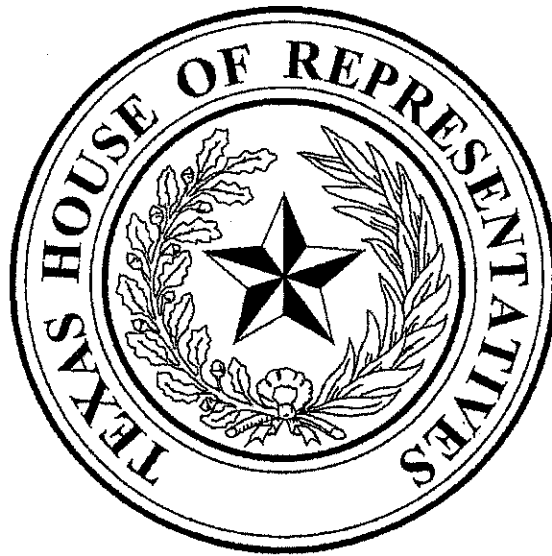


HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON
ARTICLES I, IV & V



Rider Packet
Articles I, IV & V
Article XI

March 16, 2017

By Johnson of Harris

Art. IX Contingency Rider
Statewide online education and career advising tool

Overview

In 2016, the Gov. Greg Abbott's Tri-Agency taskforce, consisting of commissioners from the Texas Higher Education Coordinating Board, Texas Education Agency and Texas Workforce commission, recommended the development of a tool for students and parents to receive information about dual credit options that will transfer and count toward specific certificates or degrees at institutions of higher education, similar to "truth-in-lending" statements. Specifically, the taskforce recommended that, as part of a collaborative technology plan, a statewide online education and career advising tool be developed for counselors, students, and parents, and other stakeholders, that will help P-16 students – especially students who are struggling, economically disadvantaged, foster children, or children with disabilities – make meaningful and achievable postsecondary or career plans.

Required Action

Contingent on the passage of House Bill 3730 regarding an online education and career advising tool, or similar legislation, may allocate \$2,000,000 in FY2018 and \$2,000,000 in FY2019 of federal Perkins Leadership funding to develop, host and maintain an online education and career readiness tool available to Texas students, parents, and counselors and to conduct a study of rigorous dual credit options.

Any unexpended balances as of August 31, 2018 are hereby appropriated to fiscal year 2019 for the same purpose.

Rep. Gutierrez

Overview

Prepare a rider which transfers and appropriates \$2,500,000 from the Department of Public Safety to the University of Texas Health Science Center at San Antonio for the purposes of implementing the provisions of House Bill 2571, contingent upon its enactment.

Required Action

On page IX-85 of the bill pattern for Article IX, Part 18, Contingency and Other Provisions, add the following new rider:

- _____ **Contingency for HB 2571.** Contingent on enactment of House Bill 2571, or similar legislation relating to the establishment of a research and clinical care center for combat-related posttraumatic stress disorder and related conditions at the University of Texas Health Science Center at San Antonio, by the Eighty-fifth Legislature, Regular Session, 2017, appropriations of \$1,250,000 in General Revenue in each fiscal year of the 2018-19 biennium made elsewhere in this Act to the Department of Public Safety in Strategy B.1.2, Routine Operations, are hereby transferred and appropriated to the University of Texas Health Science Center at San Antonio in Strategy E.4.1, Institutional Enhancement for the 2018-19 biennium, to implement the provisions of the legislation.

RIDER REQUEST

Member Name: Rep. VanDeaver

Affected Agency: All institutions of higher education

Purpose: Article IX Riders 7.04 and 7.12. The proposed riders would clarify that the reporting requirements set forth would only be applicable to appropriated funds. Appropriation riders must relate to the appropriation of funds or they are general legislation, which is prohibited by the "Unity-in-Subject" clause of the Texas Constitution.

Amount Requested (if applicable): none

Method of Finance (if applicable): none

Rider Language: See attached.

Sec. 7.04. Contract Notification: Amounts Greater than \$50,000.

(a) In this section "contract" includes a contract, or grant, or agreement ~~paid with appropriated funds~~, including a revenue generating contract, an interagency or interlocal grant or agreement, purchase order or other written expression of terms of agreement or an amendment, modification, renewal, or extension of such for the purchase or sale of goods or services that was entered into or paid for, either in whole or in part, by a state agency or institution of higher education.

(b) In this section a "contract" does not include a contract that has been reported to the Legislative Budget Board under §§2054.008, 2166.2551, 2254.006, or 2254.0301, Government Code; Article IX, Section 7.12 of this Act; or a contract with a value of less than or equal to \$50,000.

(c) In this section "contract" includes an amendment, modification, renewal or extension which increases a contract's value from a value less than or equal to \$50,000 to a value greater than \$50,000.

(d) Within 30 calendar days after awarding a contract or granting an amendment, modification, renewal, or extension, a state agency or institution of higher education shall report to the Legislative Budget Board in the manner prescribed by Legislative Budget Board all contracts, amendments, modifications, renewals, and extensions to which the agency or institution was a party during the prior fiscal year.

(e) A state agency or institution of higher education receiving an appropriation under this Act shall report a contract pursuant to this section without regard to source of funds or method of finance associated with the expenditure, ~~including a contract for which only non-appropriated funds will be expended.~~

(f) The Legislative Budget Board may conduct reviews of contracts submitted under this section. If a contract reported under this section is found to violate:

- (1) State of Texas Contract Management Guide;
- (2) State of Texas Procurement Manual; or
- (3) Any applicable statutes, rules, policies and procedures related to the procurement and contracting of goods and services, including compliance with conflict of interest disclosure requirements;

the Director of the Legislative Budget Board may provide written notification to the Comptroller, the governor, and/or the Legislative Budget Board detailing the requirements of this section that the agency did not meet and any recommendations to address identified risks related to the procurement or contract. The recommendations may include enhanced monitoring by Legislative Budget Board staff; auditing by the State Auditor's Office; required agency consultation with the Quality Assurance Team and/or Contract Advisory Team; or contract cancellation.

Sec. 7.12. Notification of Certain Purchases or Contract Awards, Amendments, and Extensions.

(a) In this section "contract" includes a contract, grant or agreement paid with appropriated funds, including a revenue generating contract, an interagency or interlocal grant or agreement, purchase order or other written expression of terms of agreement or an amendment, modification, renewal, or extension of such for the purchase or sale of goods or services that was entered into or paid for, either in whole or in part, by a state agency or institution of higher education.

(b) Until providing notice that satisfies the requirements of this Section 7.12, an agency or institution of higher education appropriated funds in this Act may not expend any appropriated funds to make a payment on a contract if the expected amount of the contract exceeds or may reasonably be expected to exceed either of the following thresholds:

(1) \$10 million; or

(2) \$1 million in the case of a contract awarded:

(A) as a result of an emergency or following an emergency procedure allowed by statute; or

(B) without issuing a request for proposal, request for bid, or other similar process common to participation in the competitive bidding processes required by statute, rule, or ordinary and commonly recognized state policies and procedures.

(c) An agency or institution of higher education may not expend appropriated funds to make a payment on a contract under Subsection (b)(1) or (b)(2) until the notice required in this Section 7.12 is provided to the Legislative Budget Board. The notice shall be provided to the Legislative Budget Board:

(1) prior to the date on which the first payment under the contract will be made, but no later than 30 calendar days after the date on which the contract is awarded; or

(2) within 48 hours of making a payment if the contract was awarded as a result of an emergency or following an emergency procedure allowed by statute. Such a purchase must be necessary to avoid an immediate hazard to life, health, safety or the welfare of humans, or to avoid an immediate hazard to property.

(d) A notice required by this Section 7.12 must include:

(1)(A) information regarding the nature, term, amount and the vendor(s) awarded the contract;

(B) a copy of the contract documents, including all appendices and attachments;

(C) each request for proposal, invitation to bid, or comparable solicitation related to the contract; and

(D) Subsections (d)(1)(B) and (C) shall not apply:

(i) to an enrollment contract described by T.A.C. Section 391.183 as that section existed November 1, 2013;

(ii) to a contract of the Texas Department of Transportation that relates to highway construction or engineering, or is subject to Section 201.112, Transportation Code.

(2) (A) certification signed by the executive director of the agency or other similar agency or institution administrator or designee of the agency or institution of higher education stating that the process used to award the contract, contract extension, or purchase complies with or is consistent with the following:

(i) State of Texas Contract Management Guide;

(ii) State of Texas Procurement Manual; and

(iii) all applicable statutes, rules, policies and procedures related to the procurement and contracting of goods and services, including compliance with conflict of interest disclosure requirements; or

(B) if the process to award the contract, contract extension, or procurement did not comply with the requirements of Subsection (c)(2) (A)(i), (ii) and (iii), or if these requirements are found to be inapplicable, the agency or institution of higher education shall provide either a legal justification for the inapplicability of the requirements or an explanation for the alternative process utilized, legal justification for the alternative process, and identify the individual(s) directing the use of an alternative process;

(3) certification by the executive director of the agency or other similar agency or institution administrator or designee of the agency or institution of higher education that the agency or institution has a process for:

(A) verification of vendor performance and deliverables;

(B) payment for goods and services only within the scope of the contract or procurement order; and

(C) calculation and collection of any liquidated damages associated with vendor performance; and

(4) any other information requested by the Legislative Budget Board before or after the Legislative Budget Board receives the notice as required by this Section 7.12.

(e) A state agency or institution of higher education receiving an appropriation under this Act shall provide notice of a contract paid with appropriated funds pursuant to this section without regard to the source of funds or method of finance associated with the expenditures, ~~including a contract for which only non-appropriated funds will be expended.~~

(f) If the agency does not satisfy the notification requirements of this section, the Director of the Legislative Budget Board may provide written notification to the comptroller, governor, and

The recommendations may include enhanced monitoring by Legislative Budget Board staff; auditing by the State Auditor's Office; required agency consultation with the Quality Assurance Team and/or Contract Advisory Team; or contract cancellation.

(g) It is the intent of the legislature that a written notice certified as required by this Section 7.12 should be considered a "governmental record" as defined under Chapter 37, Penal Code.

Rep. Gonzales

AGENCY DISCRETIONARY TRANSFER PROVISIONS

Add the following rider to Article IX:

Limitation on Expenditures - Capital Budget.

(c) This restriction does not apply to:

- (1) Expenditures for capital outlay items or projects that are not included in the definition of "Capital Budget" under Subsection (d); ~~or~~
- (2) Expenditures for Capital Budget purposes made by institutions, including:
 - (A) Institutions and agencies of higher education; or
 - (B) public community/junior colleges; or
- (3) Agencies utilizing alternative finance models to secure modernization of information technology systems, such as an outcome-based model where an agency does not make a financial transaction until a system meets their acceptance criteria. An agency must report to the Department of Information Resources, the Quality Assurance Team, and the Legislative Budget Board the financial gain and how it eliminates risk and increases probability of success.

Overview

House Bill 2068 would repeal the Driver Responsibility Program (DRP) and its associated surcharges and replace the revenue loss to General Revenue and General Revenue-Dedicated funds through a \$30 increase in the state traffic fine, and traffic fines for driving while intoxicated and driving without financial responsibility (i.e., driving without insurance). Repeal of the DRP would eliminate the cost and full-time equivalent (FTE) positions at the Texas Department of Public Safety that are required to administer the program.

Rep. Phillips

Required Action

On page IX_ add the following rider:

_____ **Contingency for HB 2068.** Contingent on the enactment of House Bill 2068 or similar legislation, repealing the Driver Responsibility Program, by the Eighty-fifth Legislature, appropriations from the General Revenue Fund to the Texas Department of Public Safety in Strategy F.1.3., Enforcement and Compliance Services, pursuant to Sec. 780.002, Health and Safety Code, are reduced by \$12,365,615 in each fiscal year of the biennium. Also, the FTE cap for the department is reduced by 47.0 full-time equivalent positions in each fiscal year of the biennium. Finally, any additional conforming changes related to the department's bill pattern are also enacted.

RIDER REQUEST

Member Name: Rep. Rick Miller

Affected Agency: Department of Public Safety

Purpose:

Amount Requested (if applicable): [Click here to enter text.](#)

Method of Finance (if applicable): [Click here to enter text.](#)

Rider Language:

Sec. 3.12. Exceptions for Salary Schedule C.

- (a) Notwithstanding other provisions in this Act, the Department of Public Safety of the State of Texas may pay its employees classified as Corporal I, II, III, IV, or V, Traffic Law Enforcement, at rates that exceed the maximum rates designated in Salary Schedule C by up to \$600 per fiscal year.

- (b) (1) Notwithstanding other provisions in this Act, the Department of Public Safety, Office of the Attorney General, Department of Criminal Justice, Parks and Wildlife Department, and the Alcoholic Beverage Commission of Texas shall pay its employees classified as commissioned peace officers in Salary Schedule C, salary stipends at rates that exceed the maximum rates designated in Salary C.
- (2) Salary stipends shall be paid to commissioned peace officers who achieve certain levels of skill or certifications as approved by the departments. Such skills and certifications shall include:
 - (A) Education Level: ~~\$50~~ \$106 per month for an associate degree; ~~\$100~~ \$240 per month for a bachelor degree; and ~~\$150~~ \$305 per month for a masters degree;
 - (B) Commission on Law Enforcement Certification Level: ~~\$50~~ \$105 per month for intermediate; ~~\$100~~ \$171 per month for advanced; and ~~\$150~~ \$366 per month for masters;
 - (C) Bilingual Capabilities: ~~\$50~~ \$133 per month for the ability to speak a language other than English.

If you have any questions, regarding this form, please contact the House Appropriations Committee Office at (512) 463-1091

- (3) Commissioned peace officers may receive a stipend for education level or certification level, but not both.
- (c) The Department of Public Safety, Office of the Attorney General, Department of Criminal Justice, Parks and Wildlife Department, and the Alcoholic Beverage Commission of Texas shall work with the Comptroller to establish an efficient salary reporting and payment system.

RIDER REQUEST

Member Name: Muñoz, Jr.

Affected Agency: Texas Parks and Wildlife

Purpose: To limit the activities defined under border security so that more funding can be appropriated to other necessary activities.

Amount Requested (if applicable): Click here to enter text.

Method of Finance (if applicable): Click here to enter text.

Rider Language:

Sec. 7.11 Border Security

(b) Strike the following language "or hunting and fishing laws related to poaching".

(c) Strike "indicators" and restore "results"