

**Rider Comparison Packet**

**Conference Committee on House Bill 1**

**2012-13 General Appropriations Bill**

**Article 8 - Regulatory**

**ARTICLE VIII - REGULATORY**  
**508 Board of Chiropractic Examiners**  
**DIFFERENCES ONLY**

**House**

**Senate**

- 3. Contingent Revenue.** Out of the amounts appropriated above to the Board of Chiropractic Examiners in Strategy A.1.1, Licensing System, the amounts of \$57,154 in fiscal year 2012 and \$57,154 in fiscal year 2013 in General Revenue are contingent upon the Board of Chiropractic Examiners assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$146,154 in excess of \$2,630,000 (Object Code 3562), 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 2.0 FTEs in each fiscal year contingent upon the Comptroller's certification of increased revenue indicated above. The Board of Chiropractic Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Chiropractic Examiners' 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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$114,308 and other direct and indirect costs (estimated to be \$31,846 for the 2012-13 biennium).

**ARTICLE VIII - REGULATORY**  
**454 Department of Insurance**  
**DIFFERENCES ONLY**

**House**

**Senate**

- 12. Consumer Information Report.** The Department of Insurance shall submit a report quarterly to the Legislature and the public no later than the 90th day after the last day of the quarter covered by the report the following information for each insurer that writes property and casualty insurance, including workers' compensation insurance, in the state: market share, profits and losses, average rate, and average loss ratio. The report shall include the change in rate over the previous 12, 24, and 36 months.
- 19. Contingency for Estimation of Cost Related to an Insurance Exchange.** Contingent on the enactment of House Bill 636, or similar legislation by the Eighty-second Legislature, Regular Session, 2011, relating to an insurance exchange operated as provided by federal law, out of funds appropriated above to the Texas Department of Insurance, the department shall analyze the cost to the state of maintaining each of the health benefits if required by Texas state statute or rule if the state will be responsible for paying if the state operates a health insurance exchange. The department shall report the results of their analysis to the Governor and the Legislative Budget Board not later than February 28, 2012. The report shall include any rationale for and future costs to the state of maintaining any given mandated health benefits.
- 24. Fire Safety Cigarette's Penalties.** In addition to amounts appropriated above, out of amounts collected from the civil penalties under Sec. 796.010 of the Health and Safety Code and deposited to the credit of the General Revenue - Dedicated Fire Prevention and Public Safety Account no. 5138, the Texas Department of Insurance is appropriated, out of amounts in excess of those contained in the Comptroller's Biennial Revenue Estimate, an amount not to exceed \$100,000 in each year of the biennium. These funds shall be appropriated for purposes consistent with the guidelines and intent described in Sec. 796.011 of the Health and Safety Code.
- 25. Medical Fee Disputes.** In addition to the amounts appropriated above, the Department of Insurance is appropriated \$2,100,000 for fiscal year 2012 in Strategy D.1.2, Dispute Resolution, out of General Revenue-Dedicated Fund 36. These funds are for the purpose of financing the cost of appeals of medical disputes, including appeals handled at the State Office

- 12. Consumer Information Report.** The Department of Insurance shall submit a report quarterly to the Legislature and the public no later than the 90th day after the last day of the quarter covered by the report the following information for each insurer that writes a line of insurance in the state: market share, profits and losses, average rate, and average loss ratio. The report shall include the change in rate over the previous 12, 24, and 36 months.
- 19. Estimation of Cost Related to an Insurance Exchange.** Out of funds appropriated above to the Texas Department of Insurance, the department shall analyze the cost to the state of maintaining each of the health benefits if required by Texas state statute or rule and if the state will be responsible for paying for such health benefits in a health insurance exchange operating in the state. The department shall report the results of their analysis to the Governor and the Legislative Budget Board not later 90 days after federal rules are finalized or December 31, 2012, whichever is earlier. The report shall include any rationale for and future costs to the state of maintaining any given mandated health benefits.
- 24. Fire Safety Cigarette's Penalties.** Out of amounts appropriated above in Strategy C.1.1, Fire Protection, to the Texas Department of Insurance, \$100,000 in each year of the biennium from General Revenue - Dedicated Fire Prevention and Public Safety Account No. 5138 is appropriated for purposes of supporting fire safety and prevention programs at the office of the state fire marshal.
- 25. Medical Fee Disputes.** Out of the amounts appropriated above to the Department of Insurance, \$2,100,000 for fiscal year 2012 in Strategy D.1.2, Dispute Resolution, out of General Revenue - Dedicated Fund 36 is appropriated for the purpose of financing the cost of appeals of medical disputes, including appeals handled at the State Office of Administrative

**ARTICLE VIII - REGULATORY**  
**454 Department of Insurance**  
**DIFFERENCES ONLY**  
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**House**

of Administrative Hearings. Any unexpended balance as of August 31, 2012, is hereby appropriated for the same purpose, for the fiscal year beginning September 1, 2012.

- 26. Review of Mental Disorders.** It is the intent of the Legislature that, out of funds appropriated above, the department shall conduct a review of health benefit plan insurers to determine, since fiscal year 2002, the number, type, and geographic location of claims for the treatment of a mental disorder as listed in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition, of a child younger than 18 years of age. The department shall prepare a report for the 83<sup>rd</sup> Legislature detailing their findings. The department may not include in its report any data that could reasonably be used to identify a specific enrollee in a health benefit plan or that in any way violates confidentiality requirements of state or federal law applicable to an enrollee in a health benefit plan.

**Senate**

Hearings. Any unexpended balance as of August 31, 2012, is hereby appropriated for the same purpose, for the fiscal year beginning September 1, 2012.

**ARTICLE VIII - REGULATORY**  
**452 Department of Licensing and Regulation**  
**DIFFERENCES ONLY**

**House**

**Senate**

**2. Capital Budget.** None of the funds appropriated 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.

**2. Capital Budget.** None of the funds appropriated 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.

	2012	2013
a. Acquisition of Information Resource Technologies		
(1) Data Center Consolidation	\$ 330,635	\$ 266,853
Total, Capital Budget	<u>\$ 330,635</u>	<u>\$ 266,853</u>

Method of Financing (Capital Budget):

General Revenue Fund	\$ 330,635	\$ 266,853
Total, Method of Financing	<u>\$ 330,635</u>	<u>\$ 266,853</u>

	2012	2013
a. Acquisition of Information Resource Technologies		
(1) Data Center Consolidation	\$ 522,503	\$ 503,440
Total, Capital Budget	<u>\$ 522,503</u>	<u>\$ 503,440</u>

Method of Financing (Capital Budget):

General Revenue Fund	\$ 522,503	\$ 503,440
Total, Method of Financing	<u>\$ 522,503</u>	<u>\$ 503,440</u>

**13. Contingent Revenue.** Out of the amounts appropriated above to the Department of Licensing and Regulation in Strategy B.1.1, Conduct Inspections, the amounts of \$315,452 in fiscal year 2012 and \$211,512 in fiscal year 2013 and in Strategy C.1.2, Information Resources, the amounts of \$191,868 in fiscal year 2012 and \$236,587 in fiscal year 2013 in General Revenue are contingent upon the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$1,073,273 in excess of \$75,826,310 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), 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 4.0 FTEs

**ARTICLE VIII - REGULATORY**  
**452 Department of Licensing and Regulation**  
**DIFFERENCES ONLY**  
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**House**

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in each fiscal year contingent upon the Department of Licensing and Regulation generating the amount of revenue indicated above. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation'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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$955,419 and other direct and indirect costs (estimated to be \$117,854 for the 2012-13 biennium).

**13. Motor Vehicle Towing Report.** Out of the amounts appropriated above, the Department of Licensing and Regulation shall conduct a study on the fees charged for motor vehicle towing services, the feasibility and effects of the implementation of a fee schedule or establishment of a maximum fee for motor vehicle towing services, the terms and timing of payment to incident management towing companies for towing services including payment for the release of semitrailers and other motor vehicles, and evaluate any other aspect of the towing of motor vehicles that the agency determines necessary. The Department of Licensing and Regulation shall submit a report not later than January 1, 2013, on the matters described in this rider and any recommended legislative changes to the presiding officer of the standing committee of each house of the legislature with primary jurisdiction over issues involving motor vehicle towing.

**14. Combative Sports Regulation.** In addition to the amounts appropriated above, the Department of Licensing and Regulation shall be appropriated \$30,000 out of funds collected by the agency and deposited to the General Revenue Fund during each fiscal year for the 2012-13 biennium, for each combative sports event managed by the department for which ticket sales exceed \$2,000,000 (estimated to be one event) contingent upon the Department of

**ARTICLE VIII - REGULATORY**  
**452 Department of Licensing and Regulation**  
**DIFFERENCES ONLY**  
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**House**

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Licensing and Regulation assessing fees and taxes sufficient to generate, in addition to revenue requirements elsewhere in this act, during the 2012-13 biennium, \$30,000 for each such combative sports event in excess of \$763,000 in fiscal year 2012 and \$788,000 in fiscal year 2013 (Object Codes 3146 and 3147) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for each fiscal year. The Department of Licensing and Regulation upon completion of necessary actions to assess or increase such additional revenue shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2012-13 biennium under the revised fee or tax 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 shall be issued and the contingent appropriation shall be made available for the intended purpose.

**ARTICLE VIII - REGULATORY**  
**503 Texas Medical Board**  
**DIFFERENCES ONLY**

**House**

**Senate**

5. **Contingent Revenue.** Out of the amounts appropriated above to the Texas Medical Board in Strategy B.1.2, Physician Health Program, the amount of \$184,807 in fiscal year 2012 and \$184,807 in fiscal year 2013 in General Revenue is contingent upon the Texas Medical Board assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$459,880 in excess of \$39,888,000 (Object Codes 3560 and 3562), 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 3.5 FTEs in each fiscal year contingent upon the Comptroller's certification of increased revenue indicated above. The Texas Medical Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Medical Boards' 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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$369,614 and other direct and indirect costs (estimated to be \$90,266 for the 2012-13 biennium).



**ARTICLE VIII - REGULATORY**  
**507 Texas Board of Nursing**  
**DIFFERENCES ONLY**

**House**

**Senate**

**3. Contingency Appropriations.** Out of the amounts appropriated above to the Board of Nursing in Strategy A.1.1, Licensing, the amounts of \$336,607 in fiscal year 2012 and \$336,607 in fiscal year 2013 and in Strategy B.1.1, Adjudicate Violations, the amounts of \$671,970 in fiscal year 2012 and \$671,969 in fiscal year 2013 in General Revenue are contingent upon the Board of Nursing assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$2,419,030 in excess of \$27,875,000 (Object Codes 3560 and 3570), 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 18.0 FTEs in each fiscal year contingent upon the Board of Nursing generating the amount of revenue indicated above. The Board of Nursing, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Nursing'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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$2,017,153 and other direct and indirect costs (estimated to be \$401,877 for the 2012-13 biennium).

**4. Contingent Appropriation for House Bill 915.** Contingent on the enactment of House Bill 915, or similar legislation relating to establishing a tiered prescriptive authority system for advanced practice registered nurses, by the Eighty-second Legislature, Regular Session, 2011, and contingent upon the Texas Board of Nursing assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this act, during the 2012-13 biennium, \$128,349 in excess of \$27,875,000 (Object Codes 3560 and 3570), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013 and the revenue requirements elsewhere in this Act, the Texas Board of Nursing is appropriated in Strategy A.1.1, Licensing, \$55,710 in fiscal year 2012 and \$48,745 in fiscal year 2013 out of the General Revenue Fund for the purpose of administering the system. Also, the "Number of

**3. Contingent Appropriation for House Bill 915.** Contingent on the enactment of House Bill 915, or similar legislation relating to establishing a tiered prescriptive authority system for advanced practice registered nurses, by the Eighty-second Legislature, Regular Session, 2011, and contingent upon the Texas Board of Nursing assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this act, during the 2012-13 biennium, \$128,349 in excess of \$27,875,000 (Object Codes 3560 and 3570), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013 and the revenue requirements elsewhere in this Act, the Texas Board of Nursing is appropriated in addition to the amounts appropriated above in Strategy A.1.1, Licensing, \$55,710 in fiscal year 2012 and \$48,745 in fiscal year 2013 out of the General Revenue Fund for the purpose of

**ARTICLE VIII - REGULATORY**  
**507 Texas Board of Nursing**  
**DIFFERENCES ONLY**  
(Continued)

**House**

Full-Time Equivalent (FTE)" figure indicated elsewhere in this Act for the Board of Nursing is hereby increased by 1.0 FTE for each fiscal year of the biennium contingent upon the Texas Board of Nursing meeting the above revenue target. The Texas Board of Nursing, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Board of Nursing'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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$104,455 and other direct and indirect costs (estimated to be \$23,894 for the 2012-13 biennium).

**Senate**

administering the system. Also, the "Number of Full-Time Equivalent (FTE)" figure indicated elsewhere in this Act for the Board of Nursing is hereby increased by 1.0 FTE for each fiscal year of the biennium contingent upon the Texas Board of Nursing meeting the above revenue target. The Texas Board of Nursing, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Board of Nursing'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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$104,455 and other direct and indirect costs (estimated to be \$23,894 for the 2012-13 biennium).

**ARTICLE VIII - REGULATORY**  
**514 Optometry Board**  
**DIFFERENCES ONLY**

**House**

**Senate**

3. **Contingent Revenue.** Out of the amounts appropriated above to the Optometry Board in Strategy A.1.1, Licensure and Enforcement, the amount of \$11,400 in fiscal year 2013, and in Strategy A.1.3, Indirect Administration, the amount of \$600 in fiscal year 2013 in General Revenue are contingent upon the Optometry Board assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$15,343 in excess of \$1,489,000 (Object Codes 3562 and 3570), 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 0.5 FTEs in fiscal year 2013 contingent upon the Comptroller's certification of increased revenue indicated above. The Optometry Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Optometry Board'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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$12,000 and other direct and indirect costs (estimated to be \$3,343 for the 2012-13 biennium).

**ARTICLE VIII - REGULATORY**  
**515 Board of Pharmacy**  
**DIFFERENCES ONLY**

**House**

**Senate**

- 3. Contingent Revenue.** Out of the amounts appropriated above to the Board of Pharmacy in Strategy B.1.1, Enforcement, the amounts of \$317,063 in fiscal year 2012 and \$253,518 in fiscal year 2013, in Strategy C.1.1, Licensing - Indirect Administration, the amounts of \$7,241 in fiscal year 2012 and \$6,481 in fiscal year 2013 and in Strategy C.1.2, Enforcement - Indirect Administration, the amount of \$44,486 in fiscal year 2012 and \$39,817 in fiscal year 2013 from General Revenue are contingent upon the Board of Pharmacy assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$810,002 in excess of \$13,837,000 (Object Codes 3562 and 3570), 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 6.0 FTEs in each fiscal year contingent upon the Board of Pharmacy generating the amount of revenue indicated above. The Board of Pharmacy, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Pharmacy'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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$668,606 and other direct and indirect costs (estimated to be \$141,396 for the 2012-13 biennium).

- 3. Contingent Revenue.** Out of the amounts appropriated above to the Board of Pharmacy in Strategy A.1.1, Licensing, the amounts of \$7,570 in fiscal year 2012 and \$1,774 in fiscal year 2013, in Strategy B.1.1, Enforcement, the amounts of \$207,568 in fiscal year 2012 and \$117,664 in fiscal year 2013, in Strategy B.1.2, Peer Assistance, the amounts of \$12,721 in fiscal year 2012 and \$12,721 in fiscal year 2013, in Strategy C.1.1, Licensing - Indirect Administration, the amounts of \$3,633 in fiscal year 2012 and \$4,486 in fiscal year 2013 and in Strategy C.1.2, Enforcement - Indirect Administration, the amount of \$21,904 in fiscal year 2012 and \$27,638 in fiscal year 2013 from General Revenue are contingent upon the Board of Pharmacy assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$417,679 in excess of \$13,837,000 (Object Codes 3562 and 3570), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013. The Board of Pharmacy, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Pharmacy'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.

**ARTICLE VIII - REGULATORY**  
**533 Executive Council of Physical Therapy & Occupational Therapy Examiners**  
**DIFFERENCES ONLY**

**House**

**Senate**

2. **Contingent Revenue.** Out of the amounts appropriated above to the Executive Council of Physical Therapy and Occupational Therapy Examiners in Strategy A.1.1, Operate Licensing System, the amount of \$48,380 in fiscal year 2012 and \$48,380 in fiscal year 2013, and in Strategy B.1.1, Administer Enforcement, the amount of \$24,112 in fiscal year 2012 and \$24,112 in fiscal year 2013 in General Revenue are contingent upon the Executive Council of Physical Therapy and Occupational Therapy Examiners assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$185,376 in excess of \$7,798,000 (Object Code 3562), 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 2.0 FTEs in each fiscal year contingent upon the Comptroller's certification of increased revenue indicated above. The Executive Council of Physical Therapy and Occupational Therapy Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Executive Council of Physical Therapy and Occupational Therapy Examiners' 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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$144,984 and other direct and indirect costs (estimated to be \$40,392 for the 2012-13 biennium).

**ARTICLE VIII - REGULATORY**  
**456 Board of Plumbing Examiners**  
**DIFFERENCES ONLY**

**House**

**Senate**

- 3. Contingency Appropriations.** Out of the amounts appropriated above to the Board of Plumbing Examiners in Strategy A.1.3, Inspections and Enforcement, the amounts of \$180,900 in fiscal year 2012 and \$111,900 in fiscal year 2013, in General Revenue are contingent upon the Board of Plumbing Examiners assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$342,948 in excess of \$7,512,000 (Object Code 3175), 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 2.0 FTEs in each fiscal year contingent upon the Board of Plumbing Examiners generating the amount of revenue indicated above. The Board of Plumbing Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Plumbing Examiners' 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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$292,800 and other direct and indirect costs (estimated to be \$50,148 for the 2012-13 biennium).

**ARTICLE VIII - REGULATORY**  
**512 Board of Podiatric Medical Examiners**  
**DIFFERENCES ONLY**

**House**

**Senate**

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Podiatric Medical Examiners in Strategy A.1.1, Licensure and Enforcement, the amounts of \$3,000 in fiscal year 2012 and \$14,628 in fiscal year 2013, and in Strategy A.1.3, Indirect Administration, the amount of \$600 in fiscal year 2013 in General Revenue are contingent upon the Board of Podiatric Medical Examiners assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$21,634 in excess of \$960,000 (Object Code 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013. The Board of Podiatric Medical Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Podiatric Medical Examiners' 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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$18,228 and other direct and indirect costs (estimated to be \$3,406 for the 2012-13 biennium).

**ARTICLE VIII - REGULATORY  
312 Securities Board  
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 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.

	2012	2013
a. Acquisition of Information Resource Technologies		
(1) Purchase of Information Technologies	\$ 89,775	\$ 89,775
Total, Capital Budget	\$ 89,775	\$ 89,775
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 89,775	\$ 89,775
Total, Method of Financing	\$ 89,775	\$ 89,775

4. **Contingency Appropriations.** Out of the amounts appropriated above to the Securities Board in Strategy A.1.1, Law Enforcement, the amounts of \$37,705 in fiscal year 2012 and \$37,705 in fiscal year 2013, in Strategy A.2.1, Securities Registration, the amounts of \$7,182 in fiscal year 2012 and \$7,182 in fiscal year 2013, in Strategy A.3.1, Dealer Registration, the amounts of \$7,182 in 2012 and \$7,182 in 2013, in Strategy A.4.1, Inspect Records, the amounts of \$326,055 in 2012 and \$326,055 in 2013, in Strategy B.1.1, and in Central Administration, \$17,057 in 2012 and \$17,057 in 2013 in General Revenue are contingent upon the Securities Board assessing or increasing fees sufficient to generate, during the 2012-13 biennium,



**ARTICLE VIII - REGULATORY**  
**312 Securities Board**  
**DIFFERENCES ONLY**  
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**House**

**Senate**

\$907,374 in excess of \$229,550,000 (Object Code 3175), 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 5.0 FTEs in each fiscal year contingent upon the Securities Board generating the amount of revenue indicated above. The Securities Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Securities Board'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. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$790,362 and other direct and indirect costs (estimated to be \$117,012 for the 2012-13 biennium).

**ARTICLE VIII - REGULATORY  
473 Public Utility Commission of Texas  
DIFFERENCES ONLY**

**House**

**Senate**

**8. Allocation of System Benefit Account.** The maximum statutory assessment rate of the GR Dedicated - System Benefit Account No. 5100 is estimated to be \$153,858,000 in fiscal year 2012 and \$155,887,000 in fiscal year 2013. The estimated balance as of August 31, 2011 is \$623,440,000 and interest income is estimated to be \$19,869,000 for the biennium. The total account balance available for appropriation for 2012-13, estimated to be \$933,185,000, has been allocated throughout this act as follows:

**8. Allocation of System Benefit Account.** The maximum statutory assessment rate of the GR Dedicated - System Benefit Account No. 5100 is estimated to be \$153,858,000 in fiscal year 2012 and \$155,887,000 in fiscal year 2013. The estimated balance as of August 31, 2011 is \$623,440,000 and interest income is estimated to be \$19,869,000 for the biennium. The total account balance available for appropriation for 2012-13, estimated to be \$933,185,000, has been allocated throughout this act as follows:

	<u>2012</u>	<u>2013</u>
Public Utility Commission:		
Electric Market Oversight Contracts Wholesale and Retail Market	\$ 900,000	\$ 900,000
Low Income Discount	\$ 79,885,575	\$ 84,789,470
Customer Education	\$ 562,500	\$ 562,500
Administration	<u>\$ 753,353</u>	<u>\$ 753,352</u>
Total	\$ 82,101,428	\$ 87,005,322

	<u>2012</u>	<u>2013</u>
Public Utility Commission:		
Electric Market Oversight Contracts Wholesale and Retail Market	\$6,506,213	\$6,506,214
Low Income Discount	\$ 0	\$0
Customer Education	\$750,000	\$750,000
Administration	<u>\$970,343</u>	<u>\$970,343</u>
Total	\$8,226,556	\$8,226,557

**9. Low Income Discount.** All amounts appropriated above in Strategy C.1.1, Energy Assistance, shall only be expended to provide a discount of up to 20 percent during the months of May through September in each fiscal year. Any balances left unencumbered for each appropriated year shall be expended on a month to month basis until all appropriated funds from the account are spent on the Low Income Discount.

**10. Contingency Rider: Power to Choose Website.** Contingent upon the passage of Senate Bill 1219, or similar legislation, out of the funds appropriated above, the Public Utility Commission may allocate up to \$150,000 to redesign the state's Power to Choose website to improve

**ARTICLE VIII - REGULATORY**  
**473 Public Utility Commission of Texas**  
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usability and facilitate customer choice in the state's deregulated electric market, and the Commission may accept gifts and grants as authorized by general law to pay for the additional costs of redesigning the Power to Choose website.

**ARTICLE VIII - REGULATORY**  
**578 Board of Veterinary Medical Examiners**  
**DIFFERENCES ONLY**

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**Senate**

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Veterinary Medical Examiners in Strategy A.2.1, Complaints and Action, the amounts of \$80,000 in fiscal year 2012 and \$10,000 in fiscal year 2013 from General Revenue are contingent upon the Board of Veterinary Medical Examiners assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$90,000 in excess of \$2,751,000 (Object Codes 3175 and 3570), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013. The Board of Veterinary Medical Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Veterinary Medical Examiners' 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.