Response Act, there is hereby appropriated to the General Land Office and Veterans' Land Board an amount not to exceed \$11,233,960 out of the Coastal Erosion Response Account in each fiscal year of the biennium to be used for coastal erosion programs in Strategy A.1.1, Coastal Leasing, Strategy B.1.1, Coastal Management, and Strategy B.1.2, Coastal Erosion Control Grants. Of this appropriation, \$5,250,478 each fiscal year is contingent upon new revenues from a commercial landing fee imposed by the legislation and deposited to the credit of the Coastal Erosion Response Account. In addition, contingent upon passage of legislation providing sources of funding for the Coastal Erosion Planning and Response Act, appropriations to the General Land Office and Veterans' Land Board out of Federal Funds are hereby increased by \$1,500,000 in fiscal year 2012 and by \$2,500,000 in fiscal year 2013, and the General Land Office and Veterans' Land Board's Number of Full-Time Equivalents (FTE) is hereby increased by 14.0 in each fiscal year of the 2012-13 biennium.

(2) Also contingent upon passage of legislation providing sources of funding for the Coastal Erosion Planning and Response Act, appropriations to the General Land Office and Veterans' Land Board out of the General Revenue Fund are hereby reduced in Strategy A.1.5, Coastal Leasing and Inspection, by \$124,009 in each fiscal year of the 2012-13 biennium; in Strategy B.1.1, Coastal Management, by \$633,674 in fiscal year 2012 and by \$585,704 in fiscal year 2013; and in Strategy B.1.1, Coastal Erosion Control Grants, by \$5,225,799 in fiscal year 2012 and by \$5,273,769 in fiscal year 2013. Therefore, the net change in appropriation is an increase in All Funds of \$6,750,478 in fiscal year 2012 and an increase of \$7,750,478 in fiscal year 2013.

**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
**DIFFERENCES ONLY**

**House**

**Senate**

**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.

	<u>2012</u>	<u>2013</u>
a. Acquisition of Land and Other Real Property		
(1) Land Acquisition	\$ 0	\$ 0
b. Construction of Buildings and Facilities		
(1) Construction and Major Repairs	19,236,036	32,856,093
c. Repair or Rehabilitation of Buildings and Facilities		
(1) Parks Minor Repair Program	2,769,600	2,769,602
d. Acquisition of Information Resource Technologies		
(1) Mainframe Upgrades, Microcomputers, and Other Equipment	0	0
(2) Data Center Consolidation	4,520,162	4,303,479
Total, Acquisition of Information Resource Technologies	<u>\$ 4,520,162</u>	<u>\$ 4,303,479</u>
e. Transportation Items		
(1) Purchase of Vehicles	0	0

	<u>2012</u>	<u>2013</u>
a. Acquisition of Land and Other Real Property		
(1) Land Acquisition	\$ 0	\$ 0
b. Construction of Buildings and Facilities		
(1) Construction and Major Repairs	76,243,766	8,198,363
Total, Construction of Buildings and Facilities	<u>\$ 76,243,766</u>	<u>\$ 8,198,363</u>
c. Repair or Rehabilitation of Buildings and Facilities		
(1) Parks Minor Repair Program	2,769,600	2,769,602
Total, Repair or Rehabilitation of Buildings and Facilities	<u>\$ 2,769,600</u>	<u>\$ 2,769,602</u>
d. Acquisition of Information Resource Technologies		
(1) Mainframe upgrades, microcomputers, and other equipment	0	904,603
(2) Data Center Consolidation	4,520,162	4,303,479

**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
**DIFFERENCES ONLY**  
(Continued)

	<b>House</b>	
f. Acquisition of Capital Equipment and Items		
(1) Office, Field, Marine and Lab Equipment	0	0
g. Other Lease Payments to the Master Lease Purchase Program (MLPP)		
(1) Lease Payments to Master Lease Purchase Program	<u>74,896</u>	<u>74,445</u>
<b>Total, Capital Budget</b>	<b><u>\$ 26,600,694</u></b>	<b><u>\$ 40,003,619</u></b>
Method of Financing (Capital Budget):		
<u>General Revenue Fund</u>		
General Revenue Fund	\$ 2,520,162	\$ 2,303,479
Subtotal, General Revenue Fund	<u>\$ 2,520,162</u>	<u>\$ 2,303,479</u>
<u>General Revenue Fund - Dedicated</u>		
Game, Fish and Water Safety Account No. 009	1,849,646	1,099,456
State Parks Account No. 064	3,494,801	3,494,591
Subtotal, General Revenue Fund - Dedicated	<u>\$ 5,344,447</u>	<u>\$ 4,594,047</u>
Federal Funds	1,468,806	0
<u>Other Funds</u>		
Appropriated Receipts	5,972,907	250,000
Bond Proceeds - General Obligation Bonds	11,294,372	32,856,093
Subtotal, Other Funds	<u>\$ 17,267,279</u>	<u>\$ 33,106,093</u>
<b>Total, Method of Financing</b>	<b><u>\$ 26,600,694</u></b>	<b><u>\$ 40,003,619</u></b>

	<b>Senate</b>	
Total, Acquisition of Information Resource Technologies	<u>\$ 4,520,162</u>	<u>\$ 5,208,082</u>
e. Transportation Items		
(1) Purchase of Vehicles and Other Transportation Items	0	2,383,991
<b>Total, Transportation Items</b>	<b><u>\$ 0</u></b>	<b><u>\$ 2,383,991</u></b>
f. Acquisition of Capital Equipment and Items		
(1) Office, field, marine and lab equipment	0	687,930
<b>Total, Acquisition of Capital Equipment and Items</b>	<b><u>\$ 0</u></b>	<b><u>\$ 687,930</u></b>
g. Other Lease Payments to the Master Lease Purchase Program (MLPP)		
(1) Lease Payments to Master Lease Purchase Program	74,896	74,445
<b>Total, Other Lease Payments to the Master Lease Purchase Program (MLPP)</b>	<b><u>\$ 74,896</u></b>	<b><u>\$ 74,445</u></b>
<b>Total, Capital Budget</b>	<b><u>\$ 83,608,424</u></b>	<b><u>\$ 19,322,413</u></b>
Method of Financing (Capital Budget):		
<u>General Revenue Fund</u>		
General Revenue Fund	\$ 2,520,162	\$ 2,303,479
Sporting Goods Sales Tax - Transfer To:		
State Parks Account No. 64	0	2,380,859
Texas Recreation and Parks Account No. 467	0	12,500
Subtotal, General Revenue Fund	<u>\$ 2,520,162</u>	<u>\$ 4,696,838</u>

**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
**DIFFERENCES ONLY**  
(Continued)

House

Senate

General Revenue Fund - Dedicated

Game, Fish and Water Safety Account No. 009	1,849,646	2,682,621
State Parks Account No. 064	3,494,801	3,494,591
Subtotal, General Revenue Fund - Dedicated	<u>\$ 5,344,447</u>	<u>\$ 6,177,212</u>

Federal Funds	1,468,806	0
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Other Funds

Appropriated Receipts	5,972,907	250,000
Bond Proceeds - General Obligation Bonds	68,302,102	8,198,363
Subtotal, Other Funds	<u>\$ 74,275,009</u>	<u>\$ 8,448,363</u>

Total, Method of Financing	<u>\$ 83,608,424</u>	<u>\$ 19,322,413</u>
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**4. Appropriation: Unexpended Balance for Construction Projects.** Included in amounts appropriated above in strategy D.1.1, Improvements and Major Repairs are unexpended balances from appropriations made for construction, repair, acquisition, and renovation projects and listed in the capital budget riders of House Bill No. 1, Acts of the Eightieth Legislature, Regular Session and Senate Bill 1, Acts of the Eighty-first Legislature, Regular Session. These unexpended balances are estimated to be \$52,092,129 out of the following funds as of August 31, 2011

	<u>2012</u>	<u>2013</u>
<u>General Revenue-Dedicated Accounts</u>		
Game, Fish, and Water Safety Account No. 9	\$ 749,951	\$ 0
Federal Funds	\$ 1,468,806	\$ 0
Other Funds		
Appropriated Receipts	\$ 5,722,907	\$ 0
Bond Proceeds - General Obligation Bonds	<u>\$ 11,294,372</u>	<u>\$ 32,856,093</u>

**4. Appropriation: Unexpended Balance for Construction Projects.** Included in amounts appropriated above in strategy D.1.1, Improvements and Major Repairs are unexpended balances from appropriations made for construction, repair, acquisition, and renovation projects and listed in the capital budget riders of House Bill No. 1, Acts of the Eightieth Legislature, Regular Session and Senate Bill 1, Acts of the Eighty-first Legislature, Regular Session. These unexpended balances are estimated to be \$52,092,129 out of the following funds as of August 31, 2011:

	<u>2012</u>	<u>2013</u>
<u>General Revenue-Dedicated Accounts</u>		
Game, Fish, and Water Safety Account No. 9	\$ 749,951	\$ 0
Federal Funds	\$ 1,468,806	\$ 0
Other Funds		
Appropriated Receipts	\$ 5,722,907	\$ 0
Bond Proceeds - General Obligation Bonds	<u>\$ 35,952,102</u>	<u>\$ 8,198,363</u>

**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
**DIFFERENCES ONLY**  
(Continued)

	<b>House</b>			<b>Senate</b>	
Total	\$ 19,236,036	\$ 32,856,093	Total	\$ 43,893,766	\$ 8,198,363

Except as otherwise noted in this provision, unexpended balances remaining in such appropriation items at August 31, 2011, are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2011 (estimated to be \$19,236,036). Amounts appropriated above for fiscal year 2013 include an estimated \$32,856,093 in unexpended balances as of August 31, 2011 from general obligation bond proceeds for the Battleship TEXAS (\$24,657,730), Mother Neff State Park (\$5,656,560) and Palo Duro Canyon State Park (\$2,541,803), which are deferred until September 1, 2012. TPWD shall file a report with the Legislative Budget Board, the Governor and the Battleship TEXAS Foundation within 30 days following November 30, February 28, May 31, and August 31 of each fiscal year showing the progress and costs of the Battleship TEXAS project, including a repair schedule and the purpose for each expenditure. Unexpended balances in General Revenue-Related accounts may not be carried forward from fiscal year 2011 to fiscal year 2012 without 45 days prior notification to the Legislative Budget Board and the Governor. Unexpended balances of General Revenue-Related appropriations from the Game, Fish and Water Safety Account No. 9 are not to exceed \$749,951 under this provision and are subject to the provisions of Government Code § 403.071 for the purposes of determining the life of an appropriation; therefore, the agency is not authorized to carry forward unexpended balances in General Revenue-Related accounts from fiscal year 2011 to fiscal year 2012 if the original appropriation for the project was made during or before fiscal year 2007. Any appropriation made in this Act to TPWD for construction and improvement projects shall include labor and all necessary costs involved in the project. The Texas Parks and Wildlife Department shall provide the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts a report by no later than December 1 of each fiscal year showing the progress and costs of all projects funded by General Revenue-Related appropriations made by the Seventy-ninth and the Eightieth Legislatures.

**13. Capital Budget Expenditures from Federal and Other Funding Sources.** The Texas Parks and Wildlife Department (TPWD) is hereby exempted from the capital budget rider provisions

Except as otherwise noted in this provision, unexpended balances remaining in such appropriation items at August 31, 2011, are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2011 (estimated to be \$43,893,766). Amounts appropriated above for fiscal year 2013 include an estimated \$8,198,363 in unexpended balances as of August 31, 2011 from general obligation bond proceeds for Mother Neff State Park (\$5,656,560) and Palo Duro Canyon State Park (\$2,541,803), which are deferred until September 1, 2012. TPWD shall file a report with the Legislative Budget Board, the Governor and the Battleship TEXAS Foundation within 30 days following November 30, February 28, May 31, and August 31 of each fiscal year showing the progress and costs of the Battleship TEXAS project, including a repair schedule and the purpose for each expenditure. Unexpended balances in General Revenue-Related accounts may not be carried forward from fiscal year 2011 to fiscal year 2012 without 45 days prior notification to the Legislative Budget Board and the Governor. Unexpended balances of General Revenue-Related appropriations from the Game, Fish and Water Safety Account No. 9 are not to exceed \$749,951 under this provision and are subject to the provisions of Government Code § 403.071 for the purposes of determining the life of an appropriation; therefore, the agency is not authorized to carry forward unexpended balances in General Revenue-Related accounts from fiscal year 2011 to fiscal year 2012 if the original appropriation for the project was made during or before fiscal year 2007. Any appropriation made in this Act to TPWD for construction and improvement projects shall include labor and all necessary costs involved in the project. The Texas Parks and Wildlife Department shall provide the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts a report by no later than December 1 of each fiscal year showing the progress and costs of all projects funded by General Revenue-Related appropriations made by the Seventy-ninth and the Eightieth Legislatures.

**13. Capital Budget Expenditures from Federal and Other Funding Sources.** The Texas Parks and Wildlife Department (TPWD) is hereby exempted from the capital budget rider provisions

**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
**DIFFERENCES ONLY**  
(Continued)

**House**

contained in Article IX of this Act when gifts, grants, interagency funds, inter-local funds and federal funds are received in excess of the amounts identified in the agency's capital budget rider and such funds are designated by the donor, grantor or state/federal agency solely for construction and repairs, land acquisition, or purchase of specific capital items.

Additionally, the TPWD is hereby exempted from the capital budget rider provisions when pass through funds to local entities are received in excess of the amounts identified in the agency's capital budget rider and such funds are designated by the donor, grantor or federal agency solely for the acquisition of land.

Amounts expended from these funding sources shall not count towards the limitation imposed by capital budget provisions elsewhere in this Act. The TPWD shall notify the Legislative Budget Board and the Governor upon receipt of such funds, of the amount received and the items to be purchased. It is the intent of the Legislature that the expenditure of funds pursuant to this rider not create any ongoing operating cost.

- 20. Informational Listing - Appropriation of Sporting Goods Sales Tax (SGST).**  
Included in amounts appropriated in this Act are \$35,612,459 in fiscal year 2012 and \$37,025,411 in fiscal year 2013, or \$72,637,870 for the 2012-13 biennium, in sales tax receipts deposited to the General Revenue Fund estimated to be generated by sales of sporting goods items.

The following is an informational listing of Sporting Goods Sales Tax (SGST) receipts appropriated in this Act by agency, account and strategy.

**Senate**

contained in Article IX of this Act when gifts, grants, interagency funds, inter-local funds and federal funds are received in excess of the amounts identified in the agency's capital budget rider and such funds are designated by the donor, grantor or state/federal agency solely for construction and repairs, or purchase of specific capital items.

Additionally, the TPWD is hereby exempted from the capital budget rider provisions when pass through funds to local entities are received in excess of the amounts identified in the agency's capital budget rider and such funds are designated by the donor, grantor or federal agency solely for the acquisition of land. This provision does not exempt the TPWD from capital budget rider provisions for state land acquisition.

Amounts expended from these funding sources shall not count towards the limitation imposed by capital budget provisions elsewhere in this Act. The TPWD shall notify the Legislative Budget Board and the Governor upon receipt of such funds, of the amount received and the items to be purchased.

- 20. Informational Listing - Appropriation of Sporting Goods Sales Tax (SGST).**  
Included in amounts appropriated in this Act are \$46,846,419 in fiscal year 2012 and \$50,652,730 in fiscal year 2013, or \$97,488,599 for the 2012-13 biennium, in sales tax receipts deposited to the General Revenue Fund estimated to be generated by sales of sporting goods items.

The following is an informational listing of Sporting Goods Sales Tax (SGST) receipts appropriated in this Act by agency, account and strategy.

**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
**DIFFERENCES ONLY**  
(Continued)

	<b>House</b>		<b>Senate</b>	
	For the Years Ending		For the Years Ending	
	August 31,	August 31,	August 31,	August 31,
	<u>2012</u>	<u>2013</u>	<u>2012</u>	<u>2013</u>
<b>Article I</b>			<b>Article I</b>	
Texas Historical Commission (THC)			Texas Historical Commission (THC)	
General Revenue (Sporting Goods Sales Tax)			General Revenue (Sporting Goods Sales Tax)	
A.1.6, Historic Sites	\$4,949,950	\$4,908,283	A.1.6, Historic Sites	\$4,949,950
A.2.1, Development Assistance	<u>\$139,171</u>	<u>\$0</u>	A.2.1, Development Assistance	<u>\$ 139,171</u>
Subtotal	\$5,089,121	\$4,908,283	Subtotal	\$5,089,121
 <b>Article VI</b>			 <b>Article VI</b>	
Texas Parks and Wildlife Department (TPWD)			Texas Parks and Wildlife Department (TPWD)	
SGST Transfer to the General Revenue-Dedicated State Parks Account No. 64			SGST Transfer to the General Revenue-Dedicated State Parks Account No. 64	
B.1.1, State Park Operations	\$24,831,055	\$24,831,055	B.1.1, State Park Operations	\$24,831,055
B.1.2, Park Minor Repair Program	\$3,179	\$3,179	B.1.2, Park Minor Repair Program	\$3,179
B.1.3, Parks Support	<u>\$3,507</u>	<u>\$3,507</u>	B.1.3, Parks Support	\$3,507
Subtotal	\$24,837,741	\$24,837,741	C.2.3, Promote TPWD Efforts	\$ 0
SGST Transfer to the Texas Recreation and Parks Account No. 467			D.1.1, Improvements and Major Repairs	\$11,233,960
B.2.1, Local Park Grants	\$260,688	\$260,688	D.1.3, Infrastructure Administration	\$ 0
B.2.2, Boating Access and Other Grants	<u>\$160,249</u>	<u>\$160,249</u>	E.1.2, Information Resources	<u>\$ 0</u>
Subtotal	\$420,937	\$420,937	Subtotal	\$36,071,701
SGST Transfer to the Large County and Municipality Recreation and Parks Account No. 5150			SGST Transfer to the Texas Recreation and Parks Account No. 467	
B.2.1, Local Park Grants	\$173,792	\$173,792	B.2.1, Local Park Grants	\$260,688
			B.2.2, Boating Access and Other Grants	<u>\$160,249</u>
			Subtotal	\$420,937
			SGST Transfer to the Large County and Municipality Recreation and Parks Account	



**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
**DIFFERENCES ONLY**  
(Continued)

	<b>House</b>			<b>Senate</b>		
B.2.2, Boating Access and Other Grants	<u>\$128,293</u>	<u>\$128,293</u>				
Subtotal	\$302,085	\$302,085				
Texas Public Finance Authority				No. 5150		
SGST Transfer to the General Revenue-Dedicated State Parks Account No. 64						
A.1.1, Bond Debt Service Payments	\$4,962,575	\$6,556,365				
				B.2.1, Local Park Grants	\$173,792	\$173,792
				B.2.2, Boating Access and Other Grants	<u>\$128,293</u>	<u>\$128,293</u>
				Subtotal	\$302,085	\$302,085
				Texas Public Finance Authority		
				SGST Transfer to the General Revenue-Dedicated State Parks Account No. 64		
				A.1.1, Bond Debt Service Payments	\$4,962,575	\$6,556,365

**24. Contingency Appropriation: Development Revenue.** Contingent upon the passage of House Bill 1300 or similar legislation allowing the Texas Parks and Wildlife Department to expand the scope of its fund-raising and partnership development activities, there is hereby appropriated all revenue derived from these new activities (estimated to be \$0 each fiscal year deposited to the General Revenue-Dedicated State Parks Account No. 64), to the following strategies: Strategy B.1.1 State Park Operations, Strategy B.1.2 Parks Minor Repair Program, or Strategy B.1.3. Parks Support. The agency may allocate the revenue as it deems appropriate to the three strategies indicated previously. Any unexpended balance and revenue remaining as of August 31, 2012, are appropriated for the same purpose for the fiscal year beginning September 1, 2012.

**24. Contingency Appropriation: Development Revenue.** Contingent upon the passage of legislation allowing the Texas Parks and Wildlife Department to expand the scope of its fund-raising and partnership development activities, there is hereby appropriated all revenue derived from these new activities (estimated to be \$0 each fiscal year deposited to the General Revenue-Dedicated State Parks Account No. 64), to the following Strategies: Strategy B.1.1 State Park Operations, Strategy B.1.2 Parks Minor Repair Program, or Strategy B.1.3. Parks Support. The agency may allocate the revenue as it deems appropriate to the three strategies indicated previously. Any unexpended balance and revenue remaining as of August 31, 2012, are appropriated for the same purpose for the fiscal year beginning September 1, 2012.

**26. Contingency Appropriation Reduction for Coastal Erosion Interagency Contract and Method of Finance Change.** Contingent upon enactment of House Bill 2206 or similar legislation depositing sources of revenue to the Coastal Erosion Response Account for coastal erosion projects, the Texas Parks and Wildlife Department's method of finance in Strategy B.1.1, State Park Operations is increased by \$5,983,482 each fiscal year from the SGST transfer to the State Parks Account No. 64 offset by a decrease of \$5,983,482 each fiscal year from General Revenue - Unclaimed Refunds of Motorboat Fuel Tax.

**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
**DIFFERENCES ONLY**  
(Continued)

**House**

**Senate**

- 27. Appropriation of Receipts out of the General Revenue-Dedicated Accounts.** For the biennium beginning September 1, 2011, the Texas Parks and Wildlife Department (TPWD) is hereby appropriated any additional revenues that are certified by a Comptroller's finding of fact and are in excess of the amounts reflected in the Comptroller's Biennial Revenue Estimate for each year of the biennium (estimated to be \$0 for the biennium in the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9, and estimated to be \$0 for the biennium in the General Revenue-Dedicated State Parks Account No. 64.

Any fiscal year 2012 unexpended balances from additional revenue collections in excess of the Biennial Revenue Estimate as of August 31, 2012 are appropriated for fiscal year 2013. TPWD is authorized to expend these funds for purposes authorized by the Parks and Wildlife Code, including capital budget purposes. Such expenditures must comply with limitations established for salary, travel, and capital expenditures, employment levels, and other provisions contained in Article IX of this Act.

Each year, the TPWD shall notify the Comptroller of Public Accounts, the Legislative Budget Board, and the Governor of the amount that the department projects will be received in excess of the amount contained in the Comptroller's Biennial Revenue Estimate for each of the department's General Revenue-Dedicated accounts along with sufficient information to reflect how that estimate was determined. If the Comptroller finds the information sufficient to

- 26. Coastal Erosion Interagency Contract.** Out of funds appropriated above in Strategy D.1.1, Improvements and Repairs, the Texas Parks and Wildlife Department shall use \$11,233,960 each fiscal year out of the Sporting Goods Sales Tax transfer to the State Parks Account No. 64 to contract with the General Land Office for coastal erosion projects. Payments shall be made to the General Land Office in two equal installments in December and June of each fiscal year after sufficient Sporting Goods Sales Tax revenue has been deposited into the State Parks Account No. 64 by the Comptroller.

- 27. Appropriation of Receipts out of the General Revenue-Dedicated Accounts.** For the biennium beginning September 1, 2011, the Texas Parks and Wildlife Department (TPWD) is hereby appropriated any additional revenues that are certified by a Comptroller's finding of fact and are in excess of the amounts reflected in the Comptroller's Biennial Revenue Estimate for each year of the biennium (not to exceed \$5 million for the biennium in the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9, and not to exceed \$6 million for the biennium in the General Revenue-Dedicated State Parks Account No. 64.)

Any fiscal year 2012 unexpended balances from additional revenue collections in excess of the Biennial Revenue Estimate as of August 31, 2012 are appropriated for fiscal year 2013. TPWD is authorized to expend these funds for purposes authorized by the Parks and Wildlife Code, including capital budget purposes. Such expenditures must comply with limitations established for salary, travel, and capital expenditures, employment levels, and other provisions contained in Article IX of this Act.

Each year, the TPWD shall notify the Comptroller of Public Accounts, the Legislative Budget Board, and the Governor of the amount that the department projects will be received in excess of the amount contained in the Comptroller's Biennial Revenue Estimate for each of the department's General Revenue-Dedicated accounts along with sufficient information to reflect how that estimate was determined. If the Comptroller finds the information sufficient to

**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
**DIFFERENCES ONLY**  
(Continued)

**House**

support the projection of additional revenues, a finding of fact to that effect shall be issued to reflect the additional revenue available for each General Revenue-Dedicated account.

- 28. Unexpended Balances Bond Proceeds.** Included in amounts appropriated above are unexpended and unobligated balances of general obligation bond proceeds that have been approved under the provisions of Article IX, Sections 19.70 and 19.71 of House Bill 1, Eightieth Legislature, Regular Session, 2007, remaining as of August 31, 2011 (estimated to be \$25,828,616 for the biennium) for construction projects, for the 2012-13 biennium in Strategy D.1.1, Improvements and Major Repairs. Of this amount, \$1,170,886 is provided in 2012 and \$24,657,730 is provided in 2013 for the Battleship TEXAS.

Also included in amounts appropriated above are unexpended and unobligated balances of general obligation bond proceeds that have been approved under the provisions of Article IX, Section 17.11 of Senate Bill 1, Eighty-first Legislature, Regular Session, 2009, remaining as of August 31, 2011 (estimated to be \$18,321,849 for the biennium) for construction projects, for the 2012-13 biennium in Strategy D.1.1, Improvements and Major Repairs. Of this amount, \$10,123,486 is provided in 2012 and \$8,198,363 for weather-related repairs at Mother Neff State Park (\$5,656,560) and Palo Duro Canyon State Park (\$2,541,803) is provided in 2013.

Any unexpended balances in General Obligation Bond Proceeds described herein and remaining as of August 31, 2012, are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2012.

**Senate**

support the projection of additional revenues, a finding of fact to that effect shall be issued to reflect the additional revenue available for each General Revenue-Dedicated account.

In the event that TPWD generates revenues or otherwise secures funding in amounts sufficient to reopen and restore operations at park sites impacted by funding reductions in the 2012-13 biennium, the number of Full-Time-Equivalents for TPWD shall be increased by a total not to exceed 60.3 FTEs in each year of the 2012-13 biennium. The additional FTEs shall be allocated to Strategy B.1.1, State Park Operations to restore state park operations, services and staffing at affected state park sites.

- 28. Unexpended Balances Bond Proceeds.** Included in amounts appropriated above are unexpended and unobligated balances of general obligation bond proceeds that have been approved under the provisions of Article IX, Sections 19.70 and 19.71 of House Bill 1, Eightieth Legislature, Regular Session, 2007, remaining as of August 31, 2011 (estimated to be \$25,828,616 for the biennium) for construction projects, for the 2012-13 biennium in Strategy D.1.1, Improvements and Major Repairs. Of this amount, \$24,657,730 is provided for the Battleship TEXAS.

Also included in amounts appropriated above are unexpended and unobligated balances of general obligation bond proceeds that have been approved under the provisions of Article IX, Section 17.11 of Senate Bill 1, Eighty-first Legislature, Regular Session, 2009, remaining as of August 31, 2011 (estimated to be \$18,321,849 for the biennium) for construction projects, for the 2012-13 biennium in Strategy D.1.1, Improvements and Major Repairs. Of this amount, \$10,123,486 is provided in 2012 and \$8,198,363 for weather-related repairs at Mother Neff State Park (\$5,656,560) and Palo Duro Canyon State Park (\$2,541,803) is provided in 2013.

Any unexpended balances in General Obligation Bond Proceeds described herein and remaining as of August 31, 2012, are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2012.

**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
**DIFFERENCES ONLY**  
(Continued)

**House**

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**33. Floating Cabin Clean-Up.** In the event that a floating cabin on the public water of this state is abandoned by its owner, from funds appropriated above the Texas Parks and Wildlife Department shall as necessary remove and dispose of the floating cabin and any associated personal property or related materials in accordance with Texas Parks and Wildlife Code Chapter 32.

**33. Clothing Provision.** It is the intent of the Legislature that no funds may be expended to provide a clothing or cleaning allowance to any non-uniformed personnel. The Texas Parks and Wildlife Department may continue to expend funds for a cleaning allowance not to exceed \$500 per employee per year.

**36. Appropriation of Receipts and Full Time Equivalent (FTE) Cap Contingency: Off-Highway Vehicle Trail and Recreational Area Program.** The Texas Parks and Wildlife Department (TPWD) is appropriated all receipts collected from increasing the Off-Highway Vehicle decal fee from \$8 to \$16, pursuant to Parks and Wildlife Code, Chapter 29, for the purpose of implementing and administering the program. Amounts appropriated from increasing the fee are included in amounts appropriated above in Strategy B.2.2, Boating Access and Other Grants, in an estimated amount to be \$170,000 each fiscal year from the General Revenue Fund. In the event TPWD generates revenues or otherwise secures funding, including federal funding, to restore program functions, services, or grants impacted by funding reductions in the 2012-2013 biennium, amounts appropriated above in Strategy B.2.2 include 2.0 FTEs to administer the program.

**36. Unexpended Balance Authority: Seized Assets.** Any unexpended balances of forfeited money, proceeds from the sale of forfeited property, or similar monetary awards related to the Texas Parks and Wildlife Department's participation in the seizure of controlled substances or other contraband appropriated under Article IX, Sec. 8.03 of this Act that are remaining as of

**ARTICLE VI - NATURAL RESOURCES**  
**802 Parks and Wildlife Department**  
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August 31, 2012 are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2012.

**37. Receipts from the Sale of Eagle Mountain Lake.** Proceeds previously received by the Texas Parks and Wildlife Department from the sale of Eagle Mountain Lake State Park (\$9,266,191) shall be held in a dedicated sub-account within General Revenue Dedicated Account 64 for future acquisition and development of a park site to replace Eagle Mountain Lake State Park.

**37. Receipts from the Sale of Eagle Mountain Lake.** Proceeds previously received by the Texas Parks and Wildlife Department from the sale of Eagle Mountain Lake State Park (\$9,266,191) shall be held in a dedicated subaccount within the General Revenue-Dedicated State Parks Account No. 64 for future acquisition and development of a park site to replace Eagle Mountain Lake State Park, and are not appropriated for use during fiscal years 2012-13.

**38. Appropriation Authority for General Obligation Bond Proceeds.** Appropriated above in Strategy D.1.1, Improvements and Major Repairs, in fiscal year 2013 is \$32,350,000 in general obligation bond proceeds for the Texas Parks and Wildlife Department as described in Article IX, Section 18.01, Informational Listing General Obligation Bond Proceeds.

All projects funded herein with general obligation bonds 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.

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**455 Railroad Commission**  
**DIFFERENCES ONLY**

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**2. Capital Budget.** Funds appropriated above may be expended for capital budget items listed below. The amounts identified for each item may be adjusted or expended on other capital expenditures, subject to the aggregate dollar restrictions on capital budget expenditures provided in the General Provisions of this Act.

**2. Capital Budget.** Funds appropriated above may be expended for capital budget items listed below. The amounts identified for each item may be adjusted or expended on other capital expenditures, subject to the aggregate dollar restrictions on capital budget expenditures provided in the General Provisions of this Act.

	<u>2012</u>	<u>2013</u>
a. Acquisition of Information Resource Technologies		
(1) Infrastructure Upgrade	\$ 199,755	\$ 0
(2) Data Center Consolidation	2,224,784	2,224,784
(3) Personal Computer (PC) Refresh	147,455	147,455
(4) Online Filing of Oil and Gas Annual Well Test	<u>\$ 239,980</u>	<u>\$ 239,980</u>
 Total, Acquisition of Information Resource Technologies	 <u>\$ 2,811,974</u>	 <u>\$ 2,612,219</u>
 Total, Capital Budget	 <u>\$ 2,811,974</u>	 <u>\$ 2,612,219</u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 2,401,073	\$ 2,201,318
<u>General Revenue Fund - Dedicated</u>		
Alternative Fuels Research and Education Account No. 101	32,533	32,533
Oil Field Cleanup Account No. 145	378,368	378,368
Subtotal, General Revenue Fund - Dedicated	<u>\$ 410,901</u>	<u>\$ 410,901</u>
 Total, Method of Financing	 <u>\$ 2,811,974</u>	 <u>\$ 2,612,219</u>

	<u>2012</u>	<u>2013</u>
a. Acquisition of Information Resource Technologies		
(1) Infrastructure Upgrade	\$ 199,755	\$ 0
(2) Data Center Consolidation	2,224,784	2,224,784
(3) Personal Computer (PC) Refresh	210,035	147,455
(4) Online Filing of Oil and Gas Annual Well Test (W10/G10)	<u>\$ 239,980</u>	<u>\$ 239,980</u>
 Total, Acquisition of Information Resource Technologies	 <u>\$ 2,874,554</u>	 <u>\$ 2,612,219</u>
b. Transportation Items		
(1) Vehicle Replacements	\$ 666,975	\$ 582,679
 Total, Capital Budget	 <u>\$ 3,541,529</u>	 <u>\$ 3,194,898</u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 2,984,009	\$ 2,705,949
<u>General Revenue Fund - Dedicated</u>		
Alternative Fuels Research and Education Account No. 101	56,533	56,533
Oil Field Cleanup Account No. 145	378,368	378,368
Subtotal, General Revenue Fund - Dedicated	<u>\$ 434,901</u>	<u>\$ 434,901</u>
 Federal Funds	 79,071	 10,500

**ARTICLE VI - NATURAL RESOURCES**  
**455 Railroad Commission**  
**DIFFERENCES ONLY**  
(Continued)

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Appropriated Receipts	43,548	43,548
Total, Method of Financing	<u>\$ 3,541,529</u>	<u>\$ 3,194,898</u>

**5. Appropriations Limited to Revenue Collections and Contingent Revenue: LPG/CNG/LNG Fees.** It is the intent of the Legislature that revenues collected pursuant to Natural Resources Code §§ 113.082, 113.090, 113.093, 113.094, 113.131, 116.032, 116.034, and 116.072 and deposited to Revenue Object Codes 3035 and 3246 in the General Revenue Fund, and \$57,000 each fiscal year collected pursuant to Natural Resources Code, § 113.244, in Strategy A.2.1, Gas Utility Compliance, and deposited to Revenue Object Code 3034 in the Alternative Fuels Research and Education Account No. 101, cover, at a minimum, the cost of the appropriations made above for the LP Gas Program and Alternative Fuels Licensing Program in Strategy A.3.3, Regulate Alternative Energy Resources (not to exceed \$\$978,743 in fiscal year 2012 and \$\$992,822 in fiscal year 2013).

This appropriation is contingent upon the Railroad Commission assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover these appropriations. 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.

In addition to amounts appropriated above, there is hereby appropriated to the Railroad Commission for the biennium beginning on September 1, 2011 any revenues collected by the Commission and deposited to Revenue Object Codes 3035 and 3246 in the General Revenue Fund in excess of the Comptroller's Biennial Revenue Estimate for the 2012-13 biennium.

**5. Appropriations Limited to Revenue Collections and Contingent Revenue: LPG/CNG/LNG Fees.** It is the intent of the Legislature that revenues collected pursuant to Natural Resources Code §§ 113.082, 113.090, 113.093, 113.094, 113.131, 116.032, 116.034, and 116.072 and deposited to Revenue Object Codes 3035 and 3246 in the General Revenue Fund, and \$57,000 each fiscal year collected pursuant to Natural Resources Code, § 113.244, in Strategy A.2.1, Gas Utility Compliance, and deposited to Revenue Object Code 3034 in the Alternative Fuels Research and Education Account No. 101, cover, at a minimum, the cost of the appropriations made above for the LP Gas Program and Alternative Fuels Licensing Program in Strategy A.3.3, Regulate Alternative Energy Resources (not to exceed \$\$978,743 in fiscal year 2012 and \$\$992,822 in fiscal year 2013).

This appropriation is contingent upon the Railroad Commission assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover these appropriations. 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.

**ARTICLE VI - NATURAL RESOURCES**  
**455 Railroad Commission**  
**DIFFERENCES ONLY**  
(Continued)

**House**

- 10. Appropriation for Pipeline Safety Fees.** Included in the amounts appropriated above are revenues from fees assessed on pipelines and pipeline facilities and deposited to Revenue Object Code 3553 in the General Revenue Fund pursuant to Utilities Code, § 121.211 in an amount not to exceed \$2,269,031 in fiscal year 2012 and \$2,299,535 in fiscal year 2013. These funds shall be used to operate programs in Strategy B.1.1, Pipeline Safety, and Strategy B.1.2, Pipeline Damage Prevention, and the geographic information systems mapping program in Strategy D.1.1, Geographic Information Systems and Well Mapping.

The Railroad Commission is hereby authorized to transfer appropriations made pursuant to this provision to the appropriate strategy items.

These appropriations are contingent upon the Railroad Commission assessing fees sufficient to generate, during the 2012-13 biennium, revenue to cover, at a minimum the General Revenue appropriations for the Pipeline Safety program and the underground pipeline damage prevention program as well as "Other direct and indirect costs" for the programs, appropriated elsewhere in this Act. "Other direct and indirect costs" are estimated to be \$1,125,100 in fiscal year 2012 and \$1,119,131 in fiscal year 2013. 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 the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

In addition to amounts appropriated above, there is hereby appropriated for the biennium beginning on September 1, 2011, any revenues received from pipeline safety fee revenues deposited to the credit of Revenue Object Code No. 3553 in the General Revenue Fund in excess of the Comptroller's Biennial Revenue Estimate for 2012-13.

- 11. Capital Budget Expenditures: Federal Funds and Appropriated Receipts.** To comply with the legislative intent to maximize the use of federal funds and to fulfill grant requirements required for the receipt and expenditure of Federal Funds, the Railroad Commission (RRC) is hereby exempted from the Capital Budget Rider Provisions contained in Article IX, Sec. 14.03,

**Senate**

- 10. Appropriation for Pipeline Safety Fees.** Included in the amounts appropriated above are revenues from fees assessed on pipelines and pipeline facilities and deposited to Revenue Object Code 3553 in the General Revenue Fund pursuant to Utilities Code, § 121.211 in an amount not to exceed \$2,269,031 in fiscal year 2012 and \$2,299,535 in fiscal year 2013. These funds shall be used to operate programs in Strategy B.1.1, Pipeline Safety, and Strategy B.1.2, Pipeline Damage Prevention, and the geographic information systems mapping program in Strategy D.1.1, Geographic Information Systems and Well Mapping.

The Railroad Commission is hereby authorized to transfer appropriations made pursuant to this provision to the appropriate strategy items.

These appropriations are contingent upon the Railroad Commission assessing fees sufficient to generate, during the 2012-13 biennium, revenue to cover, at a minimum the General Revenue appropriations for the Pipeline Safety program and the underground pipeline damage prevention program as well as "Other direct and indirect costs" for the programs, appropriated elsewhere in this Act. "Other direct and indirect costs" are estimated to be \$1,140,718 in fiscal year 2012 and \$1,139,126 in fiscal year 2013. 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 the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

- 11. Capital Budget Expenditures: Federal Funds and Appropriated Receipts.** To comply with the legislative intent to maximize the use of federal funds and to fulfill grant requirements required for the receipt and expenditure of federal funds, the Railroad Commission (RRC) is hereby exempted from the Capital Budget Rider Provisions contained in Article IX, Sec. 14.03,



**ARTICLE VI - NATURAL RESOURCES**  
**455 Railroad Commission**  
**DIFFERENCES ONLY**  
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of this Act, "Limitations on Expenditures - Capital Budget," when Federal Funds and Appropriated Receipts are received in excess of amounts identified in the agency's Capital Budget Rider. The RRC shall notify the Legislative Budget Board and the Governor upon receipt of such funds, of the amount received and items to be purchased.

of this Act, "Limitations on Expenditures - Capital Budget," when Federal Funds and Appropriated Receipts are received in excess of amounts identified in the agency's Capital Budget Rider . The RRC shall notify the Legislative Budget Board and the Governor upon receipt of such funds, of the amount received and items to be purchased.

It is the intent of the Legislature that the expenditure of funds pursuant to this rider not create any ongoing operating costs.

- 15. Contingency Appropriation: Appropriation of New Fee Revenues for Oil- and Gas-Related Activities.** In addition to amounts appropriated above and contingent upon passage of legislation by the 82<sup>nd</sup> Legislature, 2011, creating a new dedicated account for fees collected to cover the costs of oil- and gas-related programs at the Railroad Commission, appropriations to the Railroad Commission are hereby increased by the following amounts in the 2012-13 biennium.

- 15. Contingency Appropriation: Appropriation of New Fee Revenues for Oil- and Gas-Related Activities.** In addition to amounts appropriated above and contingent upon passage of legislation by the 82<sup>nd</sup> Legislature, 2011, creating a new dedicated account for fees collected to cover the costs of oil- and gas-related programs at the Railroad Commission, appropriations to the Railroad Commission are hereby increased by the following amounts in the 2012-13 biennium.

	<u>2012</u>	<u>2013</u>
Strategy A.1.1, Energy Resource Development	\$ 297,736	\$ 297,736
Strategy C.1.1, Oil and Gas Monitoring and Inspections	\$1,595,121	\$1,600,365
Strategy C.2.1, Oil and Gas Remediation	\$1,007,119	\$1,004,909
Strategy C.2.2, Oil and Gas Well Plugging	\$4,431,155	\$4,425,943
Strategy D.1.2, Public Information	\$ 151,307	\$ 150,295

	2012	2013
Strategy C.1.1, Oil and Gas Monitoring and Inspections	\$1,595,121	\$1,600,365
Strategy C.2.1, Oil and Gas Remediation	\$1,007,119	\$1,004,909
Strategy C.2.2, Oil and Gas Well Plugging	\$4,431,155	\$4,425,943

In addition, the Railroad Commission's Number of Full-Time Equivalents (FTE) is hereby increased by 59.6 in each fiscal year of the 2012-13 biennium.

This appropriation shall be limited to the amount of revenue collected by the Railroad Commission for oil- and gas-related programs in excess of amounts included in the Comptroller's Biennial Revenue Estimate for 2012-13 for fees otherwise deposited to the

In addition, the Railroad Commission's Number of Full-Time Equivalents (FTE) is hereby increased by 49.9 in each fiscal year of the 2012-13 biennium.

This appropriation shall be limited to the amount of revenue collected by the Railroad Commission for oil- and gas-related programs in excess of amounts included in the Comptroller's Biennial Revenue Estimate for 2012-13 for fees otherwise deposited to the General Revenue Fund and the Oil Field Cleanup Account No. 145 for oil- and gas-related activities.

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**455 Railroad Commission**  
**DIFFERENCES ONLY**  
(Continued)

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General Revenue Fund and the Oil Field Cleanup Account No. 145 for oil- and gas-related activities.

- 16. Oil and Gas Division Permitting Efficiencies.** It is the intent of the Legislature that the Railroad Commission shall maintain staffing levels in its Oil and Gas Division in both its Austin office and in each district office in a manner sufficient to be able to review and respond to all permits within 10 business days of receipt, except for disposal or injection well permits, which shall be responded to within 30 days of receipt. In addition, the Railroad Commission shall issue a final decision on contested case oil and gas permitting matters within 60 business days of the hearing date.
- 17. Enforcement and Compliance Data and Public Information.** Out of the monies appropriated to the Railroad Commission of Texas for Strategy D.1.2, Public Information and Services, the agency shall publish information about enforcement data on its website, including inspection and enforcement activity, violations and the amount of final enforcement penalties assessed to the operator. The agency shall also make available on its website quarterly trends of enforcement data, including the number of complaints received and how the complaints were resolved, the number and severity of violations sent for enforcement action, the number of violations sent for enforcement action for each Commission rule, and the number of repeat violations found for each operator.

**ARTICLE VI - NATURAL RESOURCES**  
**592 Soil and Water Conservation Board**  
**DIFFERENCES ONLY**

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8. **Appropriation: Flood Control Dam Operation, Maintenance, and Structural Repair.** Included in the amounts appropriated above in Strategy A.1.1, Program Management and Assistance, is \$2,000,000 in each fiscal year out of the General Revenue Fund to provide for operations and maintenance, structural repair, and rehabilitation needs to flood control dams. Any unexpended balances from this appropriation as of August 31, 2012 are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2012.

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**580 Water Development Board**  
**DIFFERENCES ONLY**

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**Senate**

**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) Data Center Consolidation	\$ 2,332,533	\$ 2,399,618
Total, Capital Budget	<u>\$ 2,332,533</u>	<u>\$ 2,399,618</u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 2,332,533	\$ 2,399,618
Total, Method of Financing	<u>\$ 2,332,533</u>	<u>\$ 2,399,618</u>

	2012	2013
a. Acquisition of Information Resource Technologies		
(1) Data Center Consolidation	\$ 2,332,533	\$ 2,399,618
(2) PC and Server Replacement	108,532	108,532
(3) Strategic Mapping Pool	308,000	308,000
(4) TxWise	25,000	0
(5) Water Information Integration and Dissemination Project	<u>\$ 139,762</u>	<u>\$ 139,762</u>
Total, Acquisition of Information Resource Technologies	<u>\$ 2,913,827</u>	<u>\$ 2,955,912</u>
b. Transportation Items		
(1) Purchase of Vehicles and Boats	\$ 70,000	\$ 70,000
c. Acquisition of Capital Equipment and Items		
(1) Gauging and Other Equipment	\$ 4,500	\$ 4,500
Total, Capital Budget	<u>\$ 2,988,327</u>	<u>\$ 3,030,412</u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 2,332,533	\$ 2,399,618
Federal Funds	179,972	179,972

**ARTICLE VI - NATURAL RESOURCES**  
**580 Water Development Board**  
**DIFFERENCES ONLY**  
(Continued)

**House**

**Senate**

Agricultural Water Conservation Fund No. 358	27,500	27,500
Appropriated Receipts	393,822	368,822
Interagency Contracts	54,500	54,500
Total, Method of Financing	<u>\$ 2,988,327</u>	<u>\$ 3,030,412</u>

**3. Transfer Authorized.** Included in amounts appropriated above in Strategy A.2.1, Technical Assistance and Modeling, and Strategy A.2.2, Water Resources Planning, is up to \$480,146 in fiscal year 2012 and \$2,180,146 in fiscal year 2013 out of the General Revenue Fund to be transferred to the Water Assistance Fund No. 480, for the sole purpose of making grants to regional planning groups pursuant to Water Code, § 15.4061. The Texas Water Development Board is authorized to transfer these funds from the Water Assistance Fund to other accounts as authorized under Water Code, § 15.011 as needed to support the regional planning process.

**3. Transfer Authorized.** Included in amounts appropriated above in Strategy A.2.1, Technical Assistance and Modeling, and Strategy A.2.2, Water Resources Planning, is up to \$480,146 in fiscal year 2012 and \$2,180,146 in fiscal year 2013 out of the General Revenue Fund to be transferred to the Water Assistance Fund No. 480, for the sole purpose of making grants to regional planning groups pursuant to Water Code, § 15.4061. The Texas Water Development Board is authorized to transfer these funds from the Water Assistance Fund to other accounts as authorized under Water Code, § 15.011 as needed to support the regional planning process.

Also included in amounts appropriated above in Strategy A.2.1, Technical Assistance and Modeling, is \$239,989 and in A.2.2, Water Resources Planning, is \$4,051,733 out of the Water Assistance Fund No. 480 for the 2012-13 biennium. These amounts also shall be used for the purpose of making grants to regional planning groups pursuant to Water Code, § 15.4061.

Also included in amounts appropriated above in Strategy A.2.2, Water Resources Planning, is \$4,291,722 out of the Water Assistance Fund No. 480 for the 2012-13 biennium. These amounts also shall be used for the purpose of making grants to regional planning groups pursuant to Water Code, § 15.4061.

**5. Appropriation: Water Assistance Fund.** Included in the amounts appropriated above are balances in the Water Assistance Fund No. 480 (WAF) as of August 31, 2011 and revenues accruing to the WAF during the 2012-13 biennium, estimated to be \$4,291,722 during the 2012-13 biennium. In addition to the amounts appropriated above, there is hereby appropriated to the Water Development Board all revenues accruing to the Water Assistance Fund No. 480 during the biennium beginning on September 1, 2011, including receipts from the Water Resources Finance Authority. These funds shall be used as authorized in Chapter 15, Water Code.

**5. Appropriation: Water Assistance Fund.** Included in the amounts appropriated above are balances in the Water Assistance Fund No. 480 (WAF) as of August 31, 2011 and revenues accruing to the WAF during the 2012-13 biennium, estimated to be \$2,591,722 during the 2012-13 biennium. In addition to the amounts appropriated above, there is hereby appropriated to the Water Development Board all revenues accruing to the Water Assistance Fund No. 480 during the biennium beginning on September 1, 2011, including receipts from the Water Resources Finance Authority. These funds shall be used as authorized in Chapter 15, Water Code.

**ARTICLE VI - NATURAL RESOURCES**  
**580 Water Development Board**  
**DIFFERENCES ONLY**  
(Continued)

**House**

**Senate**

**15. Capital Budget Expenditures: Federal Funds and Appropriated Receipts Exemption.** To comply with the legislative intent to maximize the use of federal funds, to maximize the use of state funds, and to fulfill grant requirements required for the receipt and expenditure of federal funds, the Water Development Board is hereby exempted from the Capital Budget Rider Provisions contained in Article IX of this Act, "Limitations on Expenditures - Capital Budget," when Federal Funds or Appropriated Receipts are received in excess of amounts identified in the agency's Capital Budget Rider. The Water Development Board shall notify the Legislative Budget Board and the Governor upon receipt of such Federal Funds or Appropriated Receipts, of the amount received and items to be purchased. It is the intent of the Legislature that the expenditure of funds pursuant to this rider not create any ongoing operating cost.

**15. Capital Budget Expenditures: Federal Funds and Appropriated Receipts Exemption.** To comply with the legislative intent to maximize the use of federal funds, to maximize the use of state funds, and to fulfill grant requirements required for the receipt and expenditure of federal funds, the Water Development Board is hereby exempted from the Capital Budget Rider Provisions contained in Article IX of this Act, "Limitations on Expenditures - Capital Budget," when Federal Funds or Appropriated Receipts are received in excess of amounts identified in the agency's Capital Budget Rider. The Water Development Board shall notify the Legislative Budget Board and the Governor upon receipt of such Federal Funds or Appropriated Receipts, of the amount received and items to be purchased.

**22. Playa Lakes Study.** Out of amounts appropriated above, the Water Development Board may expend up to \$69,000 in each fiscal year of the 2012-13 biennium to be used to continue work on the Playa Lakes Study.

**ARTICLE VI - NATURAL RESOURCES**  
**58A Debt Service Payments - Non-Self Supporting G.O. Water Bonds**  
**DIFFERENCES ONLY**

**House**

**Senate**

- 1. Payment of Debt Service: Economically Distressed Areas Bonds.** All monies received by the Texas Water Development Board and deposited to the Economically Distressed Areas Bond Payment Account No. 357 are hereby appropriated for the payment of principal and interest on bonds issued to provide financial assistance for water and wastewater infrastructure through the Economically Distressed Areas Program that mature or become due during the biennium beginning with the effective date of this Act, pursuant to §§ 49-c, 49-d-7, 49-d-8, and 49-d-10 of Article III of the Texas Constitution and Water Code, Chapter 17, Subchapters C and L, including amounts issued prior to the effective date of this Act. The amounts identified above in the Method of Financing as the Economically Distressed Areas Bond Payment Account No. 357 are estimated amounts to be received from repayments of loan principal and interest on such bonds that mature or become due during the biennium.

The actual amount of funds to be paid from the General Revenue Fund shall be the total amount of debt service obligations due in each fiscal year less the amount available in the Economically Distressed Areas Bond Payment Account No. 357 for Debt Service Payments for the Economically Distressed Areas Program. The provisions contained herein shall not be construed, however, to abrogate the obligation of the State under §§ 49-c, 49-d-7, 49-d-8, and 49-d-10 of Article III of the Texas Constitution to provide for the payment in full of the principal and interest on such bonds that mature or become due during the biennium.

- 1. Payment of Debt Service: Economically Distressed Areas Bonds.** All monies received by the Texas Water Development Board and deposited to the Economically Distressed Areas Bond Payment Account No. 357 are hereby appropriated for the payment of principal and interest on bonds issued to provide financial assistance for water and wastewater infrastructure through the Economically Distressed Areas Program that mature or become due during the biennium beginning with the effective date of this Act, pursuant to §§ 49-c, 49-d-7, 49-d-8, and 49-d-10 of Article III of the Texas Constitution and Water Code, Chapter 17, Subchapters C and L, including amounts issued prior to the effective date of this Act. The amounts identified above in the Method of Financing as the Economically Distressed Areas Bond Payment Account No. 357 are estimated amounts to be received from repayments of loan principal and interest on such bonds that mature or become due during the biennium.

Included in the amounts appropriated above, out of the General Revenue Fund, the Texas Water Development Board is also appropriated \$1,982,778 in fiscal year 2012 and \$4,066,092 in fiscal year 2013 for the payment of principal and interest on \$100,000,000 in Economically Distressed Areas Program Bonds hereby authorized to be issued and sold during the 2012-13 biennium to provide financial assistance for water and wastewater infrastructure through the Economically Distressed Areas Program pursuant to §§ 49-c, 49-d-7, 49-d-8, and 49-d-10 of Article III of the Texas Constitution and Water Code, Chapter 17, Subchapters C and L.

The actual amount of funds to be paid from the General Revenue Fund shall be the total amount of debt service obligations due in each fiscal year less the amount available in the Economically Distressed Areas Bond Payment Account No. 357 for Debt Service Payments for the Economically Distressed Areas Program. The provisions contained herein shall not be construed, however, to abrogate the obligation of the State under §§ 49-c, 49-d-7, 49-d-8, and 49-d-10 of Article III of the Texas Constitution to provide for the payment in full of the principal and interest on such bonds that mature or become due during the biennium.

**ARTICLE VI - NATURAL RESOURCES**  
**58A Debt Service Payments - Non-Self Supporting G.O. Water Bonds**  
**DIFFERENCES ONLY**  
(Continued)

**House**

- 3. Payment of Debt Service: Water Infrastructure Fund Bonds.** All monies deposited or transferred to the Water Infrastructure Fund (WIF) No. 302, pursuant to Texas Water Code, Section 15.974 (a)(4), are hereby appropriated for the payment of principal and interest on Water Infrastructure Fund bonds issued pursuant to Texas Water Code, Section 17.952, Water Financial Assistance Bonds, to provide financial assistance for projects related to the implementation of the State Water Plan. The amounts identified above in the Method of Financing table as Water Infrastructure Fund No. 302 are estimated amounts to be received from repayments of loan principal and interest on such bonds that mature or become due during the biennium.

The actual amount of funds to be paid from the General Revenue Fund shall be the total amount of debt service obligations due in each fiscal year less amounts deposited to the Water Infrastructure Fund (WIF) No. 302 for loan repayments and interest earnings. The provisions contained herein shall not be construed, however, to abrogate the obligation of the State under §§ 49-c, 49-d-8 and 49-d-9, of Article III of the Texas Constitution to provide for the payment in full of the principal and interest on such bonds that mature or become due during the biennium.

**Senate**

- 3. Payment of Debt Service: Water Infrastructure Fund Bonds.** All monies deposited or transferred to the Water Infrastructure Fund (WIF) No. 302, pursuant to Texas Water Code, Section 15.974 (a)(4), are hereby appropriated for the payment of principal and interest on Water Infrastructure Fund bonds issued pursuant to Texas Water Code, Section 17.952, Water Financial Assistance Bonds, to provide financial assistance for projects related to the implementation of the State Water Plan. The amounts identified above in the Method of Financing table as Water Infrastructure Fund No. 302 are estimated amounts to be received from repayments of loan principal and interest on such bonds that mature or become due during the biennium.

Included in the amounts appropriated above, out of the General Revenue Fund, the Texas Water Development Board is also appropriated \$3,955,833 in fiscal year 2012 and \$4,850,346 in fiscal year 2013 for the payment of principal and interest on \$200,000,000 in Water Infrastructure Fund Bonds hereby authorized to be issued and sold during the 2012-13 biennium to provide financial assistance for water infrastructure through the Water Infrastructure Fund Program pursuant to §§ 49-c, 49-d-8, and 49-d-9 of Article III of the Texas Constitution.

The actual amount of funds to be paid from the General Revenue Fund shall be the total amount of debt service obligations due in each fiscal year less amounts deposited to the Water Infrastructure Fund (WIF) No. 302 for loan repayments and interest earnings. The provisions contained herein shall not be construed, however, to abrogate the obligation of the State under §§ 49-c, 49-d-8 and 49-d-9, of Article III of the Texas Constitution to provide for the payment in full of the principal and interest on such bonds that mature or become due during the biennium.