

Issue Docket

Conference Committee on Senate Bill 1

2022-23 General Appropriations Bill

Article IX - General Provisions

ARTICLE IX - RIDER COMPARISON ISSUES

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Sec. 3.04. Scheduled Exempt Positions.	IX-3 Rider Packet, Page IX-22			The Senate adds the Animal Health Commission to the list of agencies that may request to set the rate of of compensation provided for the agency's respective exempt positions, in this case the Executive Director, at an amount not to exceed the "Maximum Salary" but not less than the "Minimum Salary" for the appropriate group listed in the "Scheduled Exempt Position Salary Rates," in this case Group 6.
Sec. 6.08. Benefits Paid Proportional by Method of Finance.		IX-7 Rider Packet, Page IX-30		The House requires The University of Texas Medical Branch at Galveston and the Texas Tech University Health Services Center, with regards to correctional health care services, and The University of Texas Health Science Center at Houston, with regards to the operation of the Harris County Psychiatric Center, in accordance with the policies developed and maintained by the Legislative Budget Board and the State Auditor's Office to provide for the administration of Article IX, Section 6.08, to disclose information on the amount of interagency contract proceeds used to pay salaries and wages as well as the associated general revenue benefits for the specified programs.
Sec. 7.11. Notification of Certain Purchases or Contract Awards, Amendments, and Extensions.	IX-8 Rider Packet, Page IX-40	IX-8 Rider Packet, Page IX-40		The House and Senate differ with regards to the timeframe for state agencies and institutions to provide notice to the Legislative Budget Board with regards to: (1) contracts with an expected value over \$10 million dollars; (2) emergency contracts with an expected value over \$1 million dollars; and (3) non-competitively procured contracts with an expected value over \$1 million dollars. The Senate requires notice to be provided: (1) within 15 calendar days of contract award; or (2) within 5 calendar days of contract award if the contract was awarded as a result of an emergency or following an emergency procedure allowed by statute. The House requires notice to be provided prior to the date on which the first payment under the contract is made, but no later than 5 calendar days after the date on which the contract is awarded.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Sec. 7.13. Reports for Reducing Expenditures.		IX-11 Rider Packet, Page IX-41		The House requires state agencies, not later than December 1 of each even-numbered year, to submit to the Legislative Budget Board a detailed report identifying measures by which the agency may reduce the agency's biennial expenditures by 1 percent, 5 percent, and 10 percent. The House also requires the Legislative Budget Board, not later than December 31 of each even-numbered year, to compile the reports submitted and submit the reports to the governor, lieutenant governor, and speaker of the house of representatives.
Sec. 10.04. Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.	IX-15 Rider Packet, Page IX-57			The Senate requires the Statewide Behavioral Health Coordinating Council, no later than January 15, 2023, to submit to the Executive Commissioner of the Health and Human Services Commission and the Legislative Budget Board a report regarding the coordinating council's thorough review and complete vetting of all behavioral health exceptional items submitted with each agency's legislative appropriation request.
Sec. 13.02. Report of Additional Funding.		IX-22 Rider Packet, Page IX-63		The House requires the House Appropriations Committee and the Senate Committee on Finance, in the event one or more state agencies are awarded, by the United States government, a combined amount greater than or equal to \$1 billion in federal stimulus funds or other one-time allocations appropriated through legislation separate from the annual federal appropriations bills and as appropriated by the General Appropriations Act, to hold public hearings, jointly or separately, within 120 days of the enactment of the federal legislation to require prior approval of any federal funds appropriated to the state under such federal legislation. The House specifies that the appropriation of the funds described is contingent on certification by the Secretary of the Senate and the Chief Clerk of the House of Representatives to the Comptroller of Public Accounts that the required hearings have occurred.
Sec. 13.11. Reporting of Federal Homeland Security Funding.	IX-26 Rider Packet, Page IX-67	IX-26 Rider Packet, Page IX-67		The Senate clarifies that the Article IX reporting requirements relating to federal homeland security funding apply to institutions of higher education. The House excludes institutions of higher education from the Article IX reporting requirements relating to federal homeland security funding.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Sec. 13.12. Anticipated Federal COVID-19 Relief Funding Not Appropriated.		IX-26 Rider Packet, Page IX-67		The House prohibits federal funds or monies received by the State of Texas from the federal government through the American Rescue Plan Act, the CARES Act, the Elementary and Secondary Emergency Relief (ESSER) I, II, or III Acts, the Coronavirus Response and Relief Act, Supplemental Appropriations Act, or any COVID-19 relief act from being appropriated, allocated, transferred or expended without an appropriate official action of the Texas Legislature in a regular session or special session called by the Governor in order for the Texas Legislature to consider and take appropriate action regarding the expenditure of federal funds.
Sec. 17.16. Reporting: Texas Opioid Settlement Receipts.		IX-31 Rider Packet, Page IX-86		The House requires state agencies and institutions that receive Texas opioid settlement receipts during the fiscal 2022-23 biennium to report within 15 calendar days of the receipt of the funds, to the Legislative Budget Board, the Speaker of the House, the Office of the Lieutenant Governor, the House Appropriations Committee and the Senate Finance Committee: (1) the amount of funds received; (2) the date on which the funds were received; (3) the purposes for which the funds are to be expended; and (4) any other information requested by the Legislative Budget Board.
Sec. 17.16. Contingency Appropriation for the Capitol Complex Safety Zone.	IX-31 Rider Packet, Page IX-86			Contingent on enactment of legislation relating to the creation of the Capitol Complex Safety Zone by the Eighty-seventh Legislature, Regular Session, the Senate appropriates to the Comptroller of Public Accounts, funding from the dedicated fund created by the legislation upon declaration that a public safety zone is created by the Governor. The Senate requires the comptroller to transfer funding from the account to, and upon request of, the Board of the Capitol Complex Safety Zone for specified purposes.
Sec. 17.17. Contact Tracing.	IX-32 Rider Packet, Page IX-86			The Senate prohibits funds appropriated by the General Appropriations Act from being used for the purpose of contact tracing of COVID-19 in the 2022-23 biennium.
Sec. 17.17. Informational Listing: Texas Opioid Settlement Receipts.		IX-32 Rider Packet, Page IX-86 As Amended		The House creates an informational listing of Texas opioid settlement receipts received by each state agency for each fiscal year of the 2022-23 biennium.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Sec. 17.18. Agency's Participation in Master Lease Purchase Program		IX-33 Rider Packet, Page IX-86 As Amended		The House specifies that it is the intent of the Legislature that all agencies participate in the Master Lease Purchase Program to the extent that the program would be the most cost-effective type of financing when using a lease-purchase method for acquisition of capital assets.
Sec. 17.19. Appropriation of Administrative Receipts.		IX-33 Rider Packet, Page IX-86		The House appropriates to the Texas Public Finance Authority (TPFA) \$25,000 in each fiscal year of the 2022-23 biennium out of appropriated receipts collected by the Texas Windstorm Insurance Association to implement and manage the provisions of the bonds, or other obligations, for the purpose of reimbursing TPFA for its associated administrative costs.
Sec. 17.20. Contracting with Ethnic Minority-Owned Underutilized Businesses.		IX-33 Rider Packet, Page IX-86		The House specifies several intents of the Legislature with regards to state contracting with ethnic minority-owned underutilized businesses, including: (1) that state agencies and institutions of higher education include in their agency strategic plan, a plan for increasing the use of ethnic minority-owned underutilized businesses in purchasing and construction contracting; and (2) that the Sunset Advisory Commission consider compliance with state law or agency rules regarding purchasing goals and programs for ethnic minority-owned underutilized businesses when reviewing state agencies and advisory committees for continuation.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Sec. 17.21. Proven Strategies to Address COVID-19 Learning Loss.		IX-35 Rider Packet, Page IX-87		<p>The House specifies that it is the intent of the Legislature that funds appropriated to the Texas Education Agency (TEA) by the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021 and the American Rescue Plan (ARP) Act, 2021 for distribution to or to otherwise support Local Education Agencies along with local and state funds made available for COVID-Relief be utilized, to the extent allowable, for targeted, proven educational programs and supports to reduce mitigate and eliminate academic learning loss caused by the COVID-19 pandemic's disruption to public education. The House requires the Commissioner of Education to work with school districts and open enrollment charters schools to assist them in prioritizing specified strategies. The House requires the Commissioner to set aside a portion of funds for specified items in line with the ARP Act. The House authorizes the Commissioner to require entities with which TEA contracts for purposes of administering the specified programs to provide any expenditure and performance data necessary to assess the success of the programs.</p>
Sec. 17.22. Report on Use of Certain Federal Education Funds Related to the COVID-19 Pandemic.		IX-36 Rider Packet, Page IX-88		<p>The House requires the Texas Education Agency (TEA) using appropriated federal funds provided through the elementary and secondary school emergency relief fund under the Consolidated Appropriations Act, 2021 or the American Rescue Plan Act of 2021, to: (1) require each school district and open-enrollment charter school to submit to TEA a plan adopted by the board of trustees of the district or the governing body of the school on the use of money received by the district or school from federal sources; (2) post each submitted plan in a publicly accessible location on TEA's website; and (3) not later than May 1, 2022, submit to the legislature and the governor a report on the use of money based on the plans collected by TEA. The House authorizes TEA to provide recommendations to school districts and open-enrollment charter schools that may consider adopting such plans.</p>

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Conference Committee Revisions and Additions				
Sec. 3.04. Scheduled Exempt Positions.			ADOPT	Authorizes pay raises for the Executive Directors at the Texas Public Finance Authority and the Alcoholic Beverage Commission.
Sec. 3.01. Salary Rates				
Sec. 3.12. Exceptions for Salary Schedule C.			ADOPT	Provides targeted pay raises for certain Department of Public Safety positions.
Sec. 17.XX. Informational Listing: Federal Elementary and Secondary School Emergency Relief Funds			ADOPT	Adds an informational listing of Elementary and Secondary School Emergency Relief (ESSER) II and III funds made available to school districts.

Article IX, General Provisions

Department of Public Safety Salary Increase

Overview

Amend Section 3.01, Article IX, General Appropriations Act by adding a Subsection (e) to provide a salary increase to police communications operators employed at the Department of Public Safety.

Required Action

On page IX- of Article IX amend Section 3.01 by adding a Subsection (e) to read as follows:

Sec. 3.01. Salary Rates.

(a) For each fiscal year of the biennium beginning September 1, 2019, annual salary rates for classified positions are as provided by the Classification Salary Schedules of §2.01.

(b) In addition to the limits under this Article, the State Classification Office shall review new exempt positions created during the interim and provide recommendations on the appropriate class title and salary group for these positions to the Legislature during the appropriations process.

(c) There is no authority to grant salary increases as part of the conversion of employees to Salary Schedules A, B, and C, except in the cases of:

- (1) across-the-board salary increases authorized in this Act; or
- (2) employees whose positions are reallocated or reclassified in accordance with §§654.0155, 654.0156, or 659.254, Government Code.

(d) An employee hired by the State on or after September 1, 2019, including interagency transfers, must be paid at a salary rate that falls within the salary range of the applicable salary group.

(e) In addition to amounts appropriated elsewhere in this Act, the Department of Public Safety (DPS) is appropriated an estimated \$2,600,000 in fiscal year 2022 and an estimated \$2,600,000 in fiscal year 2023 from the general revenue fund to be used to provide a 25 percent salary increase to Police Communication Officers I – VII employed at DPS.

Article IX, General Provisions

Department of Public Safety Salary Increase

Overview

Amend Section 3.12, Article IX, General Appropriations Act to provide a salary increase above that required by the Schedule C Classification Salary Schedule for law enforcement officers.

Required Action

On page IX- of Article IX amend Section 3.12 to read as follows:

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:
- (1)** 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;
 - (2)** **shall pay its employees the following additional amounts above the salaries provided by Schedule C Classification Salary Schedule, as follows:**
 - (A) Troopers (including trainees and probationary), Corporals, Sergeants and Pilot Investigator I (C1, C2, C3, C4), an additional 12.2 percent;**
 - (B) Lieutenants and Pilot Investigator II (C5), an additional 15.0 percent; and**
 - (C) Captains, Commanders, Majors, Pilot Investigator III and Pilot Investigator IV (C6, C7, C8), an additional 16.7 percent.**
- (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, Texas Department of Insurance, 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 Schedule 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 per month for an associate degree; \$100 per month for a bachelor degree; and \$150 per month for a masters degree;
 - (B) Commission on Law Enforcement Certification Level: \$50 per month for intermediate; \$100 per month for advanced; and \$150 per month for masters;
 - (C) Bilingual Capabilities: \$50 per month for the ability to speak a language other than English.
- (3) Commissioned peace officers may receive a stipend for education level or certification level, but not both.
- (c) The agencies listed in this section shall work with the Comptroller to establish an efficient salary reporting and payment system.

(C) Bilingual Capabilities: \$50 per month for the ability to speak a language other than English.

(3) Commissioned peace officers may receive a stipend for education level or certification level, but not both.

(c) The agencies listed in this section shall work with the Comptroller to establish an efficient salary reporting and payment system.

Sec. 17.XX. **Informational Listing: Federal Elementary and Secondary School Emergency Relief Funds.** The following is an informational listing of Elementary and Secondary School Emergency Relief (ESSER) funds appropriated under the federal Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021, and the American Rescue Plan (ARP) Act of 2021 that are directly available to school districts and open-enrollment charter schools during school years 2020-21 through 2022-23 (CRRSA) and 2023-24 (ARP).

CRRSA Act	\$ 4,976,596,988
ARP Act	\$11,176,729,900
Total, ESSER Funds	\$16,153,326,888

These funds are to be issued to school districts and open-enrollment charter schools by the Texas Education Agency following a formula calculation prescribed by federal law. Eligible school districts and open-enrollment charter schools may use these funds to support learning loss recovery for students whose academic process was disrupted by the COVID-19 pandemic, and to address an extensive range of operational needs.

It is the intent of the Legislature that these funds be used for purposes that are one-time and targeted in nature, and that no school district or open-enrollment charter school use the funds to create an ongoing obligation that cannot be sustained within existing state and local funds.