

Rider Comparison Packet

Conference Committee on Senate Bill 1

2022–23 General Appropriations Bill

Article 6 – Natural Resources

DEPARTMENT OF AGRICULTURE

Differences Only - Excludes Capital

Senate

5. Texas Agricultural Fund. In addition to amounts appropriated above, the Texas Agricultural Finance Authority is appropriated out of the Texas Agricultural Fund No. 683 each fiscal year, all necessary amounts required to cover any defaults on loans referenced under Chapter 5, Subchapter E, Texas Agriculture Code, or for payments for the purpose of providing reduced interest rates on loans guaranteed to borrowers as authorized by §58.052(e), Texas Agriculture Code.

20. Appropriations Limited to Revenue Collections: Cost Recovery Programs.

- a. Fees and other miscellaneous revenues as authorized and generated by the operation of the cost recovery programs in the following strategies shall cover, at a minimum, the cost of appropriations made in the following strategies, as well as the "other direct and indirect costs" made elsewhere in this Act:
 - (1) Strategy A.1.1, Trade & Economic Development: Direct costs for the Livestock Export Pens (Agriculture Code, Section 146, Subchapter B) cost recovery program are estimated to be \$159,513 in fiscal year 2022 and \$159,513 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$1,527 for fiscal year 2022 and \$1,539 for fiscal year 2023 (Revenue Object Codes: 3420 and 3795).
 - (2) Strategy A.1.2, Promote Texas Agriculture: Direct costs for the International and Domestic Trade (Agriculture Code, Ch. 12) cost recovery program are estimated to be \$241,008 in fiscal year 2022 and \$241,008 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$22,860 for fiscal year 2022 and \$23,021 for fiscal year 2023 (Revenue Object Codes: 3400, 3428, and 3795).
 - (3) Strategy B.1.1, Plant Health and Seed Quality: Direct costs for the Plant Health (Agriculture Code, Ch. 61 & 62) and Hemp (Agriculture Code, Ch. 121 & 122) cost recovery programs are estimated to be \$1,869,457 in fiscal year 2022 and \$1,869,457 in

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5. Texas Agricultural Fund. In addition to the appropriation made in Article III, Section 49-i of the Texas Constitution, the proceeds of bonds issued under the authority of Article III, Section 49-f and in accordance with subsection 49-f(g) are appropriated to the Texas Agricultural Finance Authority for the purposes authorized by subsection 49-f(g). In addition to amounts appropriated above, the Texas Agricultural Finance Authority is appropriated out of the Texas Agricultural Fund No. 683 each fiscal year, all necessary amounts required to pay principal and interest on bonds issued pursuant to Article III, Section 49-i and Article III, Section 49-f of the Texas Constitution, to pay costs of administering such bonds, to cover any defaults on loans referenced under Chapter 58, Subchapters C and E, Texas Agriculture Code, and to make payments for the purpose of providing reduced interest rates on loans guaranteed to borrowers as authorized by §58.052(e), Texas Agriculture Code.

20. Appropriations Limited to Revenue Collections: Cost Recovery Programs.

- a. Fees and other miscellaneous revenues as authorized and generated by the operation of the cost recovery programs in the following strategies shall cover, at a minimum, the cost of appropriations made in the following strategies, as well as the "other direct and indirect costs" made elsewhere in this Act:
 - (1) Strategy A.1.1, Trade & Economic Development: Direct costs for the Livestock Export Pens (Agriculture Code, Section 146, Subchapter B) cost recovery program are estimated to be \$159,513 in fiscal year 2022 and \$159,513 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$1,527 for fiscal year 2022 and \$1,539 for fiscal year 2023 (Revenue Object Codes: 3420 and 3795).
 - (2) Strategy A.1.2, Promote Texas Agriculture: Direct costs for the International and Domestic Trade (Agriculture Code, Ch. 12) cost recovery program are estimated to be \$241,008 in fiscal year 2022 and \$241,008 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$22,860 for fiscal year 2022 and \$23,021 for fiscal year 2023 (Revenue Object Codes: 3400, 3428, and 3795).
 - (3) Strategy B.1.1, Plant Health and Seed Quality: Direct costs for the Plant Health (Agriculture Code, Ch. 61 & 62) and Hemp (Agriculture Code, Ch. 121 & 122) cost recovery programs are estimated to be \$1,869,457 in fiscal year 2022 and \$1,869,457 in

DEPARTMENT OF AGRICULTURE

Differences Only - Excludes Capital

(Continued)

Senate

fiscal year 2023 and "other direct and indirect costs" are estimated to be \$389,212 for fiscal year 2022 and \$391,875 for fiscal year 2023 (Revenue Object Codes: 3400 and 3414).

- (4) Strategy B.1.2, Commodity Regulation & Production: Direct costs for the Egg Quality Regulation (Agriculture Code, Ch. 132), Handling and Marketing of Perishable Commodities (Agriculture Code, Ch. 101), and Grain Warehouse (Agriculture Code, Ch. 14) cost recovery programs are estimated to be \$884,540 in fiscal year 2022 and \$884,539 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$249,896 for fiscal year 2022 and \$251,614 for fiscal year 2023 (Revenue Object Codes: 3400, 3414, and 3435).
- (5) Strategy B.2.1, Regulate Pesticide Use: Direct costs for the Agricultural Pesticide Regulation (Agriculture Code, Ch. 76), Organic Certification (Agriculture Code, Ch. 18), and Prescribed Burn (Natural Resources Code, Ch. 153) cost recovery programs are estimated to be \$5,482,045 in fiscal year 2022 and \$5,482,045 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$1,399,825 for fiscal year 2022 and \$1,409,332 for fiscal year 2023 (Revenue Object Codes: 3400, 3404, and 3410).
- (6) Strategy B.2.2, Structural Pest Control: Direct costs for the Structural Pest Control (Occupations Code, Ch. 1951, Subchapter E) cost recovery program are estimated to be \$2,373,749 in fiscal year 2022 and \$2,373,750 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$747,539 for fiscal year 2022 and \$752,608 for fiscal year 2023 (Revenue Object Code: 3175).
- (7) Strategy B.3.1, Weights & Measures Device Accuracy: Direct costs for the Weights, Measures, and Metrology (Agriculture Code, Ch. 13) cost recovery program are estimated to be \$3,414,280 in fiscal year 2022 and \$3,414,281 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$557,710 in fiscal year 2022 and \$561,757 in fiscal year 2023 (Revenue Object Codes: 3400, 3402, and 3414).
- (8) Strategy D.1.1, Central Administration: Indirect costs for the cost recovery programs are estimated to be \$1,491,203 in fiscal year 2022 and \$1,491,203 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$393,340 in fiscal year 2022 and \$395,899 in fiscal year 2023 (Revenue Object Codes: 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3428, 3435, and 3795).

House

fiscal year 2023 and "other direct and indirect costs" are estimated to be \$389,212 for fiscal year 2022 and \$391,875 for fiscal year 2023 (Revenue Object Codes: 3400 and 3414).

- (4) Strategy B.1.2, Commodity Regulation & Production: Direct costs for the Egg Quality Regulation (Agriculture Code, Ch. 132), Handling and Marketing of Perishable Commodities (Agriculture Code, Ch. 101), and Grain Warehouse (Agriculture Code, Ch. 14) cost recovery programs are estimated to be \$884,540 in fiscal year 2022 and \$884,539 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$249,896 for fiscal year 2022 and \$251,614 for fiscal year 2023 (Revenue Object Codes: 3400, 3414, and 3435).
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- (6) Strategy B.2.2, Structural Pest Control: Direct costs for the Structural Pest Control (Occupations Code, Ch. 1951, Subchapter E) cost recovery program are estimated to be \$2,373,749 in fiscal year 2022 and \$2,373,750 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$747,539 for fiscal year 2022 and \$752,608 for fiscal year 2023 (Revenue Object Code: 3175).
- (7) Strategy B.3.1, Weights & Measures Device Accuracy: Direct costs for the Weights, Measures, and Metrology (Agriculture Code, Ch. 13) cost recovery program are estimated to be \$3,414,280 in fiscal year 2022 and \$3,414,281 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$557,710 in fiscal year 2022 and \$561,757 in fiscal year 2023 (Revenue Object Codes: 3400, 3402, and 3414).
- (8) Strategy D.1.1, Central Administration: Indirect costs for the cost recovery programs are estimated to be \$1,491,203 in fiscal year 2022 and \$1,491,203 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$393,340 in fiscal year 2022 and \$395,899 in fiscal year 2023 (Revenue Object Codes: 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3428, 3435, and 3795).

DEPARTMENT OF AGRICULTURE

Differences Only - Excludes Capital
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- (9) Strategy D.1.2, Information Resources: Indirect costs for the cost recovery programs are estimated to be \$866,213 in fiscal year 2022 and \$866,213 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$146,801 in fiscal year 2022 and \$147,791 in fiscal year 2023 (Revenue Object Codes: 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3428, 3435, and 3795).
- (10) Strategy D.1.3, Other Support Services: Indirect costs for the cost recovery programs are estimated to be \$454,667 in fiscal year 2022 and \$454,667 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$126,929 in fiscal year 2022 and \$127,773 in fiscal year 2023 (Revenue Object Codes: 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3428, 3435, and 3795).

For informational purposes, total amounts identified for strategies in this subsection total \$17,340,849 in fiscal year 2022 and \$17,228,871 in fiscal year 2023 for direct costs and indirect administration and \$4,035,640 in fiscal year 2022 and \$4,063,209 in fiscal year 2023 for "other direct and indirect costs".

These appropriations are contingent upon the Department of Agriculture (TDA) assessing fees sufficient to generate revenue to cover the General Revenue appropriations for each strategy as well as the related "other direct and indirect costs". In the event that actual and/or projected revenue collections in strategies above 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 the affected strategy to be within the amount of revenue expected to be available.

- b. TDA shall provide a report to the Comptroller of Public Accounts and the Legislative Budget Board no later than the end of the second business week in March, June, and September (for the second, third, and fourth quarters) detailing the following information at both the strategy level and individual program activity level:
 - (1) The amount of fee generated revenues collected for each of the cost recovery programs. This information shall be provided in both strategy level detail and individual program detail;
 - (2) A projection of the revenues for each cost recovery program TDA estimates it will

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- (9) Strategy D.1.2, Information Resources: Indirect costs for the cost recovery programs are estimated to be \$866,213 in fiscal year 2022 and \$866,213 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$146,801 in fiscal year 2022 and \$147,791 in fiscal year 2023 (Revenue Object Codes: 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3428, 3435, and 3795).
- (10) Strategy D.1.3, Other Support Services: Indirect costs for the cost recovery programs are estimated to be \$454,667 in fiscal year 2022 and \$454,667 in fiscal year 2023 and "other direct and indirect costs" are estimated to be \$126,929 in fiscal year 2022 and \$127,773 in fiscal year 2023 (Revenue Object Codes: 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3428, 3435, and 3795).

For informational purposes, total amounts identified for strategies in this subsection total \$17,175,672 in fiscal year 2022 and \$17,297,679 in fiscal year 2023 for direct costs and indirect administration and \$4,035,640 in fiscal year 2022 and \$4,063,209 in fiscal year 2023 for "other direct and indirect costs".

These appropriations are contingent upon the Department of Agriculture (TDA) assessing fees sufficient to generate revenue to cover the General Revenue appropriations for each strategy as well as the related "other direct and indirect costs". In the event that actual and/or projected revenue collections in strategies above 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 the affected strategy to be within the amount of revenue expected to be available.

- b. TDA shall provide a report to the Comptroller of Public Accounts and the Legislative Budget Board no later than the end of the second business week in March, June, and September (for the second, third, and fourth quarters) detailing the following information at both the strategy level and individual program activity level:
 - (1) The amount of fee generated revenues collected for each of the cost recovery programs. This information shall be provided in both strategy level detail and individual program detail;
 - (2) A projection of the revenues for each cost recovery program TDA estimates it will

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Differences Only - Excludes Capital

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collect by the end of the respective fiscal year. This information shall be provided in both strategy level detail and individual program detail;

- (3) A detailed explanation of the causes and effects of the current and anticipated fluctuations in revenue collections;
- (4) The amount of expenditures for each of the cost recovery programs; and
- (5) Any fee changes made during the fiscal year and the anticipated revenue impacts of those changes.

In the event that reported expenditures exceed revenues collected for any cost recovery program, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to the affected strategy by an amount specified by the Legislative Budget Board.

- c. Also, contingent on the generation of such revenue required above to fund TDA's cost recovery programs and related "other direct and indirect costs" TDA's "Number of Full-Time Equivalents" includes 178.2 FTEs in fiscal year 2022 and 178.2 FTEs in fiscal year 2023. 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 reduce the FTE cap provided by this Act to reflect the number of FTEs funded by the amount of revenue expected to be available.
- d. If cost recovery revenues collected in the first year of the biennium exceed the cost recovery requirements above, the excess revenue may be counted towards the cost recovery requirement in the second year of the biennium in addition to the revenues collected in the second year.

21. Appropriation Restriction on Feral Hog Abatement Using Toxic Substances. None of the funds appropriated to the Department of Agriculture in this Act may be used for the implementation of warfarin on feral hogs.

House

collect by the end of the respective fiscal year. This information shall be provided in both strategy level detail and individual program detail;

- (3) A detailed explanation of the causes and effects of the current and anticipated fluctuations in revenue collections;
- (4) The amount of expenditures for each of the cost recovery programs; and
- (5) Any fee changes made during the fiscal year and the anticipated revenue impacts of those changes.

In the event that reported expenditures exceed revenues collected for any cost recovery program, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to the affected strategy by an amount specified by the Legislative Budget Board.

- c. Also, contingent on the generation of such revenue required above to fund TDA's cost recovery programs and related "other direct and indirect costs" TDA's "Number of Full-Time Equivalents" includes 178.2 FTEs in fiscal year 2022 and 178.2 FTEs in fiscal year 2023. 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 reduce the FTE cap provided by this Act to reflect the number of FTEs funded by the amount of revenue expected to be available.

DEPARTMENT OF AGRICULTURE

Differences Only - Excludes Capital

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Senate

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25. Contingency for SB __. Out of amounts appropriated above and contingent on enactment of Senate Bill __, or similar legislation, relating to development of an early detection and mitigation program of plant pests and diseases by the Texas Department of Agriculture, by the Eighty-seventh Legislature, Regular Session, the Texas Department of Agriculture is appropriated \$250,000 each fiscal year in General Revenue funding in Strategy B.1.1, Plant Health and Seed Quality, to implement the provisions of the legislation.

25. Plant Disease. Out of funds appropriated above, the Department of Agriculture shall compile a report no later than December 1st of each even number calendar year to the Legislature detailing the plant disease strategies employed by the agency, identify the most likely pathways for new pests and disease to affect Texas agriculture, what diseases represent the greatest threat to agriculture, and what specific surveillance and mitigation efforts are underway to combat each disease currently in Texas as well as those likely to spread to Texas.

26. Feral Hog Abatement Contingency. Contingent on the Department of Agriculture issuing guidelines concerning the use of Warfarin that includes prohibiting use of this product within one mile of a river; restricting application only by licensed applicators; requiring reporting of bait location and outcome results by applicators to the Texas A&M Agrilife Extension Service; communicating that an applicator may lose their license if they do not comply with these guidelines; communicating that a landowner that fails to comply with these guidelines may be prohibited from participating in the program; and notifying the Legislative Budget Board and the Comptroller of Public Accounts of the guidelines being issued:

a. Rider 21, Appropriation Restriction on Feral Hog Abatement Using Toxic Substances, has no effect.

b. In Article I of the bill, in the bill pattern for the Trusteed Programs within the Office of the

DEPARTMENT OF AGRICULTURE

Differences Only - Excludes Capital

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Senate

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Governor, reduce the appropriations for Strategy C.1.1, Create Jobs and Promote Texas, by \$250,000 each fiscal year.

27. Study on Increasing Food Stores in Food Deserts. Out of funds appropriated above in Strategy D.1.2, Information Resources, the Department of Agriculture shall conduct a study to determine methods to increase the number of grocery stores and other stores selling produce and other healthy foods in areas of this state that currently lack access to those stores. Not later than January 1, 2023, the department shall distribute a report containing the findings and recommendations of the study to the Legislature.

28. Appropriation Restriction on Feral Hog Abatement Using Certain Pesticides.

- a. Except as provided by Subsections b and c of this rider, no funds appropriated to the Department of Agriculture in this Act may be used for the implementation of warfarin on feral hogs.
- b. The Department of Agriculture may use amounts appropriated by this Act to register a pesticide product containing warfarin for use in this state to control feral hogs only if:
 - (1) That registration is limited to use by pesticide applicators licensed by the department who are participating in an experimental use program conducted by the Texas A&M AgriLife Extension Service to evaluate the product's efficacy in this state; and
 - (2) The product is registered by the United States Environmental Protection Agency for use to control feral hogs.
- c. If the department determines, based on available data including the preliminary or final results of the experimental use program described by Subsection b(1) of this rider, that the use of a pesticide product containing warfarin is safe and effective in assisting landholders in this state in their efforts to mitigate the economic harm and damage caused by feral hogs, then the

DEPARTMENT OF AGRICULTURE

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limitations under Subsections a and b of this rider do not apply after the earlier of:

- (1) The second anniversary of the date a pesticide product is registered by the department for the limited use described by Subsection b(1) of this rider; or
- (2) The date the Texas A&M AgriLife Extension Service delivers a report advising the department regarding the registration of a pesticide product evaluated under the experimental use program.

COMMISSION ON ENVIRONMENTAL QUALITY

Differences Only - Excludes Capital

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25. Litigation Expenses for the Rio Grande Compact Commission.

- a. In addition to amounts appropriated above, any unobligated and unexpended balances remaining from appropriations in Strategy E.1.4, Rio Grande River Compact as of August 31, 2021, are appropriated for the fiscal year beginning on September 1, 2021, (estimated to be \$0) in the same strategy for the purpose of covering expenses incurred by the Rio Grande Compact Commission relating to investigations and legal expenses resulting from litigation between the State of Texas and the State of New Mexico over the equitable distribution of water according to the Rio Grande Compact.
- b. Excluding \$199,996 each fiscal year for administrative costs and \$728,152 in fiscal year 2022 for litigation expenses, amounts referenced above, including any unobligated and unexpended balances, in subsection (a) may not be expended without the prior written approval of the Legislative Budget Board. The Texas Commission on Environmental Quality (TCEQ) may request to expend the funds in incremental funding amounts of \$1,000,000. The commission shall request the funds in a format prescribed by the Legislative Budget Board that provides information regarding the purposes and the projected impact of expenditures. A request submitted under this provision shall be considered to be approved unless the Legislative Budget Board issues a written disapproval within 30 business days after the date on which the staff of the Legislative Budget Board concludes its review of the request. Additional information requested by the Legislative Budget Board regarding a request submitted by the commission pursuant to this rider shall be provided in a timely manner. Notwithstanding any provision to the contrary, the Legislative Budget Board may suspend the approval of a request at any time pending the receipt of additional information requested of TCEQ.
- c. It is the intent of the legislature, to the extent permitted by federal and state law, that funds appropriated above in Strategy E.1.4, Rio Grande River Compact, be utilized to ensure that all costs related to the litigation between the State of Texas and the State of New Mexico over the equitable distribution of water according to the Rio Grande Compact, estimated to be \$30,621,608, be recovered and deposited to the credit of the General Revenue Fund.

25. Litigation Expenses for the Rio Grande Compact Commission.

- a. In addition to amounts appropriated above, any unobligated and unexpended balances remaining from appropriations in Strategy E.1.4, Rio Grande River Compact as of August 31, 2021, are appropriated for the fiscal year beginning on September 1, 2021, (estimated to be \$0) in the same strategy for the purpose of covering expenses incurred by the Rio Grande Compact Commission relating to investigations and legal expenses resulting from litigation between the State of Texas and the State of New Mexico over the equitable distribution of water according to the Rio Grande Compact.
- b. Included in the amounts appropriated above in Strategy E.1.4, Rio Grande River Compact, is \$5,079,152. The Texas Commission on Environmental Quality (TCEQ) shall report the use of these funds and the status of the litigation 30 days following each quarter of the fiscal year. Additional information requested by the Legislative Budget Board regarding the report submitted by the commission shall be provided in a timely manner.
- c. It is the intent of the legislature, to the extent permitted by federal and state law, that funds appropriated above in Strategy E.1.4, Rio Grande River Compact, be utilized to ensure that all costs related to the litigation between the State of Texas and the State of New Mexico over the equitable distribution of water according to the Rio Grande Compact, estimated to be \$30,621,608, be recovered and deposited to the credit of the General Revenue Fund.

COMMISSION ON ENVIRONMENTAL QUALITY

Differences Only - Excludes Capital

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Senate

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29. Natural Resource Specialist Salary Increase. Amounts appropriated above include \$1,636,271 in General Revenue-Dedicated funding for a five percent increase for the salaries of Natural Resource Specialists employed by the agency.

30. Annual Texas Emissions Reduction Plan Program Report. Out of funds appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, the Commission shall produce an annual report on the Texas Emission Reduction Plan (TERP) that includes expenditures, number of projects, estimated pollution reduced, and the cost-effectiveness of each program authorized as part of TERP using funding expended from the TERP Trust Fund. The annual report must be delivered to the Legislative Budget Board and Office of the Governor by December 1st of each year.

29. TERP Annual Report. In addition to other reporting requirements, the Commission shall produce an annual report on its expenditures, number of projects, and the estimated pollution reduced, and the cost-effectiveness of each program authorized as part of TERP that are spent out of the TERP Trust Fund. The annual report must be delivered to the Legislative Budget Board, and Governor's Office by December 1 of each year.

PARKS AND WILDLIFE DEPARTMENT

Differences Only - Excludes Capital

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4. Appropriation: Unexpended Balance for Construction Projects. Included in amounts appropriated above in strategy D.1.1, Improvements and Major Repairs, are unexpended balances from appropriations made for construction, repair, acquisition, and renovation projects and listed in the capital budget riders of House Bill 1, Acts of the Eighty-sixth Legislature, Regular Session, and Senate Bill No. 1, Acts of the Eighty-fifth Legislature, Regular Session. The total unexpended balances are estimated to be \$8,666,947 out of the following funds as of August 31, 2021:

	<u>2022</u>	<u>2023</u>
General Revenue	Estimated to be \$0	Estimated to be \$0
General Revenue-Dedicated Game, Fish and Water Safety Acct. No. 9	Estimated to be \$0	Estimated to be \$0
Federal Funds	\$5,613,994	\$0
Other Funds		
Appropriated Receipts	\$3,052,953	\$0
Interagency Contracts	\$0	\$0
Bond Proceeds - General Obligation Bonds	<u>Estimated to be \$0</u>	<u>\$0</u>
Total	\$8,666,947	\$0

Unexpended and unobligated balances remaining in such appropriation items as of August 31, 2021, are appropriated for the same purposes for the fiscal year beginning September 1, 2021. Unexpended and unobligated balances in General Revenue-Related accounts may not be carried forward from fiscal year 2021 to fiscal year 2022 without 45 days prior notification to the Legislative Budget Board and the Governor. Unexpended and unobligated balances of General Revenue-Related appropriations under this provision are subject to the provisions of Government Code §403.071 for the purposes of determining the life of an appropriation; therefore, the agency is not authorized to carry forward unexpended and unobligated balances in General Revenue-Related accounts from fiscal year 2021 to fiscal year 2022 if the original appropriation for the project was made during or before fiscal year 2017. The Texas Parks and Wildlife Department shall provide the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts a report by no later than December 1st of each fiscal year showing the progress and costs of all projects funded by General Revenue-Related appropriations made by the Eighty-fourth and the Eighty-fifth Legislatures.

4. Appropriation: Unexpended Balance for Construction Projects. Included in amounts appropriated above in strategy D.1.1, Improvements and Major Repairs, are unexpended balances from appropriations made for construction, repair, acquisition, and renovation projects and listed in the capital budget riders of House Bill 1, Acts of the Eighty-sixth Legislature, Regular Session, and Senate Bill No. 1, Acts of the Eighty-fifth Legislature, Regular Session. The total unexpended balances are estimated to be \$8,666,947 out of the following funds as of August 31, 2021:

	<u>2022</u>	<u>2023</u>
Federal Funds	\$5,613,994	\$0
Other Funds		
Appropriated Receipts	\$3,052,953	\$0
Interagency Contracts	\$0	\$0
Bond Proceeds - General Obligation Bonds	<u>Estimated to be \$0</u>	<u>\$0</u>
Total	\$8,666,947	\$0

Unexpended and unobligated balances remaining in such appropriation items as of August 31, 2021, are appropriated for the same purposes for the fiscal year beginning September 1, 2021. Unexpended and unobligated balances in General Revenue-Related accounts may not be carried forward from fiscal year 2021 to fiscal year 2022 without 45 days prior notification to the Legislative Budget Board and the Governor. Unexpended and unobligated balances of General Revenue-Related appropriations under this provision are subject to the provisions of Government Code §403.071 for the purposes of determining the life of an appropriation; therefore, the agency is not authorized to carry forward unexpended and unobligated balances in General Revenue-Related accounts from fiscal year 2021 to fiscal year 2022 if the original appropriation for the project was made during or before fiscal year 2017. The Texas Parks and Wildlife Department shall provide the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts a report by no later than December 1st of each fiscal year showing the progress and costs of all projects funded by General Revenue-Related appropriations made by the Eighty-fourth and the Eighty-fifth Legislatures.

PARKS AND WILDLIFE DEPARTMENT

Differences Only - Excludes Capital
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36. Appropriation: Fees Related to Oyster Mariculture. Amounts appropriated above to the Texas Parks and Wildlife Department out of the Game, Fish and Water Safety Account No. 9 in Strategy A.2.3, Coastal Fisheries Management, include receipts from application and permit fees related to the Oyster Mariculture program collected pursuant to Chapter 75 of the Parks and Wildlife Code (estimated to be \$24,200 each year of the biennium) to be used exclusively for the operation of the Oyster Mariculture program. Any unexpended balances remaining as of August 31, 2022, are appropriated for the same purpose in the fiscal year beginning September 1, 2022.

38. Texas State Aquarium Wildlife Rescue Center. Out of the amounts appropriated above to the Texas Parks and Wildlife Department in Strategy B.2.2, Provide Boating Access, Trails and Other Grants, \$500,000 in fiscal year 2022 from General Revenue shall be used to provide a grant to the Texas State Aquarium Wildlife Rescue Center.

36. Appropriation: Fees Related to Oyster Mariculture. Amounts appropriated above to the Texas Parks and Wildlife Department out of the Game, Fish and Water Safety Account No. 9 in Strategy A.2.3, Coastal Fisheries Management, include any unobligated and unexpended balances of oyster mariculture fees remaining as of August 31, 2021, (estimated to be \$36,200) and any receipts from application and permit fees related to the Oyster Mariculture program collected pursuant to Chapter 75 of the Parks and Wildlife Code (estimated to be \$24,200 each year of the biennium) to be used exclusively for the operation of the Oyster Mariculture program, including any cleanup activities. Any unexpended balances remaining as of August 31, 2022, are appropriated for the same purpose in the fiscal year beginning September 1, 2022.

38. Study on Water Level at Falcon Lake. Out of funds appropriated above in Strategy A.2.1, Inland Fisheries Management, the Texas Parks and Wildlife Department (TPWD) shall collaborate with the Texas Commission on Environmental Quality to conduct a study to determine the optimum water level for recreational fishing and the factors that contribute to the rise and fall in water levels. TPWD shall make recommendations on how to maintain the optimum water level for recreational fishing on Falcon Lake. Not later than December 1, 2022, TPWD shall report the findings and recommendations of the study to the Governor, Lieutenant Governor, and the Speaker of the House of Representatives.

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- 39. Trail Study.** Out of amounts appropriated above, the Texas Parks and Wildlife Department (TPWD) shall work jointly with the Texas Historical Commission and the Department of Transportation to conduct a study to determine the potential for historic, scenic, and/or recreational trails to be created in Texas and to identify potential partners to promote local and regional preservation efforts related to the trails studied. TPWD shall provide a report to the Legislative Budget Board by December 1, 2022.
- 40. Recreational Trails Program.** Out of amounts appropriated above to the Texas Parks and Wildlife Department in Sporting Goods Sales Tax Transfer to Texas Recreation and Parks Acct. No. 467 or Sporting Goods Sales Tax Transfer to Large County and Municipal Recreation and Parks Acct. No. 5150 in Strategy B.2.2, Boating Access and Other Grants, \$1,000,000 in fiscal year 2022 and \$1,000,000 in fiscal year 2023 shall be used to provide grants for the Recreational Trails Program.
- 41. Hueco Tanks State Park and Historic Site.** Out of the amounts appropriated above to the Texas Parks and Wildlife Department in Strategy D.1.1, Implement Capital Improvements and Major Repairs, \$5,000,000 in fiscal year 2022 from the Sporting Goods Sales Tax Transfer to Parks and Wildlife Conservation and Capital Acct No. 5004 shall be used for capital construction projects at Hueco Tanks State Park and Historic Site. Any unexpended balances remaining as of August 31, 2022, are appropriated for the same purpose in the fiscal year beginning September 1, 2022.
- 42. Wyler Aerial Tramway.** Out of the amounts appropriated above to the Texas Parks and Wildlife Department in Strategy D.1.1, Implement Capital Improvements and Major Repairs, \$5,000,000 in fiscal year 2022 from the Sporting Goods Sales Tax Transfer to Parks and Wildlife Conservation and Capital Acct No. 5004 shall be used for overhaul and necessary construction related to the Wyler Aerial Tramway and the related tramway system. Any unexpended balances remaining as

PARKS AND WILDLIFE DEPARTMENT

Differences Only - Excludes Capital

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of August 31, 2022, are appropriated for the same purpose in the fiscal year beginning September 1, 2022.

RAILROAD COMMISSION

Differences Only - Excludes Capital

Senate

13. Operational Stability Contingency. In the event that the sum of available unencumbered and unobligated balances in the General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155 (estimated to be \$16.6 million at the beginning of the 2022-23 biennium) and the revenue deposited into the account during each year of the 2022-23 biennium, is determined by the Comptroller of Public Accounts to be insufficient to support appropriations made in this Act from the account, including other direct and indirect costs, the Commission is appropriated General Revenue generated by the Gas Utility Pipeline Tax, in the amount of the difference, not to exceed \$5.0 million per fiscal year.

14. Unexpended Balances Appropriation: Acquisition of Information Resource Technologies. Out of amounts appropriated to the Railroad Commission for the 2020-21 biennium for capital budget items included in the Acquisition of Information Resource Technologies category, any unobligated and unexpended balances remaining as of August 31, 2021, (estimated to be \$0) are appropriated for the fiscal biennium beginning September 1, 2021, for the same purpose.

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13. Operational Stability Contingency. In the event that the sum of available unencumbered and unobligated balances in the General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155 (estimated to be \$16.6 million at the beginning of the 2022-23 biennium) and the revenue deposited into the account during each year of the 2022-23 biennium, is determined by the Comptroller of Public Accounts to be insufficient to support appropriations made in this Act from the account, including other direct and indirect costs, the Commission is appropriated General Revenue generated by the Gas Utility Pipeline Tax, in the amount of the difference, not to exceed \$10.0 million per fiscal year.

14. Additional Funding Sources and Cash Flow Contingency. In the event that revenues collected in the General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155 for each fiscal year of the biennium are less than 90.0 percent of the amounts appropriated in this Act including other direct and indirect costs and repayment of the additional General Revenue, the Legislative Budget Board and the Governor may direct the transfer of sufficient amounts of General Revenue funds to the Railroad Commission from appropriations made elsewhere in this Act.

Contingent upon the receipt of revenue in the General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155, the Railroad Commission may temporarily utilize additional General Revenue funds, pending receipt of revenue, in an amount not to exceed \$25.0 million per fiscal year. The General Revenue amounts transferred above the General Revenue method of finance shall be utilized for the purpose of temporary cash flow needs. These transfers and repayments shall be credited to the fiscal year being reimbursed and shall be in accordance with procedures established by the Comptroller of Public Accounts.

RAILROAD COMMISSION

Differences Only - Excludes Capital

(Continued)

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15. Study on the Oil and Gas Regulation and Cleanup Fund Revenue Streams. On or before September 1, 2022, the Commission shall conduct a review of the different sources that contribute revenues into the Oil and Gas Regulation and Cleanup Fund, as well as expected revenues going forward through 2025 based on its existing fee and fine structure, and review both their rules and statutory caps that determine the amount of those fees and fines. The Commission shall present the information to the Legislative Budget Board and make recommendations about any regulatory or statutory changes needed to assure adequate revenues for the Commission. The assessment must examine both well bonding and fine levels, as well as permit fees.

16. Strategic Plan on Flaring Data. Out of funds appropriated above in Strategy D.1.1, Public Information and Services, the Railroad Commission shall develop a strategic plan to evaluate the discrepancy in natural gas flaring data reported to the commission compared to satellite data on natural gas flaring acquired from the National Centers for Environmental Information at the National Oceanic and Atmospheric Administration, and evaluate solutions to remedy the discrepancy in agency flaring data.

WATER DEVELOPMENT BOARD

Differences Only - Excludes Capital

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4. Authorized Transfers and Appropriations: Water Assistance Fund.

- a. The Water Development Board may transfer a combined amount not to exceed \$3,229,718 each fiscal year from its General Revenue appropriations in Strategy A.2.1, Technical Assistance and Modeling, and Strategy A.2.2, Water Resources Planning, to the Water Assistance Fund No. 480, for the purposes of making grants to regional planning groups pursuant to Water Code, §15.4061 (\$1,548,995), and conducting studies regarding groundwater modeling (\$840,000) and brackish groundwater zone designation (\$840,723) excluding the Dockum Aquifer. The Water Development Board is authorized to transfer these funds from the Water Assistance Fund No. 480 to other accounts as authorized under Water Code, §15.011 as needed to support the regional planning process or the development of the state's water resources. Any unobligated and unexpended balances of these funds in the Water Assistance Fund No. 480 as of August 31, 2021 (estimated to be \$0), are appropriated to the Water Development Board for the same purposes. The Board shall report to the Legislature on its progress relating to studies of aquifers and brackish groundwater not later than December 1st of each odd-numbered year.
- b. Included in amounts appropriated above in Strategy A.2.2, Water Resources Planning, is \$1,295,861 in each fiscal year from unobligated and unexpended balances in Water Assistance Fund No. 480 as of August 31, 2021. This appropriation shall be used for the purpose of making grants to regional planning groups pursuant to Water Code §15.4061.
- c. In addition to amounts appropriated above, all revenues and receipts accruing to the Water Assistance Fund No. 480 during the biennium beginning on September 1, 2021, including receipts from the Water Resources Finance Authority deposited to the Water Assistance Fund No. 480, are appropriated to the Water Development Board for purposes authorized in Water Code, Chapter 15.

4. Authorized Transfers and Appropriations: Water Assistance Fund.

- a. The Water Development Board may transfer a combined amount not to exceed \$2,388,995 each fiscal year from its General Revenue appropriations in Strategy A.2.1, Technical Assistance and Modeling, and Strategy A.2.2, Water Resources Planning, to the Water Assistance Fund No. 480, for the sole purpose of making grants to regional planning groups pursuant to Water Code, §15.4061. The Water Development Board is authorized to transfer these funds from the Water Assistance Fund to other accounts as authorized under Water Code, §15.011 as needed to support the regional planning process.
- b. Included in amounts appropriated above in Strategy A.2.2, Water Resources Planning, is \$1,295,861 in each fiscal year from unobligated and unexpended balances in Water Assistance Fund No. 480 as of August 31, 2021. This appropriation shall be used for the purpose of making grants to regional planning groups pursuant to Water Code §15.4061.
- c. In addition to amounts appropriated above, all revenues and receipts accruing to the Water Assistance Fund No. 480 during the biennium beginning on September 1, 2021, including receipts from the Water Resources Finance Authority deposited to the Water Assistance Fund No. 480, are appropriated to the Water Development Board for purposes authorized in Water Code, Chapter 15.

22. Study of Aquifers and Brackish Groundwater. Amounts appropriated above in Strategy A.2.2, Water Resources Planning, include \$1,849,233 in fiscal year 2022 and \$150,767 in fiscal year 2023 out of the General Revenue Fund for contract costs for studies related to designating priority zones for the production of brackish groundwater in aquifers throughout the state, excluding the Dockum Aquifer. The amounts of \$167,787 in fiscal year 2022 and \$150,767 in fiscal year 2023 shall be used for administrative costs in implementing the studies. The Board shall report to the

WATER DEVELOPMENT BOARD

Differences Only - Excludes Capital

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Legislature on its progress relating to the studies not later than December 1st of each year.

23. Contingency for SB 601. Contingent on the enactment of Senate Bill 601, or similar legislation by the 87th Legislature, Regular Session, relating to the creation and activities of the Texas Produced Water Consortium, out of amounts appropriated above to the Texas Water Development Board in Strategy A.2.2, Water Resources Planning, \$500,000 in fiscal year 2022 and \$500,000 in fiscal year 2023 from General Revenue shall be transferred through an interagency contract to Texas Tech University to implement the provisions of the bill. Any unexpended balances remaining as of August 31, 2022, are appropriated for the same purpose in the fiscal year beginning September 1, 2022.

25. Val Verde County Groundwater Study. It is the intent of the Legislature that out of amounts appropriated above under Strategy A.2.2., Water Resources Planning, the Texas Water Development Board ("Board") shall use the comprehensive study conducted by the Board in 2018 regarding the groundwater resources in Val Verde County to identify possible groundwater use planning strategies, including and prioritizing best management practices for drought scenarios, based on its findings. The Board, the Texas Parks and Wildlife Department, or the board of a groundwater conservation district in the county may use the comprehensive 2018 study to develop guidelines or standards for groundwater use in the district or other district or management area under the Board's jurisdiction. The Board may adopt rules to carry out the provisions described herein.