

Rider Comparison Packet

Conference Committee on Senate Bill 1

2022-23 General Appropriations Bill

Article VIII – Regulatory

STATE OFFICE OF ADMINISTRATIVE HEARINGS

Differences Only - Excludes Capital

Senate

House

7. Billing Rate for Workload.

- a. Unless otherwise provided, amounts appropriated above and elsewhere in this Act for funding for the payment of costs associated with administrative hearings conducted by the State Office of Administrative Hearings (SOAH) are based on SOAH's actual hourly costs as determined by the most recently published Hearing Activity Report (HARP). SOAH's billing rate shall be actual costs as determined by the most recently published HARP, but not to exceed \$150 per hour for each hour of work performed during each fiscal year as reflected by the SOAH's Legislative Appropriation Request and Hearings Activity Report to the Eighty-sixth Legislature.
- b. Amounts appropriated above in Strategy A.1.1, Conduct Hearings, to SOAH from the General Revenue Fund include funding in each year of the biennium for billable casework hours performed by SOAH for conducting administrative hearings at the rate determined by SOAH and approved by the Legislature for those agencies that do not have appropriations for paying SOAH costs for administrative hearings and are not subject to subsection (a) of this Section:
 - (1) Department of Agriculture
 - (2) Department of Public Safety
 - (3) Employees Retirement System of Texas
 - (4) Executive Council of Physical and Occupational Therapy Examiners
 - (5) Parks and Wildlife Department
 - (6) Public Utility Commission of Texas (not including waste water cases)
 - (7) Secretary of State
 - (8) State Board of Dental Examiners
 - (9) State Board of Veterinary Medical Examiners
 - (10) State Pension Review Board
 - (11) State Securities Board
 - (12) Teacher Retirement System of Texas
 - (13) Texas Alcoholic Beverage Commission
 - (14) Texas Board of Chiropractic Examiners
 - (15) Texas Board of Nursing
 - (16) Texas Board of Professional Geoscientists
 - (17) Texas Commission on Fire Protection
 - (18) Texas Commission on Law Enforcement
 - (19) Texas Department of Housing and Community Affairs

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 - (16) Texas Board of Professional Geoscientists
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 - (18) Texas Commission on Law Enforcement
 - (19) Texas Department of Housing and Community Affairs
 - (20) Texas Department of Insurance (not including the Division of Workers' Compensation)

STATE OFFICE OF ADMINISTRATIVE HEARINGS

Differences Only - Excludes Capital
(Continued)

Senate

- (20) Texas Department of Insurance (not including the Division of Workers' Compensation)
- (21) Texas Department of Licensing and Regulation
- (22) Texas Department of Transportation
- (23) Texas Funeral Service Commission
- (24) Texas Higher Education Coordinating Board
- (25) Texas Lottery Commission
- (26) Texas Medical Board
- (27) Texas Optometry Board
- (28) Texas Racing Commission
- (29) Texas State Board of Pharmacy
- (30) Texas State Board of Plumbing Examiners

House

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- (22) Texas Department of Transportation
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19. Contingency Appropriation: Health Insurance Risk Pool.

- a. Contingent on enactment of Senate Bill 874, or similar legislation relating to the administration of a temporary health insurance risk pool, by the Eighty-seventh Legislature, Regular Session, included in amounts appropriated above in Strategy G.1.1, Contingency Health Insurance Risk Pool, is \$841,602 in fiscal year 2022 and \$933,351 in fiscal year 2023 in General Revenue-Dedicated Texas Department of Insurance Operating Fund 36; and \$12,000,000 in fiscal year 2022 and \$29,052,524 in fiscal year 2023 in Premium Stabilization Fund 329 to implement the provisions of the legislation. In addition, included in the "Number of Full-Time-Equivalents (FTE)" above is 10.5 FTEs in fiscal year 2022 and 12.0 FTEs in fiscal year 2023.
- b. None of the funds appropriated above in Strategy G.1.1, Contingency Health Insurance Risk Pool, may be expended and none of the 10.5 Full-Time-Equivalents (FTE) in fiscal year 2022 and 12.0 FTEs in fiscal year 2023 included above in the "Number of Full-Time Equivalents (FTE)" may be used by the Department of Insurance (TDI) unless the Commissioner of Insurance files a finding of fact with the Governor and the Legislative Budget Board (LBB) and neither the Governor nor the LBB issues a written disapproval not later than:
- (1) the 10th day after the date the staff of the LBB concludes its review of the findings of fact and forwards those findings of fact along with the conclusions or comments of the LBB staff to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor; and
 - (2) within 10 business days of the receipt of the finding of fact by the Governor.
- Any requests for additional information made by the LBB shall suspend the counting of the 10 business days.
- c. Any unexpended balances as of August 31, 2022 in appropriations in Strategy G.1.1, Contingency Health Insurance Risk Pool, made to TDI are appropriated for the same purposes for the fiscal year beginning September 1, 2022.

DEPARTMENT OF INSURANCE

Differences Only - Excludes Capital

(Continued)

Senate

House

19. Contingency Appropriation: State Regulatory Response.

- a. Amounts appropriated above to the Department of Insurance (TDI) not to exceed \$2,200,000 in General Revenue-Dedicated Texas Department of Insurance Operating Fund 36 each year in Strategy F.1.1, Contingency Regulatory Response, and 40.0 Full-Time Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time Equivalents (FTE)" are contingent upon a finding of fact by the Commissioner of Insurance that additional resources are needed by TDI due to:
 - (1) a significant change in insurance regulatory environment, demands for federal healthcare reform implementation, a weather related disaster in the State of Texas, a public health crisis, such as a pandemic, a fire that has been declared as a disaster situation in the State of Texas, and non-weather related disasters.

- b. None of the funds appropriated above in Strategy F.1.1, Contingency Regulatory Response, may be expended and none of the 40.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" may be used by TDI unless the Commissioner of Insurance files a finding of fact with the Governor and the Legislative Budget Board (LBB) and neither the Governor nor the LBB issues a written disapproval not later than:
 - (1) the 10th business day after the date the staff of the LBB concludes its review of the findings of fact and forwards those findings of fact along with the conclusions or comments of the LBB staff to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor; and

 - (2) the 10th business day after the receipt of the finding of fact by the Governor.

- c. The appropriations above in Strategy F.1.1, Contingency Regulatory Response, and 40.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of

DEPARTMENT OF INSURANCE

Differences Only - Excludes Capital

(Continued)

Senate

House

Full-Time-Equivalents (FTE)" are also contingent upon TDI maintaining a sufficient fund balance in General Revenue-Dedicated Fund 36 to cover these contingency appropriations and related employee benefits, and providing such information as may be deemed necessary by the Comptroller of Public Accounts to issue a finding of fact that the revenues are/will be available to fund the increased appropriations.

- d. Funds appropriated above in Strategy F.1.1, Contingency Regulatory Response, and 40.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" may only be used to address issues included in the finding of fact submitted to the Governor and the LBB pursuant to subsection (b) above, and apply only to the 2022-23 biennium unless otherwise appropriated. It is the intent of the Legislature that these funds not be included in base level funding requests for the 2024-25 biennium.
- e. Notwithstanding transfer limits under Article IX, §14.01 of this Act, at the discretion of the agency, amounts appropriated above may be transferred to another appropriation item in an amount not to exceed \$2,200,000 in General Revenue-Dedicated Texas Department of Insurance Operating Fund 36 each year in Strategy F.1.1, Contingency Regulatory Response.

RACING COMMISSION

Differences Only - Excludes Capital

Senate

House

9. **Contingency for HIEA Amendment.** Contingent on enactment of legislation relating to the use of funds for grant administration purposes held in the Horse Industry Escrow Account by the Eighty-seventh Legislature, Regular Session, the Commission is appropriated \$375,000 in Horse Industry Escrow Account funds and an additional 2.0 full-time equivalents for the 2022-23 biennium for administration of the Horse Industry Escrow Account grant program.

SECURITIES BOARD

Differences Only - Excludes Capital

Senate

House

- 3. Appropriations for FTEs.** Out of amounts appropriated above to the Securities Board for the 2022-23 biennium, \$233,102 shall be used solely for the purpose of funding full-time equivalents whose primary duties include registration, inspection, information technology, administrative duties, and/or general counsel.

PUBLIC UTILITY COMMISSION OF TEXAS

Differences Only - Excludes Capital

Senate

House

4. Contingency for Senate Bill 3. Contingent on passage of Senate Bill 3, the Public Utility Commission is appropriated \$ _____ in fiscal year 2022 and \$ _____ in fiscal year 2023 in General Revenue Funds to implement the provisions of the bill.

4. Load Shed Protocols Study. Using funds appropriated above to the Public Utility Commission of Texas, the commission shall study the effects of load shed protocols in ERCOT, as that term is defined by Section 31.002, Utilities Code, and issue a report on the conclusions of the study to the legislature not later than September 1, 2022.

5. Public Utility Commission Biennial Report. Detail in the Biennial Report required under Sec. 12.203, Utilities Code, whether ERCOT interconnection to Eastern and/or Western Interconnects and/or Mexico would protect and further the interest of the public. It is the intent of the Legislature that the commission, out of the funds appropriated above to the Public Utility Commission, and to the extent permitted under general law, detail within its Biennial Report the benefits and costs associated with interconnecting ERCOT to other grids, including Eastern and Western Interconnects, and Mexico. The Report must determine: if reliability could be increased; the impact on customers' energy costs; the potential for economic development benefits to the state from exporting energy to other interconnects; and if ERCOT could remain independent of federal regulation if and when larger direct current ties are established than those that currently exist.