

Rider Comparison Packet

Conference Committee on House Bill 1

2012-13 General Appropriations Bill

Article 7 - Business and Economic Development

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
332 Department of Housing and Community Affairs
DIFFERENCES ONLY

House

Senate

18. **Removal and Cleanup.** Out of federal funds appropriated above to the Texas Department of Housing and Community Affairs (TDHCA) in Strategy D.1.2, Monitor Contract Requirements, the agency may spend up to \$1,100,000 in Federal Funds in fiscal year 2012 to eliminate conditions that have been found to be detrimental to public health and safety relating to the removal of housing repair debris related to hurricane damage in Jefferson County. Also out of these appropriations above, TDHCA may pay for necessary actions to meet federal requirements and to provide funding to other entities, units of government, or hire contractors to complete this operation, consistent with any state and/or federal law.

18. **Transfer of the Veterans Housing Assistance Program.** Out of funds appropriated above, in Strategy A.1.3, Housing Trust Fund, the Texas Department of Housing and Community Affairs shall transfer 10 percent, not to exceed \$4,300,110 for the 2012-13 biennium (\$4,000,000 for grants and \$300,110 and 3.0 full-time equivalents for administration), to the appropriate fund or account with the Texas Veterans' Commission for the purpose of administering a Veterans Housing Assistance Program that will assist Texas veterans and their families in obtaining, maintaining or improving housing.

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
608 Department of Motor Vehicles
DIFFERENCES ONLY

House

Senate

2. **Capital Budget.** Funds appropriated above may be expended for capital budget items listed below. Notwithstanding the General Provisions of this Act relating to limitations on the expenditure of appropriated funds on capital budget items, upon approval of the board of the Department of Motor Vehicles, (1) the amounts identified for each item below may be adjusted or may be expended on other capital budget items within the strategy to which the funds are appropriated or transferred to another capital budget item in another strategy; and (2) any funds appropriated above to the Department of Motor Vehicles may be expended for the acquisition of capital items, excluding construction of buildings and facilities and acquisition of land and other real property. If the Department of Motor Vehicles transfers an amount of appropriations into or out of a capital budget item in excess of 25 percent of the amount listed below for the capital budget item or acquires any capital budget items not expressly listed in this rider, the chair of the board of the Department of Motor Vehicles shall report such a transfer or acquisition in a quarterly report to the Governor and the Legislative Budget Board. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(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. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

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 a "(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. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	<u>2012</u>	<u>2013</u>
a. Acquisition of Information Resource Technologies		
(1) TxDMV Automation System (Formerly Vision 21-Core System)	\$ 45,889,330	\$ 0
(2) Growth and Enhancements - Agency Operations Support	702,681	702,681
(3) Technology Replacement & Upgrades - Regional Support for County Tax Assessor Collector Offices	6,808,953	6,858,953
(4) Data Center Consolidation	<u>4,164,118</u>	<u>4,337,719</u>

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ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
608 Department of Motor Vehicles
DIFFERENCES ONLY
(Continued)

	House			Senate	
Total, Capital Budget	\$ 57,565,082	\$ 11,899,353		\$ 57,565,082	\$ 11,899,353
Method of Financing (Capital Budget):					
State Highway Fund No. 006	\$ 57,565,082	\$ 11,899,353		\$ 57,565,082	\$ 11,899,353
Total, Method of Financing	<u>\$ 57,565,082</u>	<u>\$ 11,899,353</u>		<u>\$ 57,565,082</u>	<u>\$ 11,899,353</u>

4. Contingent Appropriation: Automobile Burglary and Theft Prevention Authority.

- a. Out of the amounts appropriated above to the Department of Motor Vehicles in Strategy A.3.1, Automobile Theft Prevention, the amounts of \$1,050,000 in fiscal 2012 and \$1,050,000 in fiscal 2013 from General Revenue are contingent upon certification by the Comptroller of Public Accounts that legislation enacted by the Eighty-second Legislature, Regular Session, 2011, relating to the structure of Automobile Burglary and Theft Prevention Authority Fees, increases fees or fee assessments pursuant to VTCS, Title 70, Article 4413 (37), in amounts sufficient to generate during the 2012-13 biennium \$2,251,369 in excess of \$38,744,000 (Object Code 3206) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013. Also, the "Number of Full-Time-Equivalents (FTE)" figure above includes 5 FTEs in each fiscal year contingent upon the Comptroller's certification of increased revenue indicated above. If the Comptroller finds that the enacted legislation increases fees 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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$2,100,000 and other direct and indirect costs (estimated to be \$151,369 for the 2012-13 biennium).
- b. Also contingent upon the Comptroller's certification of revenues and the release of

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
608 Department of Motor Vehicles
DIFFERENCES ONLY
(Continued)

House

Senate

appropriations identified in subsection (a) of this rider, all fees collected in excess of \$20,673,556 in fiscal year 2012 and \$20,321,813 in 2013, pursuant to VTCS, Title 70, Article 4413 (37), from General Revenue (Revenue Object 3206) in the Comptroller's Biennial Revenue Estimate are hereby appropriated to Strategy A.3.1, Automobile Theft Prevention, for the purpose of providing Automobile Burglary and Theft Prevention grants.

- c. Contingent upon the Comptroller's certification of revenues and the release of appropriations identified in subsection (a) of this rider, it is the intent of the legislature that the Automobile Burglary and Theft Prevention Authority seek appropriate federal funding for the Automobile Burglary and Theft Prevention Authority program, including Byrne Justice Assistance Grants administered by the Office of the Governor.

4. **Contingency for Senate Bill 9 or House Bill 2153: Automobile Burglary and Theft Prevention Authority Appropriation.** Out of the amounts appropriated above to the Department of Motor Vehicles in Strategy A.3.1, Automobile Theft Prevention, the amounts of \$14,911,870 in fiscal 2012 and \$14,911,870 in fiscal 2013 from General Revenue are contingent upon certification by the Comptroller of Public Accounts that Senate Bill 9, House Bill 2153, or similar legislation enacted by the Eighty-second Legislature, Regular Session, 2011, relating to the structure of Automobile Burglary and Theft Prevention Authority Fees, increases fees or fee assessments pursuant to VTCS, Title 70, Article 4413 (37), in amounts sufficient to generate during the 2012-13 biennium \$29,975,109 in excess of \$38,744,000 (Object Code 3206) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013. Also, the "Number of Full-Time-Equivalents (FTE)" figure above includes 5 FTEs in each fiscal year contingent upon the Comptroller's certification of increased revenue indicated above. If the Comptroller finds that the enacted legislation increases fees 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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$29,823,740 and other direct and

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
608 Department of Motor Vehicles
DIFFERENCES ONLY
(Continued)

House

Senate

indirect costs (estimated to be \$151,369 for the 2012-13 biennium).

5. **Unexpended Balances between Fiscal Years within the Biennium.** Any unexpended balances as of August 31, 2012, in appropriations made to the Department of Motor Vehicles are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2012.

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
357 Texas Department of Rural Affairs
DIFFERENCES ONLY

House

Senate

- 11. Appropriation of Loan Repayments.** Loan repayments, interest, and reimbursements of expenses received by the Texas Department of Rural Affairs pursuant to Government Code, Chapter 487, are hereby appropriated to the agency as Appropriated Receipts in the 2012-13 biennium for the same purpose. The Texas Department of Rural Affairs may also expend these funds for the purpose of reimbursing community matching fund contributions for forgivable educational loans made pursuant to Government Code, Section 487.154.

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
601 Department of Transportation
DIFFERENCES ONLY

House

Senate

6. **Court Costs.** Any necessary amounts appropriated above may be used by the Department of Transportation to pay refunds authorized by law and to pay judgments, settlements, and other costs associated with lawsuits involving the department, including suits involving right-of-way acquisition or inverse condemnation.

6. **Refunds and Lawsuit Costs.** Any necessary amounts appropriated above may be used by the Department of Transportation to pay refunds authorized by law and to pay judgments, settlements, and other costs associated with lawsuits involving the department, including suits involving right-of-way acquisition or inverse condemnation.

20. **Executive Leadership Salaries.**

- a. Out of amounts appropriated above and notwithstanding any other provision of this Act, the Texas Transportation Commission shall conduct a nation-wide, comprehensive search for an Executive Director. The Commission shall set the amount of compensation for the Executive Director and not more than five additional senior leadership positions within the Group 8 salary classification, as provided in Article IX, Section 3.05(b)(2) of this Act. If the results of a study conducted by a consultant employed by the Commission indicate that the median compensation for a position in the private sector that is comparable to the Executive Director or one of the senior leadership positions is greater than the upper level of the Group 8 salary classification and on the basis of that study the Commission decides that it is in the best interest of the state and the agency to exceed the limits of the Group 8 salary classification for that position, the Chair of the Commission shall submit for approval the amount of the compensation for that position to the Governor and the Legislative Budget Board. The amount for the position must be approved by the Governor and the Legislative Budget Board before the compensation may be paid. The amount submitted under this subsection may not exceed the median private sector amount for that position provided in consultant's study. The Governor and the Legislative Budget Board either will approve or disapprove the amount within 10 days after the day on which notification of the amount is received by the official.
- b. The Executive Director position is an exempt position in addition to those listed above. The classification schedule under Section 2.01, Article IX, of this Act, does not apply to the five additional senior executive positions to which subsection (a) applies.

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
601 Department of Transportation
DIFFERENCES ONLY
(Continued)

House

Senate

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| <p>30. Sale of Surplus Property. Notwithstanding the provisions of Article IX, Sec. 8.04, Surplus Property, in this Act, all receipts from the sale of Department of Transportation surplus property, equipment, commodities, or salvage (including recycled products), pursuant to the provisions of Chapter 2175, Government Code, are appropriated to the Department of Transportation for expenditure during the fiscal year in which the receipts are received to carry out the functions of the department, specifically including implementing Chapter 91, Transportation Code.</p> <p>32. Limitation on Expenditures: Prohibition on Lobbyists. The Department of Transportation shall not expend any money appropriated above for the purpose of selecting, hiring, or retaining a person required to register under Chapter 305, Government Code, or the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq), unless such an expenditure is allowed under state law.</p> <p>39. Contingent Revenue: Highway Beautification. Out of the amounts appropriated above to the Department of Transportation in Strategy C.1.4, Routine Maintenance, the amounts of \$259,121 in fiscal year 2012 and \$270,807 in fiscal year 2013 from GR Dedicated - Texas Highway Beautification Account No. 071 are contingent upon the Department of Transportation assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$626,665 in excess of \$1,247,000 (Object Code 3052), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013. Also, the number of "Full-Time-Equivalents (FTE)" figure indicated above includes 3 FTEs in each fiscal year contingent upon the Department of Transportation generating the amount of revenue indicated above. The Department of Transportation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Transportation's minutes and other information supporting the estimated revenues to be</p> | <p>c. The commission shall pay the compensation amounts approved under subsection (a) out of the amounts appropriated above for salaries and wages.</p> <p>31. Sale of Surplus Property. Notwithstanding the provisions of Article IX, Sec. 8.04, Surplus Property, in this Act, all receipts from the sale of Department of Transportation surplus property, equipment, commodities, or salvage (including recycled products), pursuant to the provisions of Chapter 2175, Government Code, are appropriated to the Department of Transportation for expenditure during the fiscal year in which the receipts are received.</p> <p>33. Limitation on Expenditures: Prohibition on Lobbyists. The Department of Transportation shall not expend any funds appropriated above for the purpose of selecting, hiring, or retaining a person to provide services that would require the person to register under Chapter 305, Government Code, or the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq).</p> |
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ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
601 Department of Transportation
DIFFERENCES ONLY
(Continued)

House

Senate

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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$529,928 and other direct and indirect costs (estimated to be \$96,737 for the 2012-13 biennium).

- 39. Battleship TEXAS.** Out of the amounts appropriated above, the Texas Department of Transportation shall make available during the biennium \$16,090,050 in federal Transportation Enhancement Program funds administered by the department for the Battleship TEXAS project if the Battleship TEXAS project meets federal funding requirements of the Transportation Enhancement Program as defined by federal Department of Transportation, Federal Highway Administration federal regulations in Title 23 of the United States Code. The Texas Parks and Wildlife Department in conjunction with the Texas Department of Transportation will review the Battleship TEXAS project to determine if the Battleship TEXAS project meets the federal Transportation Enhancement Program guidelines in Title 23 of the United States Code. It is the intent of the Legislature that funds appropriated above would cover the administration costs of the Battleship TEXAS project approved for federal Transportation Enhancement Program funds. If the project has received the necessary approval and funding from Federal Transportation Enhancement program funds at the levels prescribed by the Eighty-first Legislature prior to the enactment of this Act, the amount of federal Transportation Enhancement funds designated by this provision shall not be construed to be an amount in addition to the amounts designated in Rider 42, Battleship TEXAS, Article VII, Department of Transportation, Senate Bill 1, General Appropriations Act, Eighty-first Legislature, 2009.

In addition, the Texas Department of Transportation may redirect obligated funds previously obligated for the Battleship TEXAS project under the Transportation Enhancement Program to other available projects should the Battleship TEXAS project fail to receive federal approval or federal Transportation Enhancement Program funds are not available due to changes in federal

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
601 Department of Transportation
DIFFERENCES ONLY
(Continued)

House

Senate

laws, rules, regulations, or appropriations.

40. **Contingency for Public Education about Ban on Wireless Device Use While Driving.** Contingent on enactment of Senate Bill 138, or similar legislation relating to the institution of a traffic violation for use of a wireless communication device while driving, by the Eighty-second Legislature, Regular Session, 2011, the Department of Transportation is appropriated \$500,000 for fiscal year 2012 and \$500,000 for fiscal year 2013 from the General Revenue Fund generated from Driver Responsibility Program collections to implement the provisions of the legislation and conduct public awareness and education about the ban on the use of wireless communication devices use while driving. This appropriation is contingent upon the Comptroller of Public Accounts certifying that revenue collections from surcharges assessed on traffic violations due to the ban on wireless communication devices established by this legislation will exceed amounts included in the Biennial Revenue Estimate for the Drivers Responsibility Program by at least \$500,000 in fiscal year 2012 and \$500,000 in fiscal year 2013.
42. **Transcription Services Evaluation.** Using funds appropriated above, the Department of Transportation shall evaluate the use of transcription services to reduce the costs associated with the creation of documentation and reports. The evaluation shall consider the overall cost, accuracy, and employee satisfaction when determining the most effective method for providing transcription services. The findings of the evaluation must be considered by the department when using appropriations for the purposes of procuring transcription services.
40. **Clothing Provision.** The department may provide a cleaning allowance for Travel Information Center personnel and ferry operations personnel not to exceed \$500 per year.

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
601 Department of Transportation
DIFFERENCES ONLY
(Continued)

House

Senate

43. **Federal Funding for the Texas Rail Plan.** The Department of Transportation shall make it a top priority to seek, obtain, maximize, and expend federal funding for rail and other related multi-modal transportation funding, including rail relocation and improvement funds from the Federal Highway Administration, Federal Railroad Administration, and Federal Transit Administration. Contingent upon the availability and receipt of federal rail and other related federal multi-modal funds to the State, such federal funds are appropriated to the Texas rail relocation and improvement fund for implementation of the Texas Rail Plan. To the extent that such federal funding is identified, but requires the matching by or commitment of state dollars, an amount not to exceed \$50 million is allocated, for fiscal years 2012 and 2013, to the Texas rail relocation and improvement fund for such purpose from any amounts appropriated above to the Texas Department of Transportation that are not constitutionally dedicated for some other purpose.

43. **Appropriations from Proposition 12 General Obligation Bond Proceeds for Bridge, Safety, Connectivity, and Congestion Relief Projects.**

Out of funds appropriated above, \$3 billion of Bond Proceeds - GO Bonds (Proposition 12, 2007) shall be used to fund projects that will relieve congestion, enhance bridge and roadway safety, and connect the state's population centers.

- a. The Department of Transportation shall use \$300 million of this amount to acquire right of way, conduct feasibility studies and project planning, and outsource engineering work for the most congested roadway segments in each of the four most congested regions of the state that are included in the 50 most congested roads in the state as listed on the State's Top 100 Most Congested Roadways list as of January 1, 2011. These funds shall be allocated by the Texas Transportation Commission to those regions using the formula used to allocate funds among the Transportation Management Areas in Category 2, Metropolitan and Urban Area Corridor Projects, in the department's Unified Transportation Program. Out of the \$300 million appropriated, the Department of Transportation shall use \$3 million to contract with the Texas Transportation Institute for

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
601 Department of Transportation
DIFFERENCES ONLY
(Continued)

House

Senate

the purposes of:

- (1) serving as a facilitator and project coordinator of studies to be conducted by the four most congested regions to:
 - i. determine which projects would have the greatest impacts;
 - ii. identify funding options to support completion of the projects and suggest the best use of future revenues for the projects;
 - iii. include implementation of best traffic management practices;
 - iv. ensure open and transparent public participation; and
- (2) reporting the findings and results to the Eighty-third Legislature and the Transportation Commission no later than September 1, 2012.

b. The department shall use \$500 million of this amount to fund the following bridge projects:

District	County	Feature Crossed	Facility Carried
Dallas	Dallas	Trinity River	IH 30
Dallas	Dallas	Trinity River and Brazos St	IH 35E SB & NB
Beaumont	Orange	Neches River	IH 10
Houston	Harris	IH 10	Elysian Street
Paris	Hunt	Lake Tawakoni	SH 276
Dallas	Dallas	IH 30, US 75 & DART	IH 345 SB & NB
San Angelo	Tom Green	US 277	US 67 SB & NB
Childress	Knox	Brazos River	SH 6
Childress	Collingsworth	Red River	SH 203

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
601 Department of Transportation
DIFFERENCES ONLY
(Continued)

House

Senate

- c. The commission shall allocate \$600 million of this amount statewide to fund metropolitan and urban mobility projects, using the formula used to allocate funds in Category 2, Metropolitan and Urban Area Corridor Projects, in the department's Unified Transportation Program.
 - d. The department shall use \$200 million of this amount to fund statewide connectivity projects selected by the commission.
 - e. The commission shall allocate \$1.4 billion of this amount statewide to fund rehabilitation and safety projects using the formula used to allocate funds in Category 1, Preventive Maintenance and Rehabilitation, in the department's Unified Transportation Program.
44. **New Letting for the 2012-13 Biennium.** It is the intent of the Legislature that the Department of Transportation use funds appropriated above to award at least \$8,560.8 million in new multi-year highway construction improvement, rehabilitation, and preservation contracts during the 2012-13 biennium.
45. **Funds for Research of Methods to Maximize Toll Revenues.** Out of amounts appropriated above in Strategy A.1.4, Research, the Department of Transportation shall provide necessary funds, not to exceed \$250,000 for the biennium, to the Texas Transportation Institute to complete a study of methods to maximize toll revenues.
46. **Purchase of Asphalt.** When utilizing funds appropriated above for purchases of asphalt for any purpose, the Department of Transportation shall examine and consider the purchase of rubberized asphalt as its first purchasing option if cost savings are demonstrated or predicted through performance history and experience, life cycle analysis, reduced maintenance, or performance testing. The department shall examine and modify existing specifications utilized by the department so as to allow for the inclusion of rubberized asphalt purchased under this

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
601 Department of Transportation
DIFFERENCES ONLY
(Continued)

House

Senate

section.

47. **Transportation Development Credits.** The Texas Department of Transportation shall make it a priority to utilize transportation development credits as the required match in a manner that would maximize the utilization of federal funds on eligible projects. The state funds then no longer needed to be used as the required federal match should then be available to be targeted to priority projects in an effort to streamline their delivery.

ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT
320 Texas Workforce Commission
DIFFERENCES ONLY

House

Senate

28. **The Women's Institute for Technology Employment Training.** Out of funds appropriated above in Strategy A.1.4, Employment and Community Services, the Texas Workforce Commission shall allocate \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013 to the Women's Institute for Technology Employment Training to support comprehensive program with statewide activity funds to develop curriculum, courses and programs to prepare single women with children who are economically disadvantaged or on state or federal assistance, for entry-level jobs and careers in Texas manufacturing and technology based industries.
29. **School Readiness Models.** Out of federal funds appropriated to the Texas Workforce Commission in Strategies A.3.1, TANF Choices Child Care; A.3.2, Transitional Child Care; and A.3.3, At-Risk Child Care, the commission shall match the amount of available General Revenue for the Early Childhood School Readiness Programs funded in Rider 56 following the appropriation in Article III, to the Texas Education Agency to provide for each year of the 2012-13 state fiscal biennium a total amount equal to the greater of \$11,700,000, or the maximum amount allowable under the approved match rate for the purpose of providing funds to child care providers participating in integrated school readiness models developed by the State Center for Early Childhood Development at the University of Texas Health Science Center at Houston. If General Revenue is not available and notwithstanding other GAA requirements, out of federal funds appropriated to the Texas Workforce Commission in Strategies A.3.1, TANF Choices Child Care; A.3.2, Transitional Child Care; and A.3.3, At-Risk Child Care, the commission shall provide for each year of the 2012-13 state fiscal biennium the maximum amount allowable under federal guidelines, and not less than \$11,700,000 in each year, for the purpose of providing funds to child providers participating in the integrated school readiness models developed by the State Center for Early Childhood Development at the University of Texas Health Science Center at Houston. Not later than December 1st of each even-numbered year, the State Center for Early Childhood Development shall report to the Legislative Budget Board and the Office of the Governor the detailed use of all state funds expended by the center for early childhood education services.