

Rider Packet

Conference Committee on Senate Bill 1

2022-23 General Appropriations Bill

Article IX - General Provisions

SALARY ADMINISTRATION AND EMPLOYMENT PROVISIONS

Differences Only - Excludes Capital

Senate

House

Sec. 3.04. Scheduled Exempt Positions.

- (a) Except for the positions listed under Subsection (b)(3) or (c)(6), a position listed following an agency's appropriation in the agency's "Schedule of Exempt Positions" shall receive compensation at a rate not to exceed the amount indicated in that agency's "Schedule of Exempt Positions."
- (b) (1) Notwithstanding the rate listed in an agency's "Schedule of Exempt Positions," a position listed in Subsection (b)(3) may receive compensation at a rate set by the Governor in an amount not to exceed the "Maximum Salary" but not less than the "Minimum Salary" for the appropriate group as listed in Subsection (b)(2).
- (2) An exempt position listed in Subsection (b)(3) or (c)(6), for which the term "Group," followed by an Arabic numeral, is indicated, may receive compensation at a rate within the range indicated below for the respective salary group indicated.

Scheduled Exempt Position Salary Rates

Group	Minimum Salary	Maximum Salary
1	\$70,000	\$112,750
2	80,500	129,765
3	92,600	149,240
4	106,500	171,688
5	122,500	197,415
6	140,900	227,038
7	162,000	261,068
8	186,300	299,813
9	214,200	345,250

- | (3) Agency | Position | Salary Group |
|--|---------------------------|--------------|
| (A) Secretary of State | Secretary of State | Group 5 |
| (B) Office of State-Federal Relations | Executive Director | Group 4 |
| (C) Health and Human Services Commission | Executive Commissioner | Group 9 |
| (D) Texas Education Agency | Commissioner of Education | Group 8 |
| (E) Texas Military Department | Adjutant General | Group 6 |
| (F) Texas Department of Criminal Justice | Presiding Officer, Board | |

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- (b) (1) Notwithstanding the rate listed in an agency's "Schedule of Exempt Positions," a position listed in Subsection (b)(3) may receive compensation at a rate set by the Governor in an amount not to exceed the "Maximum Salary" but not less than the "Minimum Salary" for the appropriate group as listed in Subsection (b)(2).
- (2) An exempt position listed in Subsection (b)(3) or (c)(6), for which the term "Group," followed by an Arabic numeral, is indicated, may receive compensation at a rate within the range indicated below for the respective salary group indicated.

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Part 3.

SALARY ADMINISTRATION AND EMPLOYMENT PROVISIONS

Differences Only - Excludes Capital
(Continued)

Senate

House

	of Pardons and Paroles	Group 5
(G) Texas Department of Criminal Justice	Parole Board Members (6)	Group 3
(H) Texas Commission on Environmental Quality	Commissioners (3)	Group 6
(I) Texas Department of Housing and Community Affairs	Executive Director	Group 6
(J) Texas Workforce Commission	Commissioners (2)	Group 5
(K) Texas Workforce Commission	Commission Chair	Group 6
(L) State Office of Administrative Hearings	Chief Administrative Law Judge	Group 5
(M) Texas Department of Insurance	Commissioner of Insurance	Group 7
(N) Office of Public Insurance Counsel	Public Counsel	Group 4
(O) Public Utility Commission of Texas	Commissioners (3)	Group 6
(P) Office of Public Utility Counsel	Public Counsel	Group 4
(Q) Bond Review Board	Executive Director	Group 4
(R) Texas Water Development Board	Commission Chair	Group 6
(S) Texas Water Development Board	Commissioner (2)	Group 6
(T) Texas Water Development Board	Executive Administrator	Group 6

(F) Texas Department of Criminal Justice	Presiding Officer, Board of Pardons and Paroles	Group 5
(G) Texas Department of Criminal Justice	Parole Board Members (6)	Group 3
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(S) Texas Water Development Board	Commissioner (2)	Group 6
(T) Texas Water Development Board	Executive Administrator	Group 6

(c) (1) Notwithstanding the rate listed in an agency's "Schedule of Exempt Positions," an agency whose exempt position is listed in Subsection (c)(6) may request to set the rate of compensation provided for the agency's respective exempt position at an amount not to exceed the "Maximum Salary" but not less than the "Minimum Salary" for the appropriate group as listed in Subsection (b)(2).

(c) (1) Notwithstanding the rate listed in an agency's "Schedule of Exempt Positions," an agency whose exempt position is listed in Subsection (c)(6) may request to set the rate of compensation provided for the agency's respective exempt position at an amount not to exceed the "Maximum Salary" but not less than the "Minimum Salary" for the appropriate group as listed in Subsection (b)(2).

- (2) The request submitted by the governing board (when applicable for an agency with a governing board) of the state agency may include:
- (A) The date on which the board (when applicable for an agency with a governing board) approved the request;
 - (B) A statement justifying the need to exceed the current salary limitation; and
 - (C) The source of funds to be used to pay the additional salary amount.

- (2) The request submitted by the governing board (when applicable for an agency with a governing board) of the state agency may include:
- (A) The date on which the board (when applicable for an agency with a governing board) approved the request;
 - (B) A statement justifying the need to exceed the current salary limitation; and
 - (C) The source of funds to be used to pay the additional salary amount.

(3) The governing board (when applicable for an agency with a governing board) may make a

Part 3.

SALARY ADMINISTRATION AND EMPLOYMENT PROVISIONS

Differences Only - Excludes Capital
(Continued)

Senate

House

request under Subsection (c)(1) a maximum of once per fiscal year and additionally upon a vacancy in an exempt position listed in Subsection (c)(6).

(3) The governing board (when applicable for an agency with a governing board) may make a request under Subsection (c)(1) a maximum of once per fiscal year and additionally upon a vacancy in an exempt position listed in Subsection (c)(6).

(4) A proposed rate increase is approved if neither the Legislative Budget Board nor the Governor issues a written disapproval of the proposal not later than:

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(A) for the Legislative Budget Board, the thirtieth business day after the date the staff of the Legislative Budget Board concludes its review of the proposed rate increase and forwards its review to the Chair of the House Committee on Appropriations, Chair of the Senate Committee on Finance, Speaker of the House, and Lieutenant Governor; and

(A) for the Legislative Budget Board, the thirtieth business day after the date the staff of the Legislative Budget Board concludes its review of the proposed rate increase and forwards its review to the Chair of the House Committee on Appropriations, Chair of the Senate Committee on Finance, Speaker of the House, and Lieutenant Governor; and

(B) for the Governor, the thirtieth business day after the receipt of the proposed rate increase by the Governor.

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(5) Unless a proposed rate increase is disapproved, the Legislative Budget Board shall notify the affected agency, the Governor's Office, and the Comptroller of the new salary rate.

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(6) Agency	Position	Salary Group
(A) Department of State Health Services	Commissioner	Group 8
(B) Department of Family and Protective Services	Commissioner	Group 8
(C) Higher Education Coordinating Board	Commissioner	Group 8
(D) Department of Information Resources	Executive Director	Group 6
(E) Texas Lottery Commission	Executive Director	Group 7
(F) Texas Juvenile Justice Department	Executive Director	Group 7
(G) Preservation Board	Executive Director	Group 6
(H) School for the Blind and Visually Impaired	Superintendent	Group 4
(I) School for the Deaf	Superintendent	Group 4
(J) Animal Health Commission	Executive Director	Group 6

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(A) Department of State Health Services	Commissioner	Group 8
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(G) Preservation Board	Executive Director	Group 6
(H) School for the Blind and Visually Impaired	Superintendent	Group 4
(I) School for the Deaf	Superintendent	Group 4

(d) In addition to all other requirements, any salary increase from appropriated funds within the limits provided by this section and salary increases within the limit established under an agency's bill pattern, must be:

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(1) in writing;

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Part 3.

SALARY ADMINISTRATION AND EMPLOYMENT PROVISIONS

Differences Only - Excludes Capital
(Continued)

Senate

House

- (2) approved by the governing board (for an agency with a governing board) in a public meeting;
 - (3) signed by the presiding officer of the governing board (for an agency with a governing board); and
 - (4) submitted to the Governor, the Legislative Budget Board and the Comptroller.
 - (e) (1) Each title listed in a "Schedule of Exempt Positions" following an agency's appropriation authorizes one position for the agency unless the title is followed by an Arabic numeral indicating the number of positions authorized.
 - (2) The number of authorized positions for a title listed in a "Schedule of Exempt Positions" may be exceeded only:
 - (A) for the purpose of hiring a replacement in a key management position as certified by the chief administrator of the agency;
 - (B) if the current incumbent of the position has formally resigned or otherwise announced irrevocable plans to vacate the position;
 - (C) for a period of time not to exceed the equivalent of one month's salary per fiscal year per terminating incumbent (excluding time spent on the payroll for the purpose of exhausting accrued annual leave or state compensatory time); and
 - (D) if exceptions are reported as prescribed for payroll reporting procedures.
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 - (D) if exceptions are reported as prescribed for payroll reporting procedures.

GENERAL LIMITATIONS ON EXPENDITURES

Differences Only - Excludes Capital

Senate

House

Sec. 6.08. Benefits Paid Proportional by Method of Finance.

- (a) Unless otherwise provided, in order to maximize balances in the General Revenue Fund, payment for benefits paid from appropriated funds, including "local funds" and "education and general funds" as defined in §51.009 (a) and (c), Education Code, shall be proportional to the method of finance except for public and community junior colleges. Any financing sources subject to restrictions that prevent their expenditure on salaries and wages, as directed by legislative intent or established in policies by the Comptroller governing the calculation of benefits proportionality by method of finance, shall not be subject to this proportional requirement.
- (b) Funds not subject to this proportionality requirement may include, but are not limited to certain: appropriations for capital purposes, appropriations with salary restrictions, deficiency grant appropriations, emergency appropriations, or statutorily restricted funds that restrict or limit the use of funds to certain programs. The Comptroller shall make the final determination on the exclusion of funds from this proportionality requirement in conjunction with the policies developed under subsection (f) of this section.
- (c) For institutions of higher education, in determining the proportional allocation between the General Revenue Fund and other appropriated funds, an adjustment for local funds benefits shall be made to equitably distribute costs between General Revenue and other appropriated funds.
- (d) If the Comptroller determines that achieving employee benefits proportionality at the time the benefits payment is made would be impractical or inefficient, then the General Revenue Fund shall be reimbursed for any such payment made out of the General Revenue Fund.
- (e) For purposes of this Act, a public community or junior college may expend funds appropriated for employee benefit costs for any employee if the employee is: (1) otherwise eligible to participate in the group benefits program; and (2) an instructional or administrative employee whose salary may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether the salary is actually paid from appropriated funds.
- (f) The Comptroller, after consulting with the Legislative Budget Board and the State Auditor's Office, shall develop and maintain policies to provide for the administration of this section.
- (g) Each agency or institution of higher education (excluding a community or junior college)

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Part 6.

GENERAL LIMITATIONS ON EXPENDITURES

Differences Only - Excludes Capital

(Continued)

Senate

House

having General Revenue Fund appropriations and other sources of financing shall file with the Comptroller and the State Auditor a report demonstrating proportionality. The report shall be filed before November 20 following the close of the fiscal year for the salaries, wages, and benefits of the preceding year which ended August 31. The report shall be in a format prescribed by the Comptroller in collaboration with the Legislative Budget Board and the State Auditor's Office.

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- (h) State Auditor shall at least biennially review agency and institution compliance with the requirements of this section if the agency or institution (excluding a community or junior college) receives funds appropriated under this Act. Subject to a risk assessment, the State Auditor shall audit the expenditure transfers and payments for benefits by an agency or institution. The State Auditor shall send the audit report to the Comptroller and the Legislative Budget Board upon completion of the audit, along with any recommendations for changes or refunds. The Comptroller, on receipt of notification from the State Auditor of amounts disproportionately paid from General Revenue Fund appropriations, shall reduce current year General Revenue Fund appropriations of the agency or institution until such time as such amounts are repaid from sources other than the General Revenue Fund.
- (i) Should cash balances in appropriated funds prohibit an account or fund from absorbing additional expense related to proportionality requirements, an agency or institution may be allowed to adjust benefit expenses accordingly. An agency or institution must notify the Comptroller and Legislative Budget Board of any requested adjustment. The Comptroller shall make the final determination on the allowance of any benefit expense adjustment but shall ensure General Revenue is reimbursed to the maximum extent possible.
- (j) For institutions of higher education, excluding public community or junior colleges, funds appropriated by this Act may not be expended for employee benefit costs, or other indirect costs, associated with the payment of salaries or wages, if the salaries and wages are paid from funds not appropriated by this Act.
- (k) The limitation in Subsection (j) shall not apply to the:
 - (1) funds appropriated to the Texas Department of Criminal Justice and provided to The University of Texas Medical Branch at Galveston or to the Texas Tech University Health Sciences Center for correctional health care services, and

- (h) State Auditor shall at least biennially review agency and institution compliance with the requirements of this section if the agency or institution (excluding a community or junior college) receives funds appropriated under this Act. Subject to a risk assessment, the State Auditor shall audit the expenditure transfers and payments for benefits by an agency or institution. The State Auditor shall send the audit report to the Comptroller and the Legislative Budget Board upon completion of the audit, along with any recommendations for changes or refunds. The Comptroller, on receipt of notification from the State Auditor of amounts disproportionately paid from General Revenue Fund appropriations, shall reduce current year General Revenue Fund appropriations of the agency or institution until such time as such amounts are repaid from sources other than the General Revenue Fund.
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Part 6.

GENERAL LIMITATIONS ON EXPENDITURES

Differences Only - Excludes Capital

(Continued)

Senate

- (2) funds appropriated to the Health and Human Services Commission and provided to The University of Texas Health Science Center at Houston for the operation of the Harris County Psychiatric Center.

House

- (2) funds appropriated to the Health and Human Services Commission and provided to The University of Texas Health Science Center at Houston for the operation of the Harris County Psychiatric Center.

In accordance with the policies developed under subsection (f) of this section, institutions identified in this subsection shall disclose information on the amount of interagency contract proceeds used to pay salaries and wages as well as the associated general revenue benefits for programs identified in this subsection.

REPORTING REQUIREMENTS

Differences Only - Excludes Capital

Senate

House

Sec. 7.11. Notification of Certain Purchases or Contract Awards, Amendments, and Extensions.

- (a) In this section "contract" includes a contract, grant or agreement, including a revenue generating contract, an interagency or interlocal grant or agreement, purchase order or other written expression of terms of agreement or an amendment, modification, renewal, or extension of such for the purchase or sale of goods or services that was entered into or paid for, either in whole or in part, by a state agency or institution of higher education.
- (b) Until providing notice that satisfies the requirements of Subsections 7.11(c) and (d), an agency or institution of higher education appropriated funds in this Act may not expend any funds to make a payment on a contract if the expected amount of the contract exceeds or may reasonably be expected to exceed either of the following thresholds:
 - (1) \$10 million; or
 - (2) \$1 million in the case of a contract awarded:
 - (A) as a result of an emergency or following an emergency procedure allowed by statute; or
 - (B) without issuing a request for proposal, request for bid, or other similar process common to participation in the competitive bidding processes required by statute, rule, or ordinary and commonly recognized state policies and procedures.
- (c) An agency or institution of higher education may not expend funds to make a payment on a contract under Subsection (b)(1) or (b)(2) until the notice required in this Section 7.11 is provided to the Legislative Budget Board. The notice shall be provided to the Legislative Budget Board:
 - (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. Such a purchase must be necessary to avoid an immediate hazard to life, health, safety or the welfare of humans, or to avoid an immediate hazard to property.
- (d) The notice required by Section 7.11(c) must include:

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- (b) Until providing notice that satisfies the requirements of Subsections 7.11(c) and (d), an agency or institution of higher education appropriated funds in this Act may not expend any funds to make a payment on a contract if the expected amount of the contract exceeds or may reasonably be expected to exceed either of the following thresholds:
 - (1) \$10 million; or
 - (2) \$1 million in the case of a contract awarded:
 - (A) as a result of an emergency or following an emergency procedure allowed by statute; or
 - (B) without issuing a request for proposal, request for bid, or other similar process common to participation in the competitive bidding processes required by statute, rule, or ordinary and commonly recognized state policies and procedures.
- (c) An agency or institution of higher education may not expend funds to make a payment on a contract under Subsection (b)(1) or (b)(2) until the notice required in this Section 7.11 is provided to the Legislative Budget Board. The notice shall be provided to the Legislative Budget Board prior to the date on which the first payment under the contract will be made, but no later than 5 calendar days after the date on which the contract is awarded.
- (d) The notice required by Section 7.11(c) must include:
 - (1) (A) information regarding the nature, term, amount and the vendor(s) awarded the contract;
 - (B) a copy of the contract documents, including all appendices and attachments, and, if applicable, a finding of fact for major consulting contracts from the Governor's

Part 7.

REPORTING REQUIREMENTS

Differences Only - Excludes Capital
(Continued)

Senate

House

- (1) (A) information regarding the nature, term, amount and the vendor(s) awarded the contract;
- (B) a copy of the contract documents, including all appendices and attachments, and, if applicable, a finding of fact for major consulting contracts from the Governor's Office stating that the consulting services are necessary as required by Government Code, Section 2254.028(a)(3);
- (C) each request for proposal, invitation to bid, or comparable solicitation related to the contract; and
- (D) Subsections (d)(1)(B) and (C) shall not apply:
 - (i) to an enrollment contract described by T.A.C. Section 391.183 as that section existed November 1, 2013;
 - (ii) to a contract of the Texas Department of Transportation that relates to highway construction or engineering, or is subject to Section 201.112, Transportation Code;
- (2) (A) certification signed by the executive director of the agency or other similar agency or institution administrator or designee of the agency or institution of higher education stating that the process used to award the contract, contract extension, or purchase complies with or is consistent with the following:
 - (i) State of Texas Procurement and Contract Management Guide; and
 - (ii) statutes, rules, policies and procedures related to the procurement and contracting of goods and services, including compliance with conflict of interest disclosure requirements; or
- (B) if the process to award the contract, contract extension, or procurement did not comply with the requirements of Subsection (d)(2)(A)(i) and (ii), or if these requirements are found to be inapplicable, the agency or institution of higher education shall provide either a legal justification for the inapplicability of the requirements or an explanation for the alternative process utilized, and legal justification for the alternative process;

- Office stating that the consulting services are necessary as required by Government Code, Section 2254.028(a)(3);
- (C) each request for proposal, invitation to bid, or comparable solicitation related to the contract; and
- (D) Subsections (d)(1)(B) and (C) shall not apply:
 - (i) to an enrollment contract described by T.A.C. Section 391.183 as that section existed November 1, 2013;
 - (ii) to a contract of the Texas Department of Transportation that relates to highway construction or engineering, or is subject to Section 201.112, Transportation Code;
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 - (i) State of Texas Procurement and Contract Management Guide; and
 - (ii) statutes, rules, policies and procedures related to the procurement and contracting of goods and services, including compliance with conflict of interest disclosure requirements; or
- (B) if the process to award the contract, contract extension, or procurement did not comply with the requirements of Subsection (d)(2)(A)(i) and (ii), or if these requirements are found to be inapplicable, the agency or institution of higher education shall provide either a legal justification for the inapplicability of the requirements or an explanation for the alternative process utilized, and legal justification for the alternative process;
- (3) certification by the executive director of the agency or other similar agency or institution administrator or designee of the agency or institution of higher education that the agency or institution has a process for:
 - (A) verification of vendor performance and deliverables;

Part 7.

REPORTING REQUIREMENTS

Differences Only - Excludes Capital
(Continued)

Senate

House

- (3) certification by the executive director of the agency or other similar agency or institution administrator or designee of the agency or institution of higher education that the agency or institution has a process for:
 - (A) verification of vendor performance and deliverables;
 - (B) payment for goods and services only within the scope of the contract or procurement order;
 - (C) calculation and collection of any liquidated damages associated with vendor performance; and
 - (D) when, why, or how to apply corrective action plans for continuing poor vendor performance;
 - (4) certification by the executive director of the agency or other similar agency or institution administrator or designee of the agency or institution of higher education that the agency or institution will comply with the requirement to provide information to the Vendor Performance Tracking System when the contract is completed; and
 - (5) any other information requested by the Legislative Budget Board before or after the Legislative Budget Board receives the notice as required by this Section 7.11.
 - (e) A state agency or institution of higher education receiving an appropriation under this Act shall provide notice of a contract pursuant to this section without regard to the source of funds or method of finance associated with the expenditures, including a contract for which only non-appropriated funds will be expended.
 - (f) If the agency does not satisfy the notification requirements of this section, the Director of the Legislative Budget Board may provide written notification to the comptroller, governor, and Legislative Budget Board detailing the requirements of this section that the agency did not meet and any recommendations to address identified risks related to the procurement or contract. The recommendations may include enhanced monitoring by Legislative Budget Board staff; auditing by the State Auditor's Office; required agency consultation with the Quality Assurance Team and/or Contract Advisory Team; or contract cancellation.
- (B) payment for goods and services only within the scope of the contract or procurement order;
 - (C) calculation and collection of any liquidated damages associated with vendor performance; and
 - (D) when, why, or how to apply corrective action plans for continuing poor vendor performance;
 - (4) certification by the executive director of the agency or other similar agency or institution administrator or designee of the agency or institution of higher education that the agency or institution will comply with the requirement to provide information to the Vendor Performance Tracking System when the contract is completed; and
 - (5) any other information requested by the Legislative Budget Board before or after the Legislative Budget Board receives the notice as required by this Section 7.11.
 - (e) A state agency or institution of higher education receiving an appropriation under this Act shall provide notice of a contract pursuant to this section without regard to the source of funds or method of finance associated with the expenditures, including a contract for which only non-appropriated funds will be expended.
 - (f) If the agency does not satisfy the notification requirements of this section, the Director of the Legislative Budget Board may provide written notification to the comptroller, governor, and Legislative Budget Board detailing the requirements of this section that the agency did not meet and any recommendations to address identified risks related to the procurement or contract. The recommendations may include enhanced monitoring by Legislative Budget Board staff; auditing by the State Auditor's Office; required agency consultation with the Quality Assurance Team and/or Contract Advisory Team; or contract cancellation.
 - (g) It is the intent of the legislature that a written notice certified as required by this Section 7.11 should be considered a "governmental record" as defined under Chapter 37, Penal Code.

Part 7.

REPORTING REQUIREMENTS

Differences Only - Excludes Capital
(Continued)

Senate

House

- (g) It is the intent of the legislature that a written notice certified as required by this Section 7.11 should be considered a "governmental record" as defined under Chapter 37, Penal Code.

Sec. 7.13. Reports for Reducing Expenditures.

- (a) Not later than December 1 of each even-numbered year, each state agency shall 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.
- (b) Not later than December 31 of each even-numbered year, the Legislative Budget Board shall compile the reports and submitted under Subsection (a) of this section and submit the reports to the governor, lieutenant governor, and speaker of the house of representatives.

HEALTH-RELATED PROVISIONS

Differences Only - Excludes Capital

Senate

House

Sec. 10.04. Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

- (a) **Informational Listing - Behavioral Health and Substance Abuse Services Appropriations.**
The following is an informational listing of appropriations for behavioral health services made elsewhere in this Act.

Behavioral health services are programs or services directly or indirectly related to the research, prevention, or detection of mental disorders and disabilities, and all services necessary to treat, care for, control, supervise, and rehabilitate persons who have a mental disorder or disability, including persons whose mental disorders or disabilities result from alcoholism or drug addiction. Certain non-behavioral health-related costs which could not be disaggregated from other healthcare costs are also included in the listing below.

	Fiscal Year 2022	Fiscal Year 2023
Article I		
Trusteed Programs, Office of the Governor	\$46,389,573	\$46,389,573
Veterans Commission	\$6,715,641	\$6,715,641
Article II		
Department of Family and Protective Services	\$29,045,334	\$29,045,334
Department of State Health Services	\$1,631,087	\$1,847,587
Health and Human Services Commission	\$1,623,717,732	\$1,657,888,196
Texas Civil Commitment Office	\$154,611	\$154,611
Article III		
Texas School for the Deaf	\$70,434	\$70,434
University of Texas - Health Science Center Houston	\$8,000,000	\$8,000,000
University of Texas - Health Science Center Tyler	\$6,730,000	\$6,730,000
Texas Tech University Health Sciences Center	\$2,500,000	\$2,500,000
Texas Higher Education Coordinating Board	\$59,254,136	\$59,254,136
Article IV		
Supreme Court of Texas	\$1,250,000	\$1,250,000

Sec. 10.04. Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

- (a) **Informational Listing - Behavioral Health and Substance Abuse Services Appropriations.**
The following is an informational listing of appropriations for behavioral health services made elsewhere in this Act.

Behavioral health services are programs or services directly or indirectly related to the research, prevention, or detection of mental disorders and disabilities, and all services necessary to treat, care for, control, supervise, and rehabilitate persons who have a mental disorder or disability, including persons whose mental disorders or disabilities result from alcoholism or drug addiction. Certain non-behavioral health-related costs which could not be disaggregated from other healthcare costs are also included in the listing below.

	Fiscal Year 2022	Fiscal Year 2023
Article I		
Trusteed Programs, Office of the Governor	\$46,389,573	\$46,389,573
Veterans Commission	\$6,715,641	\$6,715,641
Article II		
Department of Family and Protective Services	\$29,045,334	\$29,045,334
Department of State Health Services	\$1,631,087	\$1,847,587
Health and Human Services Commission	\$1,632,108,258	\$1,610,944,228
Texas Civil Commitment Office	\$154,611	\$154,611
Article III		
Texas School for the Deaf	\$70,434	\$70,434
University of Texas - Health Science Center Houston	\$8,000,000	\$8,000,000
University of Texas - Health Science Center Tyler	\$6,730,000	\$6,730,000
Texas Tech University Health Sciences Center	\$2,500,000	\$2,500,000
Texas Higher Education Coordinating Board	\$49,500,000	\$49,500,000
Article IV		
Supreme Court of Texas	\$1,250,000	\$1,250,000

Part 10.

HEALTH-RELATED PROVISIONS

Differences Only - Excludes Capital

(Continued)

	Senate			House	
Court of Criminal Appeals	\$568,500	\$568,500	Court of Criminal Appeals	\$568,500	\$568,500
Office of Court Administration	\$2,500,000	\$2,500,000	Office of Court Administration	\$2,500,000	\$2,500,000
Article V			Article V		
Commission on Jail Standards	\$186,933	\$186,933	Commission on Jail Standards	\$186,933	\$186,933
Department of Criminal Justice	\$262,781,849	\$262,781,856	Department of Criminal Justice	\$262,781,849	\$262,781,856
Juvenile Justice Department	\$92,102,880	\$92,121,393	Juvenile Justice Department	\$91,261,742	\$91,280,256
Military Department	\$1,010,450	\$988,650	Military Department	\$1,010,450	\$988,650
Commission on Law Enforcement	\$525,910	\$525,910			
Article VIII			Article VIII		
State Board of Dental Examiners	\$132,240	\$132,240	State Board of Dental Examiners	\$132,240	\$132,240
Board of Pharmacy	\$294,203	\$294,202	Board of Pharmacy	\$294,203	\$294,202
Board of Veterinary Medical Examiners	\$45,000	\$45,000	Board of Veterinary Medical Examiners	\$45,000	\$45,000
Optometry Board	\$47,000	\$47,000	Optometry Board	\$47,000	\$47,000
Board of Nursing	\$1,005,458	\$1,005,458	Board of Nursing	\$1,005,458	\$1,005,458
Medical Board	\$641,482	\$637,992	Medical Board	\$641,482	\$637,992
Total	\$2,147,300,453	\$2,181,680,646	Total	\$2,144,569,795	\$2,123,615,495
Method of Financing			Method of Financing		
General Revenue	\$1,684,506,464	\$1,722,750,351	General Revenue	\$1,677,276,985	\$1,660,186,379
General Revenue - Dedicated	\$11,188,461	\$11,188,461	General Revenue - Dedicated	\$9,467,814	\$9,467,814
Federal Funds	\$376,940,810	\$377,177,762	Federal Funds	\$383,160,278	\$383,397,230
Other Funds	\$74,664,718	\$70,564,072	Other Funds	\$74,664,718	\$70,564,072
Subtotal	\$2,147,300,453	\$2,181,680,646	Subtotal	\$2,144,569,795	\$2,123,615,495
Estimated Medicaid Expenditures (All Funds)	\$1,821,395,628	\$1,855,720,482	Estimated Medicaid Expenditures (All Funds)	\$1,821,395,628	\$1,855,720,482
Estimated CHIP Expenditures (All Funds)	\$47,853,482	\$51,022,624	Estimated CHIP Expenditures (All Funds)	\$47,853,482	\$51,022,624

HEALTH-RELATED PROVISIONS

Differences Only - Excludes Capital
(Continued)

Senate

House

Total **\$4,016,549,563** **\$4,088,423,752**

Total **\$4,013,818,905** **\$4,030,358,601**

Medicaid and CHIP amounts in this table reflect estimated expenditures and may not align with the appropriations made elsewhere in this Act for Medicaid and CHIP.

Medicaid and CHIP amounts in this table reflect estimated expenditures and may not align with the appropriations made elsewhere in this Act for Medicaid and CHIP.

(b) **Statewide Behavioral Health Coordinating Council.** Each agency identified in subsection (a) of this provision, with the exception of the Texas Higher Education Coordinating Board and Article VIII, shall designate an individual to serve as a member of the statewide behavioral health coordinating council, established by Article IX, Section 10.04(b), 2016-17 General Appropriations Act (GAA), Eighty-fourth Legislature, 2015, and may use funds appropriated by this Act to support that council. In addition to the agencies identified in subsection (a) of this provision, the Texas Department of Housing and Community Affairs, the Texas Workforce Commission, and the Texas Education Agency shall each designate an individual to serve as a representative on the council. The Texas Mental Health Care Consortium shall designate an individual to serve as a representative on the council. Any other state agency or institution that receives funding in this Act and provides specific behavioral health services may participate in the meetings and discussions of the coordinating council. The Mental Health Statewide Coordinator at the Health and Human Services Commission (HHSC) shall serve as chair of this council. The coordinating council shall meet at least once quarterly during fiscal years 2022 and 2023, or more frequently if determined necessary by the Mental Health Statewide Coordinator at HHSC.

(b) **Statewide Behavioral Health Coordinating Council.** Each agency identified in subsection (a) of this provision, with the exception of the Texas Higher Education Coordinating Board and Article VIII, shall designate an individual to serve as a member of the statewide behavioral health coordinating council, established by Article IX, Section 10.04(b), 2016-17 General Appropriations Act (GAA), Eighty-fourth Legislature, 2015, and may use funds appropriated by this Act to support that council. In addition to the agencies identified in subsection (a) of this provision, the Texas Department of Housing and Community Affairs, the Texas Workforce Commission, and the Texas Education Agency shall each designate an individual to serve as a representative on the council. The Texas Mental Health Care Consortium shall designate an individual to serve as a representative on the council. Any other state agency or institution that receives funding in this Act and provides specific behavioral health services may participate in the meetings and discussions of the coordinating council. The Mental Health Statewide Coordinator at the Health and Human Services Commission (HHSC) shall serve as chair of this council. The coordinating council shall meet at least once quarterly during fiscal years 2022 and 2023, or more frequently if determined necessary by the Mental Health Statewide Coordinator at HHSC.

HHSC shall require certain community collaboratives that receive state grant funding to present twice annually on the impact each collaborative has had on project implementation and mental health outcomes on the population served by the grant funding. These community collaboratives shall include community collaboratives as defined by Government Code, Chapter 539; community recipients of a grant for veterans' mental health pursuant to Government Code, Section 531.0092; recipients of a grant through the Mental Health Grant Program for Justice-Involved Individuals; and recipients of a grant through the Community Mental Health Grant Program. It is the intent of the Legislature that these presentations serve as an opportunity to increase collaboration for the effective expenditure of behavioral health funds between state and local entities. No provision of this Act may be construed as granting the statewide behavioral health coordinating council authority over local projects

HHSC shall require certain community collaboratives that receive state grant funding to present twice annually on the impact each collaborative has had on project implementation and mental health outcomes on the population served by the grant funding. These community collaboratives shall include community collaboratives as defined by Government Code, Chapter 539; community recipients of a grant for veterans' mental health pursuant to Government Code, Section 531.0092; recipients of a grant through the Mental Health Grant Program for Justice-Involved Individuals; and recipients of a grant through the Community Mental Health Grant Program. It is the intent of the Legislature that these presentations serve as an opportunity to increase collaboration for the effective expenditure of behavioral health funds between state and local entities. No provision of this Act may be construed as granting the statewide behavioral health coordinating council authority over local projects implemented by the collaboratives listed above.

Senate

House

implemented by the collaboratives listed above.

- (c) **Statewide Behavioral Health Strategic Plan.** The purpose of the statewide behavioral health coordinating council shall be to implement the five-year Statewide Behavioral Health Strategic Plan published May 1, 2016, per Article IX, Section 10.04(b), 2016-17 GAA, Eighty-fourth Legislature, 2015. The Statewide Behavioral Health Coordinating Council shall submit an annual report to the Governor, and the Legislative Budget Board including the progress of the strategic plan's implementation no later than December 1 of fiscal years 2022 and 2023. The report shall include coordinating council agency participation and how the strategic plan's implementation serves to coordinate programs and services to eliminate redundancy, utilize best practices in contracting standards, perpetuate identified, successful models for mental health and substance abuse treatment, ensure optimal service delivery, and identify and collect comparable data on results and effectiveness. The coordinating council shall annually update the inventory of behavioral health programs and services. The inventory shall describe how the identified programs, services, initiatives, and expenditures further the goals of the Statewide Behavioral Health Strategic Plan. HHSC shall make available the five-year strategic plan update and the inventory of programs on HHSC's website no later than December 1 of each year.

The Council shall also collaborate with the Board of Pharmacy and the Medical Board to create a sub-plan related to substance abuse. The sub-plan shall include challenges of existing prevention, intervention, and treatment programs, evaluation of substance use disorder prevalence, service ability, gaps in current services, and strategies for working with state agencies to expand treatment capacity.

- (d) **Coordination of Behavioral Health Expenditures.** The coordinating council shall submit to the Executive Commissioner of HHSC for approval a coordinated statewide expenditure proposal for each agency, which shall include the appropriation amounts identified in subsection (a) of this provision. The expenditure proposal shall describe how the identified appropriations at each agency or institution would be spent in accordance with, and to further the goals of the approved statewide behavioral health strategic plan. HHSC shall submit the coordinated statewide behavioral health expenditure proposal to the Legislative Budget Board by September 1, 2021, for fiscal year 2022 and by July 1, 2022, for fiscal year 2023. The plan shall be considered to be approved unless the Legislative Budget Board issues a written disapproval by November 1, 2021, for fiscal year 2022, or by September 1, 2022, for fiscal year 2023.

- (c) **Statewide Behavioral Health Strategic Plan.** The purpose of the statewide behavioral health coordinating council shall be to implement the five-year Statewide Behavioral Health Strategic Plan published May 1, 2016, per Article IX, Section 10.04(b), 2016-17 GAA, Eighty-fourth Legislature, 2015. The Statewide Behavioral Health Coordinating Council shall submit an annual report to the Governor, and the Legislative Budget Board including the progress of the strategic plan's implementation no later than December 1 of fiscal years 2022 and 2023. The report shall include coordinating council agency participation and how the strategic plan's implementation serves to coordinate programs and services to eliminate redundancy, utilize best practices in contracting standards, perpetuate identified, successful models for mental health and substance abuse treatment, ensure optimal service delivery, and identify and collect comparable data on results and effectiveness. The coordinating council shall annually update the inventory of behavioral health programs and services. The inventory shall describe how the identified programs, services, initiatives, and expenditures further the goals of the Statewide Behavioral Health Strategic Plan. HHSC shall make available the five-year strategic plan update and the inventory of programs on HHSC's website no later than December 1 of each year.

The Council shall also collaborate with the Board of Pharmacy and the Medical Board to create a sub-plan related to substance abuse. The sub-plan shall include challenges of existing prevention, intervention, and treatment programs, evaluation of substance use disorder prevalence, service ability, gaps in current services, and strategies for working with state agencies to expand treatment capacity.

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HEALTH-RELATED PROVISIONS

Differences Only - Excludes Capital

(Continued)

Senate

House

Notwithstanding any other appropriation authority granted by this Act, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related funds identified in subsection (a) by a particular agency if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's expenditure proposal has not satisfied the requirements of this provision. If fiscal year 2022 or fiscal year 2023 General Revenue-Related funds are used to provide services required by federal law, are related to court-ordered treatment, or required as the result of administrative proceedings, the funding for these services shall still be included in the proposal, but these funds shall not be contingent upon approval.

The coordinated expenditure proposal shall be developed in a format specified by the Legislative Budget Board, and shall, at a minimum, include expenditures related to each program identified in the program inventory required by subsection (c) of this provision, identified by fund type. Behavioral health-related Medicaid expenditures shall also be included as a separate line item for each agency.

- (e) No later than January 15, 2023, the coordinating council shall submit to the Executive Commissioner of HHSC 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.

Notwithstanding any other appropriation authority granted by this Act, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related funds identified in subsection (a) by a particular agency if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's expenditure proposal has not satisfied the requirements of this provision. If fiscal year 2022 or fiscal year 2023 General Revenue-Related funds are used to provide services required by federal law, are related to court-ordered treatment, or required as the result of administrative proceedings, the funding for these services shall still be included in the proposal, but these funds shall not be contingent upon approval.

The coordinated expenditure proposal shall be developed in a format specified by the Legislative Budget Board, and shall, at a minimum, include expenditures related to each program identified in the program inventory required by subsection (c) of this provision, identified by fund type. Behavioral health-related Medicaid expenditures shall also be included as a separate line item for each agency.

FEDERAL FUNDS
Differences Only - Excludes Capital

Senate

House

Sec. 13.02. Report of Additional Funding.

- (a) Upon receipt or notice of future receipt of any funds appropriated under §13.01 of this Article IX in an amount in excess of \$10 million greater than the amount for which an agency or institution was appropriated federal funds for the same purpose in this Act, each agency or institution shall request approval from the Legislative Budget Board and the Governor to expend the funds. The agency or institution shall also provide notice of the receipt to the Comptroller. Both the request and the notification shall specify the amount of federal funds received and the proposed use of the funds.
- (b) If after the thirtieth business day after the approval request is submitted by the agency or institution neither the Legislative Budget Board nor the Governor issue a written disapproval, the Comptroller of Public Accounts shall release the funds.
- (c) Notwithstanding Subsections 13.02 (a) and (b) of this Article IX, in the event of a disaster proclamation by the governor under the Texas Disaster Act of 1975, Chapter 418, Government Code, the Comptroller of Public Accounts shall immediately release funds which have been appropriated to an agency or institution pursuant to Subsection 13.01 of this Article IX. An agency or institution receiving funds under this Subsection 13.02(c) shall provide notice of the receipt to the Legislative Budget Board and the Governor which specifies the amount of federal funds received and the proposed use of the funds.
- (d) Agencies and institutions shall report their operational capacity for expanded federal programs, except Medicaid, to the Legislative Budget Board if either of the following conditions is met:
 - (1) an existing federal program that previously granted an agency or institution \$10 million or more per year increases its grant by at least 100 percent; or
 - (2) a new federal program grants at least \$100 million to a state agency or institution.
- (e) Reports submitted under Subsection (d) of this section shall:
 - (1) include goals, resources, timeframes, and issues critical to program execution;
 - (2) be submitted within 90 days of the date the agency or institution receives a notice of grant award;

Sec. 13.02. Report of Additional Funding.

- (a) Upon receipt or notice of future receipt of any funds appropriated under §13.01 of this Article IX in an amount in excess of \$10 million greater than the amount for which an agency or institution was appropriated federal funds for the same purpose in this Act, each agency or institution shall request approval from the Legislative Budget Board and the Governor to expend the funds. The agency or institution shall also provide notice of the receipt to the Comptroller. Both the request and the notification shall specify the amount of federal funds received and the proposed use of the funds.
- (b) If after the thirtieth business day after the approval request is submitted by the agency or institution neither the Legislative Budget Board nor the Governor issue a written disapproval, the Comptroller of Public Accounts shall release the funds.
- (c) Notwithstanding Subsections 13.02 (a) and (b) of this Article IX, in the event of a disaster proclamation by the governor under the Texas Disaster Act of 1975, Chapter 418, Government Code, the Comptroller of Public Accounts shall immediately release funds which have been appropriated to an agency or institution pursuant to Subsection 13.01 of this Article IX. An agency or institution receiving funds under this Subsection 13.02(c) shall provide notice of the receipt to the Legislative Budget Board and the Governor which specifies the amount of federal funds received and the proposed use of the funds.
- (d)
 - (1) Notwithstanding Subsections 13.02 (a), (b) and (c) of this Article IX, 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 this Act, the House Appropriations Committee and the Senate Committee on Finance shall hold public hearing(s), joint 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.
 - (2) The appropriation of the funds described in Subsection 13.02(d)(1) of this Article IX, 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 hearings required under Subsection 13.02(d)(1) of this Article IX have occurred.

Part 13.

FEDERAL FUNDS
Differences Only - Excludes Capital
(Continued)

Senate

(3) be prepared in a format specified by the Legislative Budget Board.

House

- (e) Agencies and institutions shall report their operational capacity for expanded federal programs, except Medicaid, to the Legislative Budget Board if either of the following conditions is met:
- (1) an existing federal program that previously granted an agency or institution \$10 million or more per year increases its grant by at least 100 percent; or
 - (2) a new federal program grants at least \$100 million to a state agency or institution.
- (f) Reports submitted under Subsection (e) of this section shall:
- (1) include goals, resources, timeframes, and issues critical to program execution;
 - (2) be submitted within 90 days of the date the agency or institution receives a notice of grant award;
 - (3) be prepared in a format specified by the Legislative Budget Board.

Sec. 13.11. Reporting of Federal Homeland Security Funding. All state agencies and institutions shall include in their operating budget reports to the Legislative Budget Board:

- (1) an estimated amount of federal homeland security funding received by the agency or institution of higher education and used for the operation and administration of state homeland security programs; and
- (2) the amount of federal homeland security funding received by the agency or institution and passed through to other agencies, institutions, or local units of government.

Sec. 13.11. Reporting of Federal Homeland Security Funding. All state agencies other than an institution of higher education shall include in their operating budget reports to the Legislative Budget Board:

- (1) an estimated amount of federal homeland security funding received by the agency and used for the operation and administration of state homeland security programs; and
- (2) the amount of federal homeland security funding received by the agency and passed through to other agencies, institutions of higher education, or local units of government.

FEDERAL FUNDS

Differences Only - Excludes Capital
(Continued)

Senate

House

Sec. 13.12. Anticipated Federal COVID-19 Relief Funding Not Appropriated. Notwithstanding any other law, including riders to the General Appropriations Act or the making of supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations, no 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 Act(s) or the Coronavirus Response and Relief Act, Supplemental Appropriations Act, or any COVID-19 relief act can be 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.

MISCELLANEOUS PROVISIONS

Differences Only - Excludes Capital

Senate

House

Sec. 17.16. Reporting: Texas Opioid Settlement Receipts. Any state agency or institution of higher education that receives a disbursement of funds or any other form of financial compensation from the settlement or other disposition of Texas Opioid Multi District Litigation, In Re: Texas Opioid Litigation, MDL No. 2018-63587, in the 152nd District Court of Harris County, or any other litigation involving the State of Texas as a litigant in opioid-related litigation in state or federal court during the fiscal 2022-23 biennium shall 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 the amount of funds received, the date on which the funds were received, the purposes for which the funds are to be expended, and any other information requested by the Legislative Budget Board.

Sec. 17.16. Contingency Appropriation for the Capitol Complex Safety Zone.

- (a) In addition to the amounts appropriated elsewhere in this Act, and contingent on enactment of legislation relating to the creation of the Capitol Complex Safety Zone by the Eighty-seventh Legislature, Regular Session, the Comptroller of Public Accounts is appropriated funding from the dedicated fund created by that legislation upon the declaration that a public safety zone is created by the Governor.
- (b) The Comptroller of Public Accounts shall transfer funding from the account to, and upon request of, the Board of the Capitol Complex Safety Zone for the purposes of:
 - (1) recruiting, training, and supporting licensed peace officers;
 - (2) entering into contracts;
 - (3) purchasing equipment for this purpose; and
 - (4) providing administrative support for the board of the Capitol Complex Safety Zone.

Part 17.

MISCELLANEOUS PROVISIONS

Differences Only - Excludes Capital
(Continued)

Senate

House

- (c) Upon notification that the zone has been dissolved by order of the Governor of Texas, the Board of the Capitol Complex Safety Zone shall pay all remaining expenses and obligations. Upon satisfaction of all obligations, the Board shall then notify the Comptroller of Public Accounts, the Legislative Budget Board, and the Office of the Governor. Following the notification, the Comptroller of Public Accounts shall not transfer additional funding to the Board of the Capitol Complex Safety Zone.

Sec. 17.17. Contact Tracing. None of the funds appropriated by this Act may be used for the purpose of contact tracing of COVID-19 in the 2022-23 biennium.

Sec. 17.17. Informational Listing: Texas Opioid Settlement Receipts. The following is an informational listing of receipts from the settlement or other disposition from the Texas Opioid Multi District Litigation, In Re: Texas Opioid Litigation, MDL No. 2018-63587, in the 152nd District Court of Harris County, Texas or any other litigation involving the State of Texas as a litigant in opioid-related litigation in state or federal court of amounts received by each state agency for each fiscal year of the 2022-23 biennium.

	2022	2023
	\$	\$
[Agency 1]		
[Agency 2]		
[Agency 3]		

MISCELLANEOUS PROVISIONS

Differences Only - Excludes Capital
(Continued)

Senate

House

Sec. 17.18. Agency's Participation in Master Lease Purchase Program. It is the intent of the Legislature that all agencies participate in the Master Lease Purchase Program to the extent that the Master Lease Purchase 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. In addition to amounts appropriated elsewhere in this Act, the Texas Public Finance Authority (TPFA) is appropriated up to \$25,000 in each fiscal year of the biennium beginning on September 1, 2021 out of Appropriated Receipts collected from 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. Any unexpended balances of Appropriated Receipts remaining as of August 31, 2022, are appropriated to TPFA for the same purposes for the fiscal year beginning September 1, 2022.

Sec. 17.20. Contracting with Ethnic Minority-Owned Underutilized Businesses.

- (a) It is the intent of the Legislature that any qualified business should have access to compete for business from the state.
- (b) It is the intent of the Legislature that this section apply to any appropriation made by this Act to state agencies and institutions of government.
- (c) In this section "ethnic minority-owned underutilized business" means an entity with its principal place of business in Texas and which is:
 - (1) a corporation formed for the purpose of making a profit in which at least 50.1 percent of all classes of the shares of stock or other equitable securities are owned by one or more persons who are economically disadvantaged because of their identification as members of certain groups, including Black Americans, Hispanic Americans, Asian Americans, and Native Americans, and have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control, and have a proportionate interest

MISCELLANEOUS PROVISIONS

Differences Only - Excludes Capital
(Continued)

Senate

House

and demonstrate active participation in the control, operation, and management of the corporation's affairs;

- (2) a sole proprietorship created for the purpose of making a profit that is 100 percent owned, operated, and controlled by a person described by Subsection 17.20(c)(1) of this Article IX;
- (3) a partnership formed for the purpose of making a profit in which 51 percent of the assets and interest in the partnership is owned by one or more persons who are described by Subsection 17.20(c)(1) of this Article IX and have proportionate interest and demonstrate active participation in the control, operation, and management of the partnership's affairs;
- (4) a joint venture in which each entity in the joint venture is an ethnic minority-owned underutilized business under this Section 17.20; or
- (5) a supplier contract between an ethnic minority-owned underutilized business under this Section 17.20 and a prime contractor under which the historically underutilized business is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.
- (d) It is the intent of the Legislature that all 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.
- (e) It is the intent of the Legislature that when determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees, the Sunset Advisory Commission shall consider the extent to which the agency has complied with the requirements of state law or state agency rules regarding purchasing goals and programs for ethnic minority-owned underutilized businesses.
- (f) It is the intent of the Legislature that a political subdivision of the state that receives state funds may establish a program to increase the participation of ethnic minority-owned underutilized businesses, disadvantaged, or women-owned businesses as contractors and/or subcontractors on contracts with the political subdivision. To the extent permissible under the U.S. Constitution, such a governing body may develop and implement goals based on any evidence, including an

MISCELLANEOUS PROVISIONS

Differences Only - Excludes Capital
(Continued)

Senate

House

independent study, for the participation of such businesses as contractors and/or subcontractors.

- (g) This section is an expression of the intent of the Legislature and does not negate a power granted by general law.

Sec. 17.21. Proven Strategies to Address COVID-19 Learning Loss. It is the intent of the Legislature that funds appropriated to the Texas Education Agency 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 disruption to public education.

The Commissioner of Education shall work with school districts and open enrollment charter schools to assist them in prioritizing the following strategies:

- (1) Grants/services/tools to launch changes in practice:
 - (A) Curricular Rigor, including High Quality Instructional Materials (HQIM)
 - (B) Teacher Support
 - (C) Extended Learning Time
 - (D) Diagnosing Student Mastery
 - (E) Strong Foundations
- (2) Rigorous career-focused high schools, including integrated curricula
- (3) Local school system parent engagement initiatives
- (4) Quality high-dose tutoring
- (5) Initiatives to support high-speed broadband access at home

In the administration of any grants and supports provided by the receipt of federal, state, and local

MISCELLANEOUS PROVISIONS

Differences Only - Excludes Capital
(Continued)

Senate

House

funding for COVID-19 relief, the Commissioner shall consider schools with high percentages of students who do not perform satisfactorily on relevant state assessments or have a student body that has historically experienced an academic achievement gap that is assumed to have widened due to the COVID-19 pandemic.

In line with the ARP Act, the Commissioner shall set aside a portion of the funds for:

- (1) State level activities and interventions that address students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on underrepresented student subgroups.
- (2) At least five percent of the total ARP ESSER allocation shall be used for the implementation of evidence-based interventions aimed specifically at addressing learning loss, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs.
- (3) At least one percent of the total ARP ESSER allocation for evidence-based summer enrichment programs.
- (4) At least one percent of the total ARP ESSER allocation for evidence-based comprehensive afterschool programs.

The Commissioner may require any entity with which the Texas Education Agency contracts for purposes of administering the programs under this rider to provide any expenditure and performance data deemed necessary to assess the success of the program.

Sec. 17.22. Report on Use of Certain Federal Education Funds Related to the COVID-19 Pandemic.

- (a) Using money appropriated to the Texas Education Agency under Section 13.01 of this Article IX that is provided through the elementary and secondary school emergency relief fund under the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260) or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), notwithstanding Section 13.02 of this Article IX and to the extent authorized by federal law, the Texas Education Agency shall:

MISCELLANEOUS PROVISIONS

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(Continued)

Senate

House

- (1) require each school district and open-enrollment charter school to submit to the agency 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 in a publicly accessible location on the agency's Internet website each plan submitted by a district or school to the agency under Subsection 17.22(a)(1) of this Article IX; and
 - (3) not later than May 1, 2022, submit to the legislature and the governor a report on the use of money described by Subsection 17.22(a)(1) of this Article IX by districts and schools based on the plans collected under that subsection that includes:
 - (A) the extent to which the money was spent over the period for which that money was appropriated under the applicable federal law;
 - (B) the use of that money to address any need for extended instructional time;
 - (C) any measures used to ensure access to remote instruction;
 - (D) any innovations implemented in curriculum and instruction;
 - (E) any improvements made to the quality of air and water at school facilities;
 - (F) any initiatives implemented targeted to accelerated learning;
 - (G) measures to identify students in need of remediation and provide appropriate services to those students to ensure that the students perform on grade level not later than the 2023-2024 school year; and
 - (H) the status of compliance with all requirements established by the applicable federal law, the United States Department of Education, or other appropriate federal authority regarding the use of that money.
- (b) The Texas Education Agency may provide recommendations to school districts and open-enrollment charter schools that may be considered in adopting the plan described by Subsection 17.22(a)(1) of this Article IX.