

Rider Comparison Packet

Conference Committee on Senate Bill 1

2018-19 General Appropriations Bill

Article V – Public Safety and Criminal Justice

ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE
458 Alcoholic Beverage Commission
DIFFERENCES ONLY

Senate

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- 13. Judgments and Settlements.** Payment of judgments or settlements, including attorney's fees and court costs, resulting from actions or claims challenging the validity or constitutionality of the Texas Alcoholic Beverage Code and defended by the Office of the Attorney General or outside counsel as approved by the Office of the Attorney General, obtained against the Texas Alcoholic Beverage Commission or any individual(s) acting in their official capacity on behalf of the Texas Alcoholic Beverage Commission may be paid only from funds appropriated clearly and specifically for that purpose and not from other appropriations to the Texas Alcoholic Beverage Commission.
- 14. Limit on Travel and Activities.**
- a. The Texas Alcoholic Beverage Commission may not spend money appropriated to the agency by this Act for use during the state fiscal biennium ending August 31, 2019:
 - 1. for travel outside the state, other than for bona fide and documented law enforcement or investigative activities; or
 - 2. to attend or participate in an event, training, conference, class, or similar activity outside the state.
 - b. The Texas Alcoholic Beverage Commission and employees of the commission may not accept payments from or spending authority on behalf of any trade, professional, or industry organization for any purpose or in any form, including a travel subsidy, payment of travel or other expenses for conference presenters, prepaid meals, or lodging.

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- 39. Continuity of Care.** (a) Out of the funds appropriated above in Strategy B.1.1, Special Needs Programs and Services, the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) shall coordinate with the Texas Department of State Health Services, county and municipal jails, and community centers as defined in the Texas Health and Safety Code §534.001 on establishing methods for the continuity of care for pre- and post-release activities of defendants who are returned to the county of conviction after the defendant's competency has been restored. TCOOMMI shall coordinate in the same manner it performs continuity of care activities for offenders with special needs.
- (b) As part of the Continuity of Care Plan and in an amount not to exceed \$500,000 each fiscal year, HHSC shall provide a 90-day post-release supply of medication to defendants who, after having been committed to a state mental health facility for restoration of competency under Chapter 46B, Code of Criminal Procedure, are being returned to the committing court for trial. The 90-day supply of medication shall be the same as prescribed in the Continuity of Care Plan prepared by the state mental health facility. Out of funds appropriated above in Strategy B.1.1, Special Needs Programs and Services, TCOOMMI shall enter into a memorandum of understanding with HHSC for the purpose of reimbursing HHSC in an amount not to exceed \$500,000 each fiscal year for providing medication to defendants.
- 46. Correctional Managed Health Care.** The use of appropriated funds to the Department of Criminal Justice for managed health care (CMHC) for offenders in custody shall be governed by the specific limitations included in this rider.
- a. Managed Health Care Staff Loan Repayment

- 39. Continuity of Care.** (a) Out of the funds appropriated above in Strategy B.1.1, Special Needs Programs and Services, the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) shall coordinate with the Texas Department of State Health Services, county and municipal jails, and community centers as defined in the Texas Health and Safety Code §534.001 on establishing methods for the continuity of care for pre- and post-release activities of defendants who are returned to the county of conviction after the defendant's competency has been restored.
- (b) As part of the Continuity of Care Plan and in an amount not to exceed \$500,000 each fiscal year, HHSC shall provide a 90-day post-release supply of medication to defendants who, after having been committed to a state mental health facility for restoration of competency under Chapter 46B, Code of Criminal Procedure, are being returned to the committing court for trial. The 90-day supply of medication shall be the same as prescribed in the Continuity of Care Plan prepared by the state mental health facility. Out of funds appropriated above in Strategy B.1.1, Special Needs Programs and Services, TCOOMMI shall enter into a memorandum of understanding with HHSC for the purpose of reimbursing HHSC in an amount not to exceed \$500,000 each fiscal year for providing medication to defendants. TCOOMMI shall report amounts reimbursed to HHSC to the appropriate legislative oversight committees by October 1 of each fiscal year.
- 46. Correctional Managed Health Care.** The use of appropriated funds to the Department of Criminal Justice for managed health care (CMHC) for offenders in custody shall be governed by the specific limitations included in this rider.
- a. Managed Health Care Staff Loan Repayment

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Senate

1. None of the funds appropriated above shall be used for loan repayment assistance for medical and mental health care staff without prior approval of the Legislative Budget Board.
- b. Correctional Managed Health Care Committee
1. None of the funds appropriated above shall be used for payment of salaries, operating expenses, or travel expenses for staff of the Correctional Managed Health Care Committee.
 2. From funds appropriated above, the Department of Criminal Justice may provide reimbursement of travel expenses incurred by the members of the Correctional Managed Health Care Committee with prior approval of the Legislative Budget Board.
- c. Strategy C.1.8, Managed Health Care - Unit and Psychiatric Care
1. Together with the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, the Department of Criminal Justice shall approve a staffing model and services by unit that conform to the available annual appropriation in Strategy C.1.8, Managed Health Care - Unit and Psychiatric Care, before the beginning of each fiscal year.
 2. The Texas Tech University Health Sciences Center and the University of Texas Medical Branch, shall provide unit medical and psychiatric care based on the jointly developed staffing model and services approved by the Department of Criminal Justice.
 3. To the extent possible, the Department of Criminal Justice shall maintain at least one Correctional Officer or other staff that is a licensed health care professional on duty per unit at all times.
 4. Receipts from inmate health care fees collected from offenders in accordance with Government Code, Section 501.063, are appropriated above in Strategy C.1.8, Managed

House

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- b. Correctional Managed Health Care Committee
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 2. From funds appropriated above, the Department of Criminal Justice may provide reimbursement of travel expenses incurred by the members of the Correctional Managed Health Care Committee with prior approval of the Legislative Budget Board.
- c. Strategy C.1.8, Managed Health Care - Unit and Psychiatric Care
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 2. The Texas Tech University Health Sciences Center and the University of Texas Medical Branch, shall provide unit medical and psychiatric care based on the jointly developed staffing model and services approved by the Department of Criminal Justice.
 3. To the extent possible, the Department of Criminal Justice shall maintain at least one Correctional Officer or other staff that is a licensed health care professional on duty per unit at all times.
 4. Receipts from inmate health care fees collected from offenders in accordance with Government Code, Section 501.063, are appropriated above in Strategy C.1.8, Managed

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Health Care - Unit and Psychiatric Care, estimated to be \$2,000,000 in General Revenue Funds in fiscal year 2018 and estimated to be \$2,000,000 in General Revenue Funds in fiscal year . Any receipts collected in excess of \$2,000,000 in fiscal year 2018 and \$2,000,000 in fiscal year 2019 are hereby appropriated to the department to pay the cost of correctional health care.

d. Strategy C.1.9, Managed Health Care - Hospital and Clinical Care

1. The University of Texas Medical Branch shall provide inpatient and outpatient hospital services and physician services at the University of Texas Medical Branch Hospital Galveston for offenders in the custody of the Department of Criminal Justice. Inpatient and applicable hospital outpatient services shall be reimbursed at an amount no greater than the standard dollar amount (SDA) reimbursement methodology used for urban hospitals under Texas' Medicaid program. Hospital outpatient services not subject to Medicaid SDA reimbursements shall be reimbursed at an amount not to exceed the published Medicaid fee schedules for such services.
2. The Texas Tech University Health Sciences Center, the University of Texas Medical Branch, and any other contracted CMHC health care providers shall provide inpatient and outpatient hospital services through contract hospital providers for offenders in the custody of the Department of Criminal Justice at a rate not to exceed 100 percent of what would be paid for similar services according to the Medicare reimbursement methodology. The Department of Criminal Justice may pay a rate in excess of Medicare reimbursement rates only after receiving prior written approval from the Legislative Budget Board.
3. The Department of Criminal Justice may provide for a medical review of the appropriateness of non-emergency medical procedures provided by the University of Texas Medical Branch Hospital Galveston.
4. The University of Texas Medical Branch (UTMB) is responsible for paying the cost of repairs, renovations, and maintenance of Hospital Galveston. The Department of

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Health Care - Unit and Psychiatric Care, estimated to be \$2,000,000 in General Revenue Funds in fiscal year 2018 and estimated to be \$2,000,000 in General Revenue Funds in fiscal year . Any receipts collected in excess of \$2,000,000 in fiscal year 2018 and \$2,000,000 in fiscal year 2019 are hereby appropriated to the department to pay the cost of correctional health care.

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1. The University of Texas Medical Branch shall provide inpatient and outpatient hospital services and physician services at the University of Texas Medical Branch Hospital Galveston for offenders in the custody of the Department of Criminal Justice. Inpatient and applicable hospital outpatient services shall be reimbursed at an amount no greater than the University of Texas Medical Branch's Medicaid Tax Equity and Fiscal Responsibility Act (TEFRA) rates. Hospital outpatient services not subject to Medicaid TEFRA reimbursements shall be reimbursed at an amount not to exceed the published Medicaid fee schedules for such services. Physician services shall be reimbursed at a rate not to exceed cost.
2. The Texas Tech University Health Sciences Center, the University of Texas Medical Branch, and any other contracted CMHC health care providers shall provide inpatient and outpatient hospital services through contract hospital providers for offenders in the custody of the Department of Criminal Justice at a rate not to exceed 100 percent of what would be paid for similar services according to the Medicare reimbursement methodology. The Department of Criminal Justice may pay a rate in excess of Medicare reimbursement rates only after receiving prior written approval from the Legislative Budget Board.
3. The Department of Criminal Justice may provide for a medical review of the appropriateness of non-emergency medical procedures provided by the University of Texas Medical Branch Hospital Galveston.

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Criminal Justice shall not use appropriations for correctional managed health care to fund any UTMB costs related to facility repairs.

e. Transferability

1. The Department of Criminal Justice shall not transfer any appropriations between Strategies C.1.8, Managed Health Care - Unit and Psychiatric Care; C.1.9, Managed Health Care - Hospital and Clinical Care, and C.1.10, Managed Health Care - Pharmacy, without prior approval of the Legislative Budget Board. When requesting the approval of the Legislative Budget Board to transfer appropriations between correctional managed health care strategies, the Department of Criminal Justice shall submit in a timely manner the request along with adequate information for evaluating the request. Any additional information requested by the Legislative Budget Board must be submitted promptly and in a manner prescribed by the Legislative Budget Board. The request shall be considered approved unless the Legislative Budget Board issues a written disapproval within 30 business days after the date the Legislative Budget Board staff concludes its review of the request and forwards the review to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor. Any requests for additional information by the Legislative Budget Board interrupts the counting of the 30 business days.
2. This transferability limitation extends to the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, upon receipt of funding from the Department of Criminal Justice.

f. Reimbursement to Contracted Health Care Providers

1. At the beginning of each quarter, the Department of Criminal Justice shall prepay the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, one quarter of the annual appropriation for services to be rendered under contract.

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2. This transferability limitation extends to the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, upon receipt of funding from the Department of Criminal Justice.

f. Reimbursement to Contracted Health Care Providers

1. At the beginning of each quarter, the Department of Criminal Justice shall prepay the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, one quarter of the annual appropriation for services to be rendered under contract.
2. The Department of Criminal Justice shall reimburse the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, for actual costs, including indirect administrative services based on generally accepted accounting principles. The

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2. The Department of Criminal Justice shall reimburse the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, for actual costs, including indirect administrative services based on generally accepted accounting principles. Reimbursement for indirect administrative services is capped at 3 percent of annual reimbursements for services rendered under contract. The total reimbursements shall not exceed amounts appropriated above in Strategies C.1.8, Managed Health Care - Unit and Psychiatric Care, C.1.9, Managed Health Care - Hospital and Clinical Care, and C.1.10, Managed Health Care - Pharmacy, unless prior approval is provided by the Legislative Budget Board.
3. Informational Item - In addition to the CMHC appropriations made above in TDCJ, other CMHC-related appropriations are made elsewhere in the General Appropriations Act. Certain University of Texas Medical Branch (UTMB) and Texas Tech University Health Sciences Center (TTUHSC) employees deliver TDCJ-contracted CMHC services. UTMB and TTUHSC receive General Revenue Funds in state reimbursements for a portion of the benefits provided to these university employees. This funding is provided through the various state agencies/systems that administer benefits for higher education employees.
4. University of Texas Medical Branch and Texas Tech University Health Science Center are prohibited from using reimbursements and/or payments for correctional managed health care to be used for any other purpose other than the provision of correctional managed health care.

g. Reporting Requirements

1. The Department of Criminal Justice is required to submit quarterly to the Legislative Budget Board and the Office of the Governor a report detailing:
 - i. correctional managed health care actual and projected expenditures for unit and psychiatric care, hospital and clinical care, and pharmacy;

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- total reimbursements shall not exceed amounts appropriated above in Strategies C.1.8, Managed Health Care - Unit and Psychiatric Care, C.1.9, Managed Health Care - Hospital and Clinical Care, and C.1.10, Managed Health Care - Pharmacy, unless prior approval is provided by the Legislative Budget Board.
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g. Reporting Requirements

1. The Department of Criminal Justice is required to submit quarterly to the Legislative Budget Board and the Office of the Governor a report detailing:
 - i. correctional managed health care actual and projected expenditures for unit and psychiatric care, hospital and clinical care, and pharmacy;
 - ii. health care utilization and acuity data; and
 - iii. other health care information determined by the Office of the Governor and the Legislative Budget Board.
2. The Texas Tech University Health Sciences Center, the University of Texas Medical Branch, and any other contracted CMHC health care providers shall provide the Department of Criminal Justice with necessary documentation to fulfill the reporting requirements contained in this section.

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DIFFERENCES ONLY
(Continued)

Senate

House

- ii. health care utilization and acuity data; and
 - iii. other health care information determined by the Office of the Governor and the Legislative Budget Board.
 - 2. The Texas Tech University Health Sciences Center, the University of Texas Medical Branch, and any other contracted CMHC health care providers shall provide the Department of Criminal Justice with necessary documentation to fulfill the reporting requirements contained in this section.
 - 3. TDCJ shall submit a report to the Legislative Budget Board describing cost containment efforts used to improve efficiency and manage costs in the Correctional Managed Health Care system in the previous fiscal year by September 30 of each fiscal year.
 - h. Managed Health Care Operational Shortfalls
 - 1. If deemed necessary by the Department of Criminal Justice, appropriations may be transferred into Strategies C.1.8, Managed Health Care - Unit and Psychiatric Care, C.1.9, Managed Health Care - Hospital and Clinical Care, and C.1.10, Managed Health Care - Pharmacy, with prior approval of the Legislative Budget Board.
 - 2. In addition to transfer authority provided elsewhere in this Act, the Department of Criminal Justice may transfer appropriations made in Strategies C.1.8, Managed Health Care - Unit and Psychiatric Care, C.1.9, Managed Health Care - Hospital and Clinical Care, and C.1.10, Managed Health Care - Pharmacy, for fiscal year 2019 to fiscal year 2018 with prior approval of the Legislative Budget Board.
 - 3. When requesting the approval of the Legislative Budget Board to transfer appropriations for the purposes described in paragraphs h.1. and h.2. above, the Department of Criminal Justice shall submit in a timely manner the request along with adequate information for evaluating the request. Any additional information requested
- 3. TDCJ shall submit a report to the Legislative Budget Board describing cost containment efforts used to improve efficiency and manage costs in the Correctional Managed Health Care system in the previous fiscal year by September 30 of each fiscal year.
 - h. Managed Health Care Operational Shortfalls
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 - 2. In addition to transfer authority provided elsewhere in this Act, the Department of Criminal Justice may transfer appropriations made in Strategies C.1.8, Managed Health Care - Unit and Psychiatric Care, C.1.9, Managed Health Care - Hospital and Clinical Care, and C.1.10, Managed Health Care - Pharmacy, for fiscal year 2019 to fiscal year 2018 with prior approval of the Legislative Budget Board.
 - 3. When requesting the approval of the Legislative Budget Board to transfer appropriations for the purposes described in paragraphs h.1. and h.2. above, the Department of Criminal Justice shall submit in a timely manner the request along with adequate information for evaluating the request. Any additional information requested

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696 Department of Criminal Justice
DIFFERENCES ONLY
(Continued)

Senate

by the Legislative Budget Board must be submitted promptly and in a manner prescribed by the Legislative Budget Board. The request shall be considered approved unless the Legislative Budget Board issues a written disapproval within 30 business days after the date the Legislative Budget Board staff concludes its review of the request and forwards the review to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor. Any requests for additional information by the Legislative Budget Board interrupts the counting of the 30 business days.

55. Sale of State-owned Land, Facilities, or Property. Pursuant to the provisions of Government Code. Section 496.0021, should the Texas Department of Criminal Justice (TDCJ) determine that land, facilities, or property owned by the department is appropriate for sale, TDCJ shall obtain prior approval from the Legislative Budget Board before the expenditure of funds to sell land, facilities, or property. In addition to the amounts appropriated above, the proceeds from the sale are appropriated to the department from the Capital Trust Fund into Strategy C.1.1, Correctional Security Operations. It is the intent of the legislature that TDCJ consider selling the land, facilities, and property of the South Texas Intermediate Sanction Facility located in Houston, Texas.

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55. Sale of State-owned Land, Facilities, or Property. Pursuant to the provisions of Government Code. Section 496.0021, should the Texas Department of Criminal Justice (TDCJ) determine that land, facilities, or property owned by the department is appropriate for sale, TDCJ shall obtain prior approval from the Legislative Budget Board before the expenditure of funds to sell land, facilities, or property. In addition to the amounts appropriated above, the proceeds from the sale are appropriated to the department from the Capital Trust Fund into Strategy D.1.1, Major Repair of Facilities.

57. Notification of Federal Regulatory Action. Out of funds appropriated above, the Texas Department of Criminal Justice shall notify the Legislative Budget Board within ten business days of the implementation of any federal regulatory action that reduces maximum allowable per-minute inmate telephone rates and report the department's time line for administering changes to implement the federal action. In addition, within 45 business days of any federal regulatory action, the Texas Department of Criminal Justice shall provide a five-year projection of revenue generated by the Offender Telephone System to the Legislative Budget Board, the Comptroller, and the Attorney General. This projection shall include estimates of revenue before and after the federal regulatory change. The agency projection of revenue

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following the regulatory action shall incorporate an estimate of additional revenue generated by call volume increases related to the lower per-minute rate.

57.

Ware Unit Closure. No funds appropriated by this Act shall be used for the operation of the Ware Unit located in Colorado City, Texas in Mitchell County. The Department of Criminal Justice shall remove all offenders from the Ware Unit no later than September 1, 2017.
58.

Bridgeport Pre-Parole Transfer Facility Closure. No funds appropriated by this Act shall be used for the operation of the Bridgeport Pre-Parole Transfer Facility located in Bridgeport, Texas in Wise County. The Department of Criminal Justice shall remove all offenders from the Bridgeport Pre-Parole Transfer Facility no later than September 1, 2017.
59.

West Intermediate Sanction Facility Closure. No funds appropriated by this Act shall be used for the operation of the West Intermediate Sanction Facility located in Brownfield, Texas in Terry County. The Department of Criminal Justice shall remove all offenders from the West Intermediate Sanction Facility no later than September 1, 2017.

59.

Ware Unit Closure. No funds appropriated by this Act shall be used for the operation of the Ware Unit located in Colorado City, Texas in Mitchell County. The Department of Criminal Justice shall remove all offenders from the Ware Unit no later than September 1, 2017. It is the intent of the Legislature that correctional officers and other staff employed at the Ware Unit have the option to transfer to other TDCJ correctional units.
61.

Prohibition on the Use of Appropriations for Elective Surgeries. The Texas Department of Criminal Justice may not use funds appropriated by this Act to provide to an inmate any elective surgery.

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411 Commission on Fire Protection
DIFFERENCES ONLY

Senate

2. Appropriations Limited to Revenue Collections. Fees, fines, and other miscellaneous revenues as authorized and generated by the operation of the Texas Commission on Fire Protection pursuant to Texas Government Code §§419.025 and 419.026 shall cover, at a minimum, the cost of appropriations made above, as well as the amount identified above in the informational item "Other Direct and Indirect Costs Appropriated Elsewhere in this Act" in addition to \$1,500,000 over the biennium. "Other direct and indirect costs" are estimated to be \$914,548 for fiscal year 2018 and \$930,202 for fiscal year 2019. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

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2. Appropriations Limited to Revenue Collections. Fees, fines, and other miscellaneous revenues as authorized and generated by the operation of the Texas Commission on Fire Protection pursuant to Texas Government Code §§419.025 and 419.026 shall cover, at a minimum, the cost of appropriations made above, as well as the amount identified above in the informational item "Other Direct and Indirect Costs Appropriated Elsewhere in this Act." "Other direct and indirect costs" are estimated to be \$914,548 for fiscal year 2018 and \$930,202 for fiscal year 2019. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

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409 Commission on Jail Standards
DIFFERENCES ONLY

Senate

House

- 3. Jail Inspectors.** Included in the amounts appropriated above in Strategy A.1.1, Inspection and Enforcement, is \$132,681 in fiscal year 2018 and \$132,681 in fiscal year 2019 in General Revenue Funds and three full-time-equivalent positions in each fiscal year to perform inspections of jails under the Commission's purview and to provide technical assistance as necessary.

- 4. Mental Health Trainers.** Included in the amounts appropriated above in Strategy A.2.2, Management Consultation, is \$123,015 in fiscal year 2018 and \$123,015 in fiscal year 2019 in General Revenue Funds and three full-time equivalent positions in each fiscal year to provide mental health training to all jail employees under the Commission's purview once every two years.

ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE
644 Juvenile Justice Department
DIFFERENCES ONLY

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- 28. Local Assistance.** From funds appropriated above in Strategy F.1.1, Central Administration, \$144,000 in fiscal year 2018 and \$144,000 in fiscal year 2019 in General Revenue Funds and two full-time equivalent positions in each fiscal year shall be used to increase technical assistance on program design and evaluation for programs operated by juvenile probation departments. This shall include, but not be limited to:
- a. providing in-depth consultative technical assistance on program design, implementation, and evaluation to local juvenile probation departments;
 - b. assisting juvenile probation departments in developing logic models for all programs;
 - c. developing recommended performance measures by program type;
 - d. facilitating partnerships with universities, community colleges, or larger probation departments to assist departments with statistical program evaluations where feasible;
 - e. following current research on juvenile justice program design, implementation, and evaluation; and,
 - f. disseminating best practices to juvenile probation departments.
- Staff who perform these duties shall be included in the agency's research function and shall not be responsible for monitoring departments' compliance with standards.
- 35. Harris County Leadership Academy.** Out of funds appropriated above in Strategy A.1.4, Pre and Post-Adjudication Facilities, the amount of \$1,000,000 in General Revenue Funds in each fiscal year shall be expended for the Harris County Leadership Academy.

ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE
407 Commission on Law Enforcement
DIFFERENCES ONLY

Senate

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- 9. Fleet of Motor Vehicles Authorized.** From funds appropriated above, the Texas Commission on Law Enforcement may purchase and maintain a fleet of vehicles. If these vehicles are unmarked for law enforcement purposes, these vehicles shall be utilized only by personnel who are commissioned peace officers or those persons responsible for the maintenance and repair of these vehicles. Vehicles which are properly marked pursuant to state requirements may be utilized for other legitimate agency purposes as needed by personnel employed by the agency.

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401 Military Department
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22.

ChalleNGe Youth Education Program. Included in the funds appropriated above in Strategy C.1.1, Youth Education Programs, are funds appropriated from the Foundation School Fund No. 193 for each fiscal year of the biennium. In the event the available amount from the Foundation School Fund No. 193 is greater than \$175,000 in either fiscal year, General Revenue funds equal to the difference between the Foundation School Funds No. 193 and \$175,000 shall lapse to the unobligated portion of the General Revenue Fund.
22.

ChalleNGe Youth Education Program. Included in the funds appropriated above in Strategy C.1.1, Youth Education Programs, are funds appropriated from the Foundation School Fund No. 193 for each fiscal year of the biennium. The Commissioner of Education shall allocate \$1,906,000 in each fiscal year of the biennium from the Foundation School Program to the Military Department for the ChalleNGe Youth Education Program, based on an estimated per student allocation of \$4,765, the minimum Basic Allotment identified in the Texas Education Code, Section 42.101(a).
26.

Capital Budget Expenditures from Federal Funds, Grants, Gifts, or Donations. The Texas Military Department is exempted from the Capital Budget Rider Provisions contained in Article IX, Section 14.03 of this Act when:

a.

federal funds, grants, gifts, or donations are received from a federal agency, grantor, or donor, and

b.

such funds are designated by the federal agency, grantor, or donor for construction, repair, or purchase of specific capital items or projects in excess of amounts identified in the agency's Capital Budget Rider.

Amounts expended from these funding sources shall not count towards the limitations imposed by capital budget provisions elsewhere in this Act. Upon receipt, the Texas Military Department shall notify the Legislative Budget Board and the Governor's Office of the amount received and the planned expenditures.
27.

ChalleNGe Academy (Sheffield Campus) Closure. No funds appropriated by this Act shall be used for the operation of the ChalleNGe Academy located in Sheffield, Texas in Pecos County. The Texas Military Department shall close the Sheffield Campus no later than September 1, 2017.

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- 8. Seized Assets Report.** The Department of Public Safety shall file with the Governor and the Legislative Budget Board, no later than October 30 of each year, a report disclosing information on seized/forfeited assets. The report shall contain a summary of receipts, disbursements, and fund balances for the fiscal year derived from both federal and state sources and supporting detail. The detail information shall, at a minimum, include the following:
- a. Regarding receipts: the court in which the case was adjudicated, the nature of the assets, the value of the assets, and the specific, intended use of the assets; and
 - b. Regarding disbursements: the departmental control number, the departmental category, the division making the request, the specific item and amount requested, the amount the department approved, and the actual amount expended per item.
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- 22. Hardship Stations.** Out of funds appropriated above, the Department of Public Safety is authorized to designate hardship stations across the state based on excessive vacancies and/or cost of living, and to designate specialized assignments across the state based on the type of assignments and/or skills required for the position. The Department of Public Safety shall provide incentives to commissioned peace officers accepting these positions. The incentives will be based upon available funds as determined by the Director.

- 8. Seized Assets Report.** The Department of Public Safety shall file with the Governor and the Legislative Budget Board, no later than October 30 of each year, a report disclosing information on seized/forfeited assets. The report shall contain a summary of receipts, disbursements, and fund balances for the fiscal year derived from both federal and state sources and supporting detail. The detail information shall, at a minimum, include the following:
- a. Regarding receipts: the court in which the case was adjudicated, whether the person whose property was seized was represented by counsel, whether the property was forfeited as a result of a default judgment, the nature of the assets, the value of the assets, and the specific, intended use of the assets and, if a criminal charge was brought in connection with the seizure of the property, the specific offense charged and the disposition of that charge; and
 - b. Regarding disbursements: the departmental control number, the departmental category, the division making the request, the specific item and amount requested, the amount the department approved, and the actual amount expended per item.
-
- 22. Hardship Stations.** Out of funds appropriated above, the Department of Public Safety is authorized to designate 40 hardship stations across the state based on excessive vacancies and/or cost of living, and to designate specialized assignments across the state based on the type of assignments and/or skills required for the position. The Department of Public Safety shall provide incentives to commissioned peace officers accepting these positions. The incentives will be based upon available funds as determined by the Director.

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- 26. Driver Responsibility Program.** Included in the amounts appropriated above in Strategy F.1.3, Enforcement and Compliance Services, (pursuant to §780.002, Health and Safety Code) is \$932,028 in fiscal year 2018 and \$932,028 in fiscal year 2019 in General Revenue Funds for the administration of the driver responsibility program.
- Also included in the amounts appropriated above (pursuant to §708.155, Transportation Code), are amounts collected in excess of surcharge amounts of the driver responsibility program as vendor base compensation and related costs for the collection of the surcharges. These amounts are estimated to be \$11,433,587 in fiscal year 2018 and \$11,433,587 in fiscal year 2019 from the General Revenue Fund. All funds collected for vendor base compensation and related costs shall be processed in accordance with procedures established by the Comptroller of Public Accounts. The amount of vendor compensation shall not exceed rates specified in statute.
- 29. State Disaster Resource Support and Staging Sites.** From funds appropriated above in Goal D, Emergency Management, the Texas Division of Emergency Management is authorized to spend no more than \$1,008,000 in fiscal year 2018 and \$1,008,000 in fiscal year 2019 for the operation of no more than two state disaster resource support and staging sites which are currently established. The Texas Division of Emergency Management is authorized to spend funds for the daily operation of state disaster resource support and staging sites. This does not include any costs associated with disaster response. Funds used under this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.
- 38. Driver License Improvement Plan Reporting.** Included in the amounts above is \$66,491,914 in fiscal year 2018 and \$66,491,914 in fiscal year 2019 in General Revenue Funds for the purpose of the driver license improvement plan. The Department of Public Safety shall

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- 26. Appropriations Limited to Revenue Collections: Driver Responsibility Program.** Included in the amounts appropriated above in Strategy F.1.3, Enforcement and Compliance Services, (pursuant to §780.002, Health and Safety Code) is \$932,028 in fiscal year 2018 and \$932,028 in fiscal year 2019 in General Revenue Funds for the administration of the driver responsibility program.
- Also included in the amounts appropriated above (pursuant to §708.155, Transportation Code), are amounts collected in excess of surcharge amounts of the driver responsibility program as vendor base compensation and related costs for the collection of the surcharges. These amounts are estimated to be \$11,433,587 in fiscal year 2018 and \$11,433,587 in fiscal year 2019 from the General Revenue Fund. All funds collected for vendor base compensation and related costs shall be processed in accordance with procedures established by the Comptroller of Public Accounts. The amount of vendor compensation shall not exceed rates specified in statute.
- 29. State Disaster Resource Support and Staging Sites.** From funds appropriated above in Goal D, Emergency Management, the Texas Division of Emergency Management is authorized in fiscal year 2018 and fiscal year 2019 to spend funds for the daily operation of state disaster resource support and staging sites. This does not include any costs associated with disaster response. Funds used under this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.
- 38. Driver License Improvement Plan Reporting.**

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provide an annual report on the effectiveness of the driver license improvement plan not later than December 1st of each fiscal year. The report shall include information related to specific expenditures, program outcomes and outputs, obstacles to improvement, and any other information that the department deems necessary in order to fully report on the progress of the driver license improvement plan.

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- a. Included in the amounts above is \$66,491,914 in fiscal year 2018 and \$66,491,914 in fiscal year 2019 in General Revenue Funds for the purpose of the driver license improvement plan.
- b. The Department of Public Safety shall provide an annual report to the Legislative Budget Board and the relevant standing committees of the Legislature on the effectiveness of the driver license improvement plan not later than December 1st of each fiscal year. The report shall include information related to specific expenditures, program outcomes and outputs, obstacles to improvement, and any other information that the department deems necessary in order to fully report on the progress of the driver license improvement plan. The report shall also detail the following by type of transaction: (1) average wait times for each mega center; (2) average wait times at driver license offices within a twenty-mile radius of each mega center; (3) a statewide weighted average of wait times at all driver license offices; (4) an analysis and explanation if wait times have increased at mega centers, driver license offices within a twenty-mile radius of each mega center, and driver license offices outside the twenty-mile radius of mega centers; and (5) a plan to reduce wait times.

- 40. **Appropriation for Training on Incident Based Reporting.** Included in the amounts appropriated above in Strategy E.1.2, Crime Records Services, the Department of Public Safety is appropriated \$360,000 in fiscal year 2018 and \$360,000 in fiscal year 2019 in General Revenue Funds to provide grants to local law enforcement agencies for training on incident based reporting.
- 47. **Border Security Cost Containment Efforts.** The Department of Public Safety shall submit a report each fiscal year of the state fiscal biennium beginning September 1, 2017, detailing the effectiveness of various cost containment measures the department has implemented, and

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proposing additional measures to reduce the department's operating costs with respect to the department's border security operations. Not later than the 45th day after the last day of the fiscal year, the department shall submit the report to the legislative and executive budget offices, in the form those offices require. Cost containment measures the department must consider include:

- a. eliminating duplicate functions within the department;
- b. having the department perform functions that are being performed by a private contractor;
and
- c. using technology to simplify department functions.

49. Transfer Prohibition - Goal B, Secure Texas.

- a. Notwithstanding Article IX, Section 14.01 of this Act and except as provided below in "b" and "d", the Department of Public Safety shall not transfer funds out of Goal B, Secure Texas.
- b. Exceptions to the proscription above in "a" are limited to the following:
 - (1) Funding for overtime pay sufficient to increase the work week for all of the agency's troopers to an average of 50 hours per week; and
 - 2) Funding to reimburse the Texas Military Department for participation in border security activities.
- c. Any funds other than those noted above in "b" remaining in Goal B, Secure Texas, on August 31, 2019, shall lapse to the General Revenue Fund.

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- d. All transfers out of Goal B other than noted above in "b" are subject to the prior approval of the Legislative Budget Board. In the event the agency determines a need to transfer funds out of Goal B for a purpose other than the purpose noted above in "b", the agency may submit a request to the Legislative Budget Board detailing the rationale for the transfer.

- 50. Crime Laboratory Cost Containment.** Included in performance measure targets above for Goal E, Crime Laboratory Services, are performance measures to track the efficiency and output of crime laboratory services which should also be used for management of forensic evidence cases by each crime lab. Further, the crime labs should continuously find ways to operate efficiently and develop cost containment measures. Cost containment measures the department must consider include: (1) maintaining communication with agencies requesting forensic evidence testing on the status of cases before forensic testing occurs; and (2) stopping work on a forensic test in accordance with applicable accreditation standards for instances in which a crime lab has begun testing that is determined to be unnecessary.
- 51. Authorized Trooper Strength.** From funds appropriated, the Department of Public Safety shall maintain the number of highway patrol trooper positions at no less than 2,357.
- 52. Return of Helicopter.** It is the intent of the legislature that funds appropriated to the Department of Public Safety shall be used for the purpose of returning the helicopter with the tail number identifier N405TX, or a helicopter of equal or greater helicopter class, sent to the border region for use as an airborne asset in Operation Secure Texas, to its original base in

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Gregg County as soon as practicable, provided the Department of Public Safety determines that the return of the helicopter would not impair the conduct of border security activities associated with Operation Secure Texas. The Department of Public Safety may take into account any increase in federal border security activities in making this determination.

53. Collection of Information and Report on Sexual Assault at Postsecondary Educational Institutions. Using funds appropriated above for Strategy A.3.1, Special Investigations, the Department of Public Safety shall collect information regarding the response by public institutions of higher education, and private institutions of higher education, that receive tuition equalization grants, to reports of sexual assault committed against students enrolled at those institutions and shall, not late than December 1, 2018, submit to the legislature and the Texas Higher Education Coordinating Board a report on the department's findings. Based on the department's report, the coordinating board shall review the policies adopted by those institutions that have the effect of deterring students from reporting those incidents or of hindering investigations of those reports.

53. Border Security: Additional funding. Included in amounts appropriated above in Goal B, Secure Texas, are funds sufficient to provide for:

- (1) the recruitment, training and support for 250 new troopers;
- (2) the purchase of equipment, including cameras, for Operation Drawbridge; and
- (3) a contingency fund to support costs related to an enhanced border presence.

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- 54. Sexual Assault Kit Testing.** Included in the amounts appropriated above in Strategy E.1.1, Crime Laboratory Services, is \$4,219,000 in fiscal year 2018 in General Revenue Funds for the outsourced testing of backlogged Sexual Assault Kits from investigations occurring after August 1, 2011.
- 55. Reimbursement of Advisory Committees.** Out of funds appropriated above, the Department of Public Safety may expend up to \$800 in fiscal year 2018 and \$800 in fiscal year 2019 for each of the agency's Advisory Committees to reimburse travel expenses associated with membership on the Advisory Committees.
- 56. Funding for Recruit Schools.** The Department of Public Safety shall use the funds appropriated above to field recruit schools in the 2018-19 biennium sufficient to add no more than 250 additional troopers over the trooper level as of August 31, 2017.
- 57. Public Safety Grant for the Greater Houston Area.** Out of General Revenue Funds appropriated above in Strategy C.2.1, Public Safety Communications, the Department of Public Safety shall grant \$4,000,000 in fiscal year 2018 to a non-profit entity in Houston that is dedicated to preventing and solving crime in the Greater Houston Area through programs emphasizing crime information reporting, student and parent education, and community empowerment.

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Sec. 3. Contract Cost Containment. Pursuant to Article IX Section 17.10, Contract Cost Containment, appropriations made above to the agencies in Article V are reduced by \$3,589,875 in General Revenue in 2018 and \$3,589,875 in General Revenue in 2019 and \$6,000 in General Revenue Dedicated in 2018 and \$6,000 in General Revenue Dedicated in 2019.