

Rider Comparison Packet

Conference Committee on House Bill 1

2016-17 General Appropriations Bill

Article VIII - Regulatory

ARTICLE VIII - REGULATORY
360 State Office of Administrative Hearings
DIFFERENCES ONLY

House

Senate

8. Billing Rate for Workload.

- a. Unless otherwise provided, amounts appropriated above and elsewhere in this Act for funding for the payment of costs associated with administrative hearings conducted by the State Office of Administrative Hearings (SOAH) are based on SOAH's actual hourly costs as determined by the most recently published Hearing Activity Report (HARP). SOAH's billing rate shall be actual costs as determined by the most recently published HARP, but not to exceed \$128 per hour for each hour of work performed during each fiscal year as reflected by the SOAH's Legislative Appropriation Request and Hearings Activity Report to the Eighty-fourth Legislature.
- b. Notwithstanding other provisions in this Act, amounts for the payment of costs associated with administrative hearings conducted by SOAH for the Comptroller of Public Accounts shall be established through an interagency contract between the two agencies. The contract shall provide funding for hearings on tax issues conducted by Master Administrative Law Judge IIs in a separate tax division within SOAH that have expertise in state tax and shall specify the salaries of the judges within the division.
- c. Amounts appropriated above in Strategy A.1.1, Conduct Hearings, to SOAH from the General Revenue Fund include funding in each year of the biennium for billable casework hours performed by SOAH for conducting administrative hearings at the rate determined by SOAH and approved by the Legislature for those agencies that do not have appropriations for paying SOAH costs for administrative hearings and are not subject to subsection (a) of this Section:
 - (1) Board of Chiropractic Examiners
 - (2) Texas State Board of Dental Examiners
 - (3) Funeral Service Commission
 - (4) Board of Professional Geoscientists
 - (5) Board of Professional Land Surveying
 - (6) Texas Medical Board

8. Billing Rate for Workload.

- a. Unless otherwise provided, amounts appropriated above and elsewhere in this Act for funding for the payment of costs associated with administrative hearings conducted by the State Office of Administrative Hearings (SOAH) are based on SOAH's actual hourly costs as determined by the most recently published Hearing Activity Report (HARP). SOAH's billing rate shall be actual costs as determined by the most recently published HARP, but not to exceed \$128 per hour for each hour of work performed during each fiscal year as reflected by the SOAH's Legislative Appropriation Request and Hearings Activity Report to the Eighty-fourth Legislature.
- b. Notwithstanding other provisions in this Act, amounts for the payment of costs associated with administrative hearings conducted by SOAH for the Comptroller of Public Accounts shall be established through an interagency contract between the two agencies. The contract shall provide funding for hearings on tax issues conducted by Master Administrative Law Judge IIs in a separate tax division within SOAH that have expertise in state tax and shall specify the salaries of the judges within the division.
- c. Amounts appropriated above in Strategy A.1.1, Conduct Hearings, to SOAH from the General Revenue Fund include funding in each year of the biennium for billable casework hours performed by SOAH for conducting administrative hearings at the rate determined by SOAH and approved by the Legislature for those agencies that do not have appropriations for paying SOAH costs for administrative hearings and are not subject to subsection (a) of this Section:
 - (1) Board of Chiropractic Examiners
 - (2) Texas State Board of Dental Examiners
 - (3) Funeral Service Commission
 - (4) Board of Professional Geoscientists
 - (5) Board of Professional Land Surveying
 - (6) Texas Medical Board

ARTICLE VIII - REGULATORY
360 State Office of Administrative Hearings
DIFFERENCES ONLY
(Continued)

House

- (7) Texas Board of Nursing
- (8) Optometry Board
- (9) Board of Pharmacy
- (10) Executive Council of Physical Therapy and Occupational Therapy Examiners
- (11) Board of Plumbing Examiners
- (12) Board of Podiatric Medical Examiners
- (13) Board of Examiners of Psychologists
- (14) Board of Veterinary Medical Examiners
- (15) Secretary of State
- (16) Securities Board
- (17) Public Utility Commission of Texas
- (18) Teacher Retirement System
- (19) Pension Review Board
- (20) Employees Retirement System
- (21) Department of Housing and Community Affairs
- (22) Texas Lottery Commission
- (23) Department of Public Safety (Non-Administrative License Revocation Hearings)
- (24) Texas Commission on Law Enforcement
- (25) Commission on Fire Protection
- (26) Department of Insurance (not including the Division of Workers' Compensation)
- (27) Alcoholic Beverage Commission
- (28) Racing Commission
- (29) Department of Agriculture
- (30) Department of Transportation
- (31) Higher Education Coordinating Board
- (32) Parks and Wildlife Department
- (33) Department of Licensing and Regulation

Senate

- (7) Texas Board of Nursing
- (8) Optometry Board
- (9) Board of Pharmacy
- (10) Executive Council of Physical Therapy and Occupational Therapy Examiners
- (11) Board of Plumbing Examiners
- (12) Board of Podiatric Medical Examiners
- (13) Board of Examiners of Psychologists
- (14) Board of Veterinary Medical Examiners
- (15) Secretary of State
- (16) Securities Board
- (17) Public Utility Commission of Texas
- (18) Teacher Retirement System
- (19) Pension Review Board
- (20) Employees Retirement System
- (21) Department of Housing and Community Affairs
- (22) Texas Lottery Commission
- (23) Department of Public Safety (Non-Administrative License Revocation Hearings)
- (24) Texas Commission on Law Enforcement
- (25) Commission on Fire Protection
- (26) Department of Insurance (not including the Division of Workers' Compensation)
- (27) Alcoholic Beverage Commission
- ((29) Department of Agriculture
- (30) Department of Transportation
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- (33) Department of Licensing and Regulation

ARTICLE VIII - REGULATORY
360 State Office of Administrative Hearings
DIFFERENCES ONLY
(Continued)

House

- 9. Sunset Contingency.** Pursuant to Government Code Chapter 325, the State Office of Administrative Hearings was the subject of review by the Sunset Advisory Commission.
- 1) Funds appropriated above are contingent on such action continuing the State Office of Administrative Hearings by the Eighty-fourth Legislature.
- 2) In the event that the legislature does not choose to continue the agency, the funds appropriated for fiscal year 2016, or as much thereof as may be necessary, are to be used to provide for the phase out of agency operations or to address the disposition of agency programs and operations as provided by the legislation.
- 10. Contingency Appropriation for Case Management System.** Out of the amounts appropriated above to the State Office of Administrative Hearings in Strategy A.1.1, Conduct Hearings, the amount of \$1,220,000 in fiscal year 2016 and \$200,000 in fiscal year 2017 in General Revenue are contingent upon the State Office of Administrative Hearings submitting a plan to the Legislative Budget Board no later than December 1, 2015, and receiving approval for the acquisition and implementation of a new integrated case management, case filing, and time keeping system.

Senate

- 9. Sunset Contingency.** Pursuant to Government Code Chapter 325, the State Office of Administrative Hearings was the subject of review by the Sunset Advisory Commission and a report pertaining to the State Office of Administrative Hearings was delivered to the Eighty-fourth Legislature. Government Code 325.015 provides that the legislature may by law continue the State Office of Administrative Hearings for up to 12 years, if such a law is passed before the sunset date for the State Office of Administrative Hearings.
- 1) Funds appropriated above are contingent on such action continuing the State Office of Administrative Hearings by the Eighty-fourth Legislature.
- 2) In the event that the legislature does not choose to continue the agency, the funds appropriated for fiscal year 2016, or as much thereof as may be necessary, are to be used to provide for the phase out of agency operations or to address the disposition of agency programs and operations as provided by the legislation.
- 10. Unexpended Balance Authority Within the Biennium.** Any unexpended balances as of August 31, 2016, in appropriations made to the State Office of Administrative Hearings are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2016.

ARTICLE VIII - REGULATORY
504 Texas State Board of Dental Examiners
DIFFERENCES ONLY

House

Senate

- 3. Contingency for Behavioral Health Funds.** Notwithstanding appropriation authority granted above, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related behavioral health funds for the Board of Dental Examiners in Strategy A.1.2, Peer Assistance Program, in fiscal year 2017, as identified in Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's planned expenditure of those funds in fiscal year 2017 does not satisfy the requirements of Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

ARTICLE VIII - REGULATORY
364 Health Professions Council
DIFFERENCES ONLY

House

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- 4. Contingency for Additional Funding.** Out of the amounts appropriated above to the Health Professions Council (HPC) in Strategy A.1.1, Coordination and Support, the amount of \$96,096 in fiscal year 2016 and \$97,259 in fiscal year 2017 in General Revenue is contingent on the enactment of legislation repealing Sec. 101.006, Occupations Code. Should legislation repealing Sec. 101.006, Occupations Code not become law then General Revenue is appropriated to the following agencies in amounts listed below, in order to enter into interagency contracts with HPC.

	<u>2016</u>	<u>2017</u>
Funeral Services Commission	\$5,980	\$6,011
Board of Chiropractic Examiners	\$5,267	\$5,267
Board of Optometry	\$3,550	\$3,570
Executive Council of Physical Therapy and Occupational Therapy Examiners	\$5,925	\$5,925
Office of Public Insurance Counsel	\$2,456	\$2,456
Board of Podiatric Medical Examiners	\$2,415	\$2,415
Board of Examiners of Psychologists	\$6,768	\$6,812
Board of Veterinary Medical Examiners	\$6,141	\$6,141
Board of Dental Examiners	\$16,272	\$16,639
Board of Nursing	\$5,145	\$5,145
Board of Pharmacy	\$25,476	\$25,935
Board of Professional Land Surveyors	\$887	\$907
<u>Board of Plumbing Examiners</u>	<u>\$9,814</u>	<u>\$10,036</u>
Total	\$96,096	\$97,259

ARTICLE VIII - REGULATORY
454 Department of Insurance
DIFFERENCES ONLY

House

Senate

22.

Appropriation of Amusement Ride Fee Collections and Reporting Requirements.

Included in the amounts appropriated above in Strategy A.5.1, Loss Control Programs, an amount not to exceed \$193,000 from revenue object code 3149 contained in the Comptroller of Public Accounts 2016-17 Biennial Revenue Estimate for General Revenue-Dedicated Texas Department of Insurance Operating Fund Account No. 36, is appropriated in each fiscal year for the purpose of administering and enforcing the Amusement Ride Safety Inspection and Insurance Act (Texas Occupations Code, Chapter 2151).

Beginning September 1, 2015, TDI shall request monthly a report of the amusement ride operators who apply for a sales tax license and a report of amusement ride operators paying sales tax from the Comptroller of Public Accounts. TDI shall reconcile the reports with their records of registered amusement ride operators and investigate the need for registration of any operator not in their records. TDI shall report biennially to the Legislature on: (1) efforts to bring all amusement ride operators into compliance; and (2) the result of those efforts.

22.

Appropriation of Amusement Ride Fee Collections and Reporting Requirements.

Included in the amounts appropriated above in Strategy A.5.1, Loss Control Programs, an amount not to exceed \$193,000 each year from revenue object code 3149 contained in the Comptroller of Public Accounts 2016-17 Biennial Revenue Estimate for General Revenue-Dedicated Texas Department of Insurance (TDI) Operating Fund Account No. 36, shall be used for the purpose of administering and enforcing the Amusement Ride Safety Inspection and Insurance Act (Texas Occupations Code, Chapter 2151).

Beginning September 1, 2015, TDI shall request monthly a report of the amusement ride operators who apply for a sales tax license and a report of amusement ride operators paying sales tax from the Comptroller of Public Accounts. TDI shall reconcile the reports with their records of registered amusement ride operators and investigate the need for registration of any operator not in their records. TDI shall report biennially to the Legislature on: (1) efforts to bring all amusement ride operators into compliance; and (2) the result of those efforts.

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

House

Senate

12.

Unexpended Balance Authority. The unobligated and unexpended balances of appropriations to the Department of Licensing and Regulation for the fiscal year ending August 31, 2016, are hereby appropriated to the Department of Licensing and Regulation for the same purposes for the fiscal year ending August 31, 2017.
14.

Judgments and Settlements. Notwithstanding Article IX, Section 16.02 of this Act, payment of judgments or settlements, including attorney's fees, resulting from actions brought under Title 42 United States Code §1983 that arise from claims challenging the validity or constitutionality of a state law and prosecuted or defended by the Office of the Attorney General that are obtained against the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation, or any individual(s) acting in their official capacity on behalf of the Texas Department of Licensing and Regulation, shall be paid out by the Comptroller and not from funds appropriated herein to the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation.
15.

Combative Sports Program Attendance Report. The Department of Licensing and Regulation shall provide to the Legislative Budget Board a quarterly report of any employee of the department and/or guest of the department who attends a combative sports event in the State of Texas with complimentary or reduced rate tickets provided by the promoter. The quarterly report shall be provided in a format prescribed by the Legislative Budget Board and include the date of the event and the face value of the ticket for the event.

ARTICLE VIII - REGULATORY
503 Texas Medical Board
DIFFERENCES ONLY

House

Senate

5. **Contingency for Behavioral Health Funds.** Notwithstanding appropriation authority granted above, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related behavioral health funds for the Texas Medical Board in Strategy B.1.2, Physician Health Program, in fiscal year 2017, as identified in Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's planned expenditure of those funds in fiscal year 2017 does not satisfy the requirements of Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

ARTICLE VIII - REGULATORY
507 Texas Board of Nursing
DIFFERENCES ONLY

House

Senate

4. **Contingency for Behavioral Health Funds.** Notwithstanding appropriation authority granted above, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related behavioral health funds for the Board of Nursing in Strategy B.1.2, Peer Assistance Program, in fiscal year 2017, as identified in Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's planned expenditure of those funds in fiscal year 2017 does not satisfy the requirements of Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

ARTICLE VIII - REGULATORY
514 Optometry Board
DIFFERENCES ONLY

House

Senate

- 2. Contingency for Behavioral Health Funds.** Notwithstanding appropriation authority granted above, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related behavioral health funds for the Optometry Board in Strategy A.1.4, Peer Assistance, in fiscal year 2017, as identified in Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's planned expenditure of those funds in fiscal year 2017 does not satisfy the requirements of Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

ARTICLE VIII - REGULATORY
515 Board of Pharmacy
DIFFERENCES ONLY

House

Senate

- 4. Contingency for Behavioral Health Funds.** Notwithstanding appropriation authority granted above, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related behavioral health funds for the Board of Pharmacy in Strategy B.1.2, Peer Assistance Program, in fiscal year 2017, as identified in Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's planned expenditure of those funds in fiscal year 2017 does not satisfy the requirements of Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

ARTICLE VIII - REGULATORY
476 Racing Commission
DIFFERENCES ONLY

House

Senate

- 2. Texas Bred Incentive Program Receipts.** Amounts set aside by the Texas Racing Act for the Texas Bred Incentive Program are appropriated above in Strategy A.2.1, Texas Bred Incentive Program.
- 3. Criminal History Checks and Background Checks.**
- a. Out of the funds appropriated above in Strategy B.1.1, Occupational Licensing Program, \$166,924 in fiscal year 2016 and \$166,924 in fiscal year 2017 are appropriated to the Racing Commission for the purpose of reimbursing the Department of Public Safety (DPS), Federal Bureau of Investigation (FBI), and/or any other entity authorized to conduct criminal history background checks for costs incurred in conducting criminal history checks or background checks on individuals seeking to transfer ownership interest in an existing racetrack license on Racing Commission license applicants and renewals. Any additional revenue received from occupational license fees to cover the costs of criminal history checks or background checks (estimated to be \$0) is hereby appropriated to the Racing Commission for the purpose of reimbursing the DPS, FBI, and/or any other entity authorized to conduct criminal history background checks.
 - b. Before May 31, 2016, the Racing Commission shall submit a report to the Legislative Budget Board, in a format prescribed by the Legislative Budget Board, that details the amount collected and expended on criminal history checks and background checks to date and the amount the agency is projecting to collect and expend on criminal history checks and background checks for the remainder of the 2016-17 biennium.
 - c. Any appropriation authority identified in subsection (a) of this rider not used for criminal history checks or background checks shall be lapsed by the Racing Commission.
- 4. Texas Bred Incentive Program Awards.** None of the funds appropriated above for Texas Bred Incentive Program Awards may be expended for payments to a member serving on the commission. The Racing Commission shall take all necessary steps to ensure compliance with this provision.

ARTICLE VIII - REGULATORY
476 Racing Commission
DIFFERENCES ONLY
(Continued)

House

Senate

5. Contingent Appropriation: New Horse Racetrack or Reopening Horse Racetrack and Accredited Texas Bred Program.

- a. In addition to the amounts appropriated above, the Texas Racing Commission shall be appropriated \$303,600 out of funds collected by the agency and deposited to GR Dedicated-Texas Racing Commission Account No. 597 during each fiscal year of the 2016-17 biennium, in the following amounts for each new horse racetrack that begins operation for the first time during the biennium or for each reopening horse racetrack that initiates operations again during the biennium (estimated to be one new horse racetrack or reopening horse racetrack) contingent upon the Texas Racing Commission assessing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2016-17 biennium, \$435,956 for fiscal year 2016 and \$435,956 for fiscal year 2017 for each new horse racetrack or each reopening horse racetrack during the 2016-17 biennium in excess of \$8,523,000 in fiscal year 2016 and \$8,491,000 in fiscal year 2017 (Object Codes 3188, 3189, 3190, 3193, 3194, and 3197) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2016 and 2017:

- (1) \$97,900 in Strategy A.3.1, Supervise and Conduct Live Races;
- (2) \$52,500 in Strategy A.3.2, Monitor Licensee Activities;
- (3) \$54,850 in Strategy A.4.1, Inspect and Provide Emergency Care;
- (4) \$18,350 in Strategy A.4.2, Administer Drug Tests;
- (5) \$35,000 in Strategy B.1.1, Occupational Licensing Program;
- (6) \$45,000 in Strategy C.1.1, Monitor Wagering and Audit.

Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above shall be increased by 5.0 FTEs in each fiscal year for each new horse racetrack that begins operations for the first time during the biennium or for each reopening horse racetrack that initiates operations again during the biennium contingent upon the Texas Racing Commission generating the amount of revenue indicated above for each new horse

ARTICLE VIII - REGULATORY
476 Racing Commission
DIFFERENCES ONLY
(Continued)

House

Senate

racetrack. The Texas Racing Commission upon completion of necessary actions to access or increase such additional revenue shall furnish copies of the Texas Racing Commission's minutes and other information supporting the estimated revenues to be generated for the 2016-17 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 purpose. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$607,200 and other direct and indirect costs (estimated to be \$264,711 for the 2016-17 biennium).

- b. In addition to amounts appropriated above in GR Dedicated - Texas Racing Commission Account No. 597, the Texas Racing Commission shall be appropriated in Strategy A.2.1, Texas Bred Incentive Program, revenue set aside by the Texas Racing Act pursuant to VTCS, Article 179e § 6.08 (j) for the Texas Bred Incentive Program that is collected by the agency from each new horse racetrack that begins operations for the first time in the 2016-17 biennium or for each reopening horse racetrack that initiates operations again during the 2016-17 biennium in an amount not to exceed \$332,037 from GR Dedicated - Texas Racing Commission Account No. 597 each year for each new horse racetrack. Any appropriations from revenue collected by the agency from new horse racetracks for the Texas Bred Incentive Program during the 2016-17 biennium may be used only for that purpose and are not transferable to any other strategy.
- c. For the purposes of this contingency rider, a "reopening horse racetrack" is a horse racetrack that has not operated live or simulcast race operations for 365 or more consecutive days prior to the reopening date for which live or simulcast operations are to be initiated again. Additionally, the reopening horse racetrack can not have ceased operations during the same biennium in which it initiates operations again.

ARTICLE VIII - REGULATORY
476 Racing Commission
DIFFERENCES ONLY
(Continued)

House

Senate

6. **Contingent Appropriation: New Racetrack Application.** All fees collected to cover the cost of the racetrack application process, in excess of the \$15,000 in each fiscal year to GR Dedicated - Texas Racing Commission Account No. 597 (Object Code 3191) in the Comptroller's Biennial Revenue Estimate (estimated to be \$0 each fiscal year), are hereby appropriated to Strategy A.1.1, License and Regulate Racetracks. Any appropriations from revenue collected by the agency from new racetrack applications shall be used only for the racetrack application review process for those racetracks that have a scheduled hearing before the State Office of Administrative Hearing or the Texas Racing Commission during the 2016-17 biennium and are not transferable to any other strategy.

ARTICLE VIII - REGULATORY
312 Securities Board
DIFFERENCES ONLY

House

Senate

- 3. Appropriation of Unexpended Balances Within the Biennium.** The unobligated and unexpended balances of appropriations to the Securities Board for the fiscal year ending August 31, 2016, are hereby appropriated to the Securities Board for the same purposes for the fiscal year ending August 31, 2017.

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

House

Senate

7.

Contingency Appropriation: System Benefit Fund.

a. In addition to the amounts appropriated above, the projected balance of the System Benefit Fund Account No. 5100 at the end of fiscal year 2016 (estimated to be \$227 million) is appropriated to the agency in Strategy C.1.1, Energy Assistance contingent upon passage of legislation that authorizes the Public Utility Commission to set a rate or time period for the low income discount sufficient to use the entire balance by the end of fiscal year 2017 and does not reauthorize fees to be paid into the fund. This allocation to the Low Income Discount program is in addition to the amounts listed in Rider 5. Allocation of System Benefit Account. Any unexpended balances remaining as of August 31, 2016 are appropriated to the Public Utility Commission in the fiscal biennium beginning September 1, 2016, for the same purpose.

b. In the event that legislation relating to the appropriation of the projected balance of the System Benefit Fund Account No. 5100 is not enacted by the Eighty-fourth Legislature, Regular Session, appropriations made to the Public Utility Commission out of the General Revenue Fund in fiscal year 2017 are increased in Strategy C.1.1, Energy Assistance, by an amount equal to the total General Revenue-Dedicated funds remaining in the System Benefit Fund Account No. 5100 as of August 31, 2016 (estimated to be \$227 million).
6.

Unexpended Balance Authority. The unobligated and unexpended balances of appropriations to the Public Utility Commission for the fiscal year ending August 31, 2016 are hereby appropriated to the agency for the same purposes for the fiscal year ending August 31, 2017.
8.

Contingency Appropriation: System Benefit Fund. In addition to the amounts appropriated above, the projected balance of the System Benefit Fund Account No. 5100 at the end of fiscal year 2016 (estimated to be \$227 million) is appropriated to the agency in Strategy C.1.1, Energy Assistance contingent upon passage of legislation that authorizes the Public Utility Commission to set a rate or time period for the low income discount sufficient to use the entire balance by the end of fiscal year 2017 and does not reauthorize fees to be paid into the fund. This allocation to the Low Income Discount program is in addition to the amounts listed in Rider 5, Allocation of System Benefit Account. Any unexpended balances remaining as of August 31, 2016 are appropriated to the Public Utility Commission in the fiscal biennium beginning September 1, 2016, for the same purpose.

ARTICLE VIII - REGULATORY
475 Office of Public Utility Counsel
DIFFERENCES ONLY

House

Senate

2. **Unexpended Balance Authority.** The unobligated and unexpended balances of appropriations to the Office of Public Utility Counsel for the fiscal year ending August 31, 2016, are hereby appropriated to the agency for the same purposes for the fiscal year ending August 31, 2017.

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

House

Senate

2. **Contingency for Behavioral Health Funds.** Notwithstanding appropriation authority granted above, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related behavioral health funds for the Board of Veterinary Medical Examiners in Strategy A.2.2, Peer Assistance, in fiscal year 2017, as identified in Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's planned expenditure of those funds in fiscal year 2017 does not satisfy the requirements of Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

ARTICLE VIII - REGULATORY
S08 Special Provisions Relating to All Regulatory Agencies
DIFFERENCES ONLY

House

Senate

Sec. 2. Appropriations Limited to Revenue Collections. It is the intent of the Legislature that fees, fines, and other miscellaneous revenues as authorized and generated by each of the following agencies cover, at a minimum, the cost of appropriations made above and elsewhere in this Act to those agencies as well as an amount equal to the amount identified in the informational item "Other Direct and Indirect Costs Appropriated Elsewhere in this Act."

- Board of Chiropractic Examiners
- Texas State Board of Dental Examiners
- Funeral Service Commission
- Board of Professional Geoscientists
- Office of Injured Employee Counsel
- Department of Insurance
- Office of Public Insurance Counsel
- Board of Professional Land Surveying
- Department of Licensing and Regulation
- Texas Medical Board
- Texas Board of Nursing
- Optometry Board
- Board of Pharmacy
- Executive Council of Physical Therapy and Occupational Therapy Examiners
- Board of Plumbing Examiners
- Board of Podiatric Medical Examiners
- Board of Examiners of Psychologists
- Racing Commission
- Securities Board
- Board of Veterinary Medical Examiners

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

Sec. 2. Appropriations Limited to Revenue Collections. It is the intent of the Legislature that fees, fines, and other miscellaneous revenues as authorized and generated by each of the following agencies cover, at a minimum, the cost of appropriations made above and elsewhere in this Act to those agencies as well as an amount equal to the amount identified in the informational item "Other Direct and Indirect Costs Appropriated Elsewhere in this Act."

- Board of Chiropractic Examiners
- Texas State Board of Dental Examiners
- Funeral Service Commission
- Board of Professional Geoscientists
- Office of Injured Employee Counsel
- Department of Insurance
- Office of Public Insurance Counsel
- Board of Professional Land Surveying
- Department of Licensing and Regulation
- Texas Medical Board
- Texas Board of Nursing
- Optometry Board
- Board of Pharmacy
- Executive Council of Physical Therapy and Occupational Therapy Examiners
- Board of Plumbing Examiners
- Board of Podiatric Medical Examiners
- Board of Examiners of Psychologists
- Securities Board
- Board of Veterinary Medical Examiners

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

ARTICLE VIII - REGULATORY
S08 Special Provisions Relating to All Regulatory Agencies
DIFFERENCES ONLY
(Continued)

House

Senate

Sec. 3. Funding for Health Professions Council.

- a. An agency participating in the Health Professions Council or the Health Professions Council Shared Regulatory Database shall transfer funds through interagency contract to the Health Professions Council from appropriations made to the agency elsewhere in this Act in order to carry out the functions required under Chapter 101, Occupations Code, and to maintain the functions of the database. Included in the amounts appropriated above to the Health Professions Council, are funds transferred by the following participating agencies in the amounts noted below for each year of the 2016-17 biennium:

	<u>2016</u>	<u>2017</u>
Department of State Health Services	\$ 11,846	\$ 11,846
Board of Chiropractic Examiners	13,745	12,645
Texas State Board of Dental Examiners	57,118	261,136
Funeral Service Commission	38,056	37,025
Board of Professional Land Surveying	11,808	12,250
Texas Medical Board	32,378	27,189
Texas Board of Nursing	66,506	61,925
Optometry Board	24,307	23,655
Board of Pharmacy	326,255	332,252
Executive Council of Physical Therapy & Occupational Therapy Examiners	26,084	23,857
Board of Plumbing Examiners	130,658	135,544
Board of Podiatric Medical Examiners	10,331	9,345
Board of Examiners of Psychologists	46,710	45,838
Board of Veterinary Medical Examiners	22,930	21,277
Office of Public Insurance Counsel	3,399	3,399

Sec. 3. Funding for Health Professions Council.

- a. An agency participating in the Health Professions Council or the Health Professions Council Shared Regulatory Database shall transfer funds through interagency contract to the Health Professions Council from appropriations made to the agency elsewhere in this Act in order to carry out the functions required under Chapter 101, Occupations Code, and to maintain the functions of the database. Included in the amounts appropriated above to the Health Professions Council, are funds transferred by the following participating agencies in the amounts noted below for each year of the 2016-17 biennium:

	<u>2016</u>	<u>2017</u>
Department of State Health Services	\$ 11,846	\$ 11,846
Board of Chiropractic Examiners	18,800	17,700
Texas State Board of Dental Examiners	257,118	261,136
Funeral Service Commission	42,480	41,449
Board of Professional Land Surveying	11,808	12,250
Texas Medical Board	32,378	27,189
Texas Board of Nursing	70,107	65,527
Optometry Board	26,835	26,183
Board of Pharmacy	329,856	335,854
Executive Council of Physical Therapy & Occupational Therapy Examiners	31,771	29,544
Board of Plumbing Examiners	130,658	135,544
Board of Podiatric Medical Examiners	12,649	11,663
Board of Examiners of Psychologists	51,344	50,472
Board of Veterinary Medical Examiners	29,224	27,571
Office of Public Insurance Counsel	5,916	5,916

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House				Senate					
Total	\$	1,022,131	\$	1,019,183	Total	\$	1,062,790	\$	1,059,844
b. The following is an informational listing of appropriations made to agencies that are transferred to the Health Professions Council in subsection (a) above for the purpose of funding the Health Professions Council Shared Regulatory Database maintenance costs:					b. The following is an informational listing of appropriations made to agencies that are transferred to the Health Professions Council in subsection (a) above for the purpose of funding the Health Professions Council Shared Regulatory Database maintenance costs:				
		<u>2016</u>	<u>2017</u>			<u>2016</u>	<u>2017</u>		
Texas State Board of Dental Examiners	\$	216,635	\$	224,737	Texas State Board of Dental Examiners	\$	216,635	\$	224,737
Funeral Service Commission		18,258		18,941	Funeral Service Commission		18,258		18,941
Board of Professional Land Surveying		11,808		12,250	Board of Professional Land Surveying		11,808		12,250
Optometry Board		12,203		12,660	Optometry Board		12,203		12,660
Board of Pharmacy		270,666		280,788	Board of Pharmacy		270,666		280,788
Board of Plumbing Examiners		130,658		135,544	Board of Plumbing Examiners		130,658		135,544
Board of Examiners of Psychologists		25,832		26,798	Board of Examiners of Psychologists		25,832		26,798
Total	\$	686,060	\$	711,718	Total	\$	686,060	\$	711,718

Sec. 4. Texas.gov Appropriation.

- a. Each Article VIII licensing agency participating in the Texas.gov is authorized in accordance with §2054.252 of the Government Code to increase the occupational license, permit, and registration fees imposed on the licensees by an amount sufficient to cover the cost of the subscription fee charged by the Texas.gov.
- b. The following is an informational listing of appropriated fee revenue for each Article VIII licensing agency participating in Texas.gov for the purpose of paying Texas.gov subscription fees.

Sec. 4. Texas.gov Appropriation.

- a. Each Article VIII licensing agency participating in the Texas.gov is authorized in accordance with §2054.252 of the Government Code to increase the occupational license, permit, and registration fees imposed on the licensees by an amount sufficient to cover the cost of the subscription fee charged by the Texas.gov.
- b. The following is an informational listing of appropriated fee revenue for each Article VIII licensing agency participating in Texas.gov for the purpose of paying Texas.gov subscription fees.

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(Continued)

House			Senate		
	2016	2017			
Board of Chiropractic Examiners	\$ 29,850	\$ 29,850	Board of Chiropractic Examiners	\$ 29,850	\$ 29,850
Texas State Board of Dental Examiners	250,000	250,000	Texas State Board of Dental Examiners	250,000	250,000
Funeral Service Commission	46,500	46,500	Funeral Service Commission	46,500	46,500
Board of Professional Geoscientists	25,000	25,000	Board of Professional Geoscientists	25,000	25,000
Department of Insurance	380,000	380,000	Department of Insurance	380,000	380,000
Board of Professional Land Surveying	17,150	17,150	Board of Professional Land Surveying	17,150	17,150
Department of Licensing and Regulation	467,200	467,200	Department of Licensing and Regulation	467,200	467,200
Texas Board of Nursing	563,712	563,712	Texas Board of Nursing	563,712	563,712
Optometry Board	18,625	18,625	Optometry Board	18,625	18,625
Board of Pharmacy	173,463	173,463	Board of Pharmacy	173,463	173,463
Executive Council of Physical Therapy & Occupational Therapy Examiners	157,715	157,715	Executive Council of Physical Therapy & Occupational Therapy Examiners	157,715	157,715
Board of Plumbing Examiners	155,000	155,000	Board of Plumbing Examiners	155,000	155,000
Board of Podiatric Medical Examiners	5,000	5,000	Board of Podiatric Medical Examiners	5,000	5,000
Board of Examiners of Psychologists	37,000	37,000	Board of Examiners of Psychologists	37,000	37,000
Racing Commission	22,500	22,500	Board of Veterinary Medical Examiners	40,000	40,000
Board of Veterinary Medical Examiners	40,000	40,000			
Total	\$ 2,388,715	\$ 2,388,715	Total	\$ 2,366,215	\$ 2,366,215
c. In the event that actual and/or projected revenue collections from fee increases to cover the cost of Texas.gov subscription fees are insufficient to offset the costs identified above, the Comptroller is hereby directed to reduce the appropriation authority provided by this Act to agencies participating in Texas.gov to be within the amount of fee revenue expected to be available.			c. In the event that actual and/or projected revenue collections from fee increases to cover the cost of Texas.gov subscription fees are insufficient to offset the costs identified above, the Comptroller is hereby directed to reduce the appropriation authority provided by this Act to agencies participating in Texas.gov to be within the amount of fee revenue expected to be available.		
d. For new licensing applications, the Article VIII licensing agencies participating in Texas.gov are hereby appropriated the additional revenue generated from occupational license, permit,			d. For new licensing applications, the Article VIII licensing agencies participating in Texas.gov are hereby appropriated the additional revenue generated from occupational license, permit,		

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House

or registration fees in excess of the Comptroller's biennial revenue estimate for 2016-17 for the sole purpose of payment to the Texas.gov contractor of subscription fees for implementing and maintaining electronic services for the licensing agencies. Each agency, upon completion of necessary actions to access or increase fees, shall furnish copies of board meeting minutes, an annual schedule of the number of license issuances or renewals and associated annual fee total, and any other supporting documentation to the Comptroller. If the Comptroller finds the information sufficient to support the projection of increased revenues, a notification letter will be issued and the contingent appropriation made available for the intended purposes.

- e. Each Article VIII licensing agency participating in Texas.gov shall notify the Legislative Budget Board and the Comptroller of Public Accounts in writing upon receiving an exemption from participating in Texas.gov. Within 45 days of receiving an exemption, an agency shall provide the Legislative Budget Board and the Comptroller with a report of the effective date, the reason for exemption, and all estimated expenditures for Texas.gov costs in the fiscal year in which the exemption is made.

Sec. 6. Contingency Appropriation for Criminal History Record Information.

- a. For each Article VIII licensing agency conducting criminal history background checks that is authorized in accordance with the Government Code to increase the occupational license, permit, and/or registration fee imposed on the licensees by an amount sufficient to cover the cost of the fee charged by the Department of Public Safety (DPS), Federal Bureau of Investigation (FBI), and/or any other entity authorized to conduct criminal history background checks, in the event that actual and/or projected revenue collections from fee increases to cover the cost of criminal history background checks are insufficient to offset the costs included in the agency's appropriations that is budgeted for criminal history background checks, the Comptroller is hereby directed to reduce the appropriation authority provided by this Act to agencies conducting criminal history background checks to be within the amount of revenue expected to be available.

Senate

upon completion of necessary actions to access or increase fees, shall furnish copies of board meeting minutes, an annual schedule of the number of license issuances or renewals and associated annual fee total, and any other supporting documentation to the Comptroller. If the Comptroller finds the information sufficient to support the projection of increased revenues, a notification letter will be issued and the contingent appropriation made available for the intended purposes.

- e. Each Article VIII licensing agency participating in Texas.gov shall notify the Legislative Budget Board and the Comptroller of Public Accounts in writing upon receiving an exemption from participating in Texas.gov. Within 45 days of receiving an exemption, an agency shall provide the Legislative Budget Board and the Comptroller with a report of the effective date, the reason for exemption, and all estimated expenditures for Texas.gov costs in the fiscal year in which the exemption is made.

Sec. 6. Contingency Appropriation for Criminal History Record Information.

- a. For each Article VIII licensing agency conducting criminal history background checks that is authorized in accordance with the Government Code to increase the occupational license, permit, and/or registration fee imposed on the licensees by an amount sufficient to cover the cost of the fee charged by the Department of Public Safety (DPS), Federal Bureau of Investigation (FBI), and/or any other entity authorized to conduct criminal history background checks, in the event that actual and/or projected revenue collections from fee increases to cover the cost of criminal history background checks are insufficient to offset the costs included in the agency's appropriations that is budgeted for criminal history background checks, the Comptroller is hereby directed to reduce the appropriation authority provided by this Act to agencies conducting criminal history background checks to be within the amount of revenue expected to be available.

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b. Each Article VIII licensing agency conducting criminal history background checks is hereby appropriated the additional revenue generated from occupational license, permit, and/or registration fees in excess of the Comptroller's biennial revenue estimate for 2016-17 for the sole purpose of conducting criminal history background checks. Each agency, upon completion of necessary actions to assess or increase fees, shall furnish copies of board meeting minutes, an annual schedule of the number of license issuances or renewals and associated annual fee total, and any other supporting documentation to the Comptroller. If the Comptroller finds the information sufficient to support the projection of increased revenues, a notification letter will be issued and the contingent appropriation made available for the intended purpose.

c. The following is an informational listing of agency appropriations included for each Article VIII licensing agency conducting criminal history background checks.

	<u>2016</u>	<u>2017</u>
Department of Licensing and Regulation	\$ 102,900	\$ 106,100
Board of Plumbing Examiners	3,500	3,500
Board of Podiatric Medical Examiners	3,000	3,000
Racing Commission	166,924	166,924
Board of Veterinary Medical Examiners	200	200
Total	\$ 276,524	\$ 279,724

d. Appropriations made elsewhere to Article VIII licensing agencies, including amounts listed above and any new amounts that may be appropriated during the 2016-17 biennium for the purpose of conducting criminal history background checks, may be used only for the purpose of paying for the cost of the fee charged by the entities listed in subsection (a) and may not be used for any other purpose.

Senate

b. Each Article VIII licensing agency conducting criminal history background checks is hereby appropriated the additional revenue generated from occupational license, permit, and/or registration fees in excess of the Comptroller's biennial revenue estimate for 2016-17 for the sole purpose of conducting criminal history background checks. Each agency, upon completion of necessary actions to assess or increase fees, shall furnish copies of board meeting minutes, an annual schedule of the number of license issuances or renewals and associated annual fee total, and any other supporting documentation to the Comptroller. If the Comptroller finds the information sufficient to support the projection of increased revenues, a notification letter will be issued and the contingent appropriation made available for the intended purpose.

c. The following is an informational listing of agency appropriations included for each Article VIII licensing agency conducting criminal history background checks.

	<u>2016</u>	<u>2017</u>
Department of Licensing and Regulation	\$ 102,900	\$ 106,100
Board of Plumbing Examiners	3,500	3,500
Board of Podiatric Medical Examiners	3,000	3,000
Board of Veterinary Medical Examiners	200	200
Total	\$ 109,600	\$ 112,800

d. Appropriations made elsewhere to Article VIII licensing agencies, including amounts listed above and any new amounts that may be appropriated during the 2016-17 biennium for the purpose of conducting criminal history background checks, may be used only for the purpose of paying for the cost of the fee charged by the entities listed in subsection (a) and may not be used for any other purpose.