



Comparison of House and Senate Special Provisions Related to Article II in Senate Bill 1, April 22, 2021

Senate	House
<p>Sec. 2. Salary Differentials.</p> <p>(a) Authority provided. Agencies listed in Article II of this Act are authorized to pay the following salary differentials to personnel identified in subsection (b):</p> <p>(1) an evening or night shift salary differential, not to exceed 15 percent of the monthly pay rate, to personnel who work the 3:00 p.m. to 11:00 p.m. or the 11:00 p.m. to 7:00 a.m. shift or the equivalent; and</p> <p>(2) a weekend shift salary differential, not to exceed 5 percent of the monthly pay rate, to persons who work weekend shifts.</p> <p>The evening or night shift salary differential may be paid in addition to the weekend shift salary differential for persons working evening or night shifts on the weekend.</p> <p>(b) Eligible personnel. The authority provided in subsection (a) applies to the following personnel:</p> <p>(1) clinical and support personnel at the Health and Human Services Commission (HHSC) and the Department of State Health Services (DSHS);</p> <p>(2) data processing or printing operations personnel at HHSC, DSHS, and the Department of Family and Protective Services (DFPS); and</p> <p>(3) Statewide Intake personnel at DFPS.</p> <p>Sec. 3. Services to Employees. The Department of State Health Services, Department of Family and Protective Services and Health and Human Services Commission may expend funds for the provision of first aid or other minor medical attention for employees injured in the</p>	<p>Sec. 2. Salary Differentials.</p> <p>(a) Authority provided. Agencies listed in Article II of this Act are authorized to pay the following salary differentials to personnel identified in subsection (b):</p> <p>(1) an evening or night shift salary differential, not to exceed 15 percent of the monthly pay rate, to personnel who work the 3:00 p.m. to 11:00 p.m. or the 11:00 p.m. to 7:00 a.m. shift or the equivalent; and</p> <p>(2) a weekend shift salary differential, not to exceed 5 percent of the monthly pay rate, to persons who work weekend shifts.</p> <p>The evening or night shift salary differential may be paid in addition to the weekend shift salary differential for persons working evening or night shifts on the weekend.</p> <p>(b) Eligible personnel. The authority provided in subsection (a) applies to the following personnel:</p> <p>(1) clinical and support personnel at the Health and Human Services Commission (HHSC) and the Department of State Health Services (DSHS);</p> <p>(2) data processing or printing operations personnel at HHSC, DSHS, and the Department of Family and Protective Services (DFPS); and</p> <p>(3) Statewide Intake personnel at DFPS.</p> <p>Sec. 3. Services to Employees. The Department of State Health Services, Department of Family and Protective Services and Health and Human Services Commission may expend funds for the provision of first aid or other minor medical attention for employees injured in the</p>

course and scope of their employment and for the repair and/or replacement of employees' items of personal property which are damaged or destroyed in the course and scope of their employment so long as such items are medically prescribed equipment. Expenditures for such equipment may not exceed \$500 per employee per incident.

Sec. 4. Federal Match Assumptions and Limitations on Use of Available General Revenue Funds.

a. Federal Match Assumptions. The following percentages reflect federal match assumptions used in Article II of this Act.

Federal Medical Assistance Percentage (FMAP)

	2022	2023
Federal Fiscal Year	60.80%	60.96%
State Fiscal Year	60.88%	60.95%

Enhanced Federal Medical Assistance Percentage (EFMAP)

	2022	2023
Federal Fiscal Year	72.56%	72.67%
State Fiscal Year	72.62%	72.66%

b. Enhanced Match Assumptions and Reporting. Health and human services agencies listed in Article II of this Act shall submit to the Legislative Budget Board and the Governor the monthly number of clients receiving services eligible for any enhanced federal match as well as the amount of eligible expenditures subject to an enhanced match, by strategy. The data shall be submitted on a monthly basis in a format specified by the Legislative Budget Board. For purposes of this section, enhanced federal matches are defined as an increase to the usual matching rate (regardless of what the usual match is) that

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are, or become, available under Medicaid or another federally-matched program. Enhanced federal matches include, but are not limited to, those made available through the Money Follows the Person demonstration and the Community First Choice Program. Whether or not a match meets the definition of enhanced federal match for purposes of this section will be at the discretion of the Legislative Budget Board.

Appropriations to the Health and Human Services Commission in Article II of this Act have been adjusted to reflect \$151,242,730 increased Federal Funds and reduced General Revenue Funds due to enhanced matches under the Community First Choice program.

Any other Article II agency is still subject to the requirements of subsections (b) and (c) of this provision if any agency expenditures receive an enhanced federal match.

c. Limitations on Use of Available General Revenue Funds. Notwithstanding the limitations of Article IX, Section 13.02(a), in the event the actual FMAP and EFMAP should be greater than shown in subsection (a), or the amount of increased Federal Funds and reduced General Revenue Funds due to enhanced matches should be greater than shown in subsection (b), or if any other matching rate becomes more favorable than the rate assumed in the General Appropriations Act, the health and human services agencies in Article II of this Act are authorized to expend the General Revenue Funds thereby made available only with the prior written approval of the Legislative Budget Board and Governor.

To request approval to expend available General Revenue Funds, an agency shall submit a written request to the Legislative Budget Board and the Governor. At the

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To request approval to expend available General Revenue Funds, an agency shall submit a written request to the Legislative Budget Board and the Governor. At the

<p>same time, the agency shall provide a copy of the request to the Comptroller of Public Accounts. The request shall include the following information, by fiscal year:</p> <ul style="list-style-type: none"> (1) a detailed explanation of the proposed use(s) of the available General Revenue Funds and whether the expenditure(s) will be one-time or ongoing; (2) the amount available by strategy; (3) the strategy(ies) in which the funds will be expended and the associated amounts, including any matching Federal Funds; (4) an estimate of performance levels and, where relevant, a comparison to targets included in this Act; and (5) the capital budget and/or full-time equivalent impact. <p>Additional information requested by the Legislative Budget Board or the Governor should be provided in a timely manner. The request and information provided subsequently shall be prepared in a format specified by the Legislative Budget Board.</p> <p>The request shall be considered to be approved unless the Legislative Budget Board or the Governor issue a written disapproval within 30 business days of the date on which the staff of the Legislative Budget Board concludes its review of the proposal to expend the funds and forwards its review to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor. Any requests for additional information made by the Legislative Budget Board shall interrupt the counting of the 30 business days.</p> <p>The Comptroller of Public Accounts shall not allow the expenditure of General Revenue</p>	<p>same time, the agency shall provide a copy of the request to the Comptroller of Public Accounts. The request shall include the following information, by fiscal year:</p> <ul style="list-style-type: none"> (1) a detailed explanation of the proposed use(s) of the available General Revenue Funds and whether the expenditure(s) will be one-time or ongoing; (2) the amount available by strategy; (3) the strategy(ies) in which the funds will be expended and the associated amounts, including any matching Federal Funds; (4) an estimate of performance levels and, where relevant, a comparison to targets included in this Act; and (5) the capital budget and/or full-time equivalent impact. <p>Additional information requested by the Legislative Budget Board or the Governor should be provided in a timely manner. The request and information provided subsequently shall be prepared in a format specified by the Legislative Budget Board.</p> <p>The request shall be considered to be approved unless the Legislative Budget Board or the Governor issue a written disapproval within 30 business days of the date on which the staff of the Legislative Budget Board concludes its review of the proposal to expend the funds and forwards its review to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor. Any requests for additional information made by the Legislative Budget Board shall interrupt the counting of the 30 business days.</p> <p>The Comptroller of Public Accounts shall not allow the expenditure of General Revenue</p>
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Funds made available if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the requirements of this provision have not been satisfied.

Sec. 5. Attorney General

Representation. The Attorney General and the respective head of the Health and Human Services Commission or a health and human services agency listed in Article II of this Act are authorized to use the funds appropriated above to jointly select one or more Assistant Attorneys General to be assigned to the respective agency.

Sec. 6. Limitations on Transfer

Authority. Notwithstanding the limitations of Article IX, §14.01, Appropriation Transfers, of this Act, the Executive Commissioner of the Health and Human Services Commission is authorized to make transfers of funding and full-time equivalents (FTEs) between all health and human services agencies listed in Article II of this Act, subject to the following requirements. Transfers that exceed \$1,000,000 in General Revenue or FTE adjustments of more than 10.0 FTEs are subject to the prior written approval of the Legislative Budget Board and the Governor.

Transfers below these thresholds require written notification to the Legislative Budget Board and Governor within 30 days of the transfer. The total of all transfers from a strategy may not exceed \$1,000,000 without the prior written approval of the Legislative Budget Board and the Governor.

To request a transfer, the Executive Commissioner of HHSC shall submit a written request to the Legislative Budget Board and the Governor. At the same time, the agency shall provide a copy of the request to the Comptroller of Public

Funds made available if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the requirements of this provision have not been satisfied.

Sec. 5. Attorney General Representation. The Attorney General and the respective head of the Health and Human Services Commission or a health and human services agency listed in Article II of this Act are authorized to use the funds appropriated above to jointly select one or more Assistant Attorneys General to be assigned to the respective agency.

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Authority. Notwithstanding the limitations of Article IX, §14.01, Appropriation Transfers, of this Act, the Executive Commissioner of the Health and Human Services Commission is authorized to make transfers of funding and full-time equivalents (FTEs) between the Department of State Health Services and the Health and Human Services Commission (HHSC), subject to the following requirements. Transfers that exceed \$1,000,000 in General Revenue or FTE adjustments of more than 10.0 FTEs are subject to the prior written approval of the Legislative Budget Board and the Governor.

Transfers below these thresholds require written notification to the Legislative Budget Board and Governor within 30 days of the transfer. The total of all transfers from a strategy may not exceed \$1,000,000 without the prior written approval of the Legislative Budget Board and the Governor.

To request a transfer, the Executive Commissioner of HHSC shall submit a written request to the Legislative Budget Board and the Governor. At the same time, the agency shall provide a copy of the request to the Comptroller of Public

<p>Accounts. The request shall include the following information:</p> <p>a. a detailed explanation of the purpose(s) of the transfer, including the following:</p> <p>(1) a description of each initiative with funding and FTE information by fiscal year; and</p> <p>(2) an indication of whether the expenditure will be one-time or ongoing;</p> <p>b. the names of the originating and receiving agencies and/or strategies and the method of financing and FTEs for each strategy by fiscal year;</p> <p>c. an estimate of performance levels and, where relevant, a comparison to targets included in this Act for both the originating and the receiving agencies and/or strategies; and</p> <p>d. the capital budget impact.</p> <p>Additional information requested by the Legislative Budget Board or the Governor should be provided in a timely manner. The request and information provided subsequently shall be prepared in a format specified by the Legislative Budget Board.</p> <p>In the case of disaster or other emergency, this provision is superseded by the emergency-related transfer authority in Article IX of this Act.</p>	<p>Accounts. The request shall include the following information:</p> <p>a. a detailed explanation of the purpose(s) of the transfer, including the following:</p> <p>(1) a description of each initiative with funding and FTE information by fiscal year; and</p> <p>(2) an indication of whether the expenditure will be one-time or ongoing;</p> <p>b. the names of the originating and receiving agencies and/or strategies and the method of financing and FTEs for each strategy by fiscal year;</p> <p>c. an estimate of performance levels and, where relevant, a comparison to targets included in this Act for both the originating and the receiving agencies and/or strategies; and</p> <p>d. the capital budget impact.</p> <p>Additional information requested by the Legislative Budget Board or the Governor should be provided in a timely manner. The request and information provided subsequently shall be prepared in a format specified by the Legislative Budget Board.</p> <p>In the case of disaster or other emergency, this provision is superseded by the emergency-related transfer authority in Article IX of this Act.</p>
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This summary contains supplemental information from third-party sources where that information provides clarity to the issues being discussed. Not every comment or statement from the speakers in these summaries is an exact transcription. For the purpose of brevity, their statements are often paraphrased. These documents should not be viewed as a word-for-word account of every meeting or hearing, but a summary. Every effort has been made to ensure the accuracy of these summaries. The information contained in this publication is the property of Texas Insight and is considered confidential and may contain proprietary information. It is meant solely for the intended recipient. Access to this published information by anyone else is unauthorized unless Texas Insight grants permission. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted in reliance on this is prohibited. The views expressed in this publication are, unless otherwise stated, those of the author and not those of Texas Insight or its management.
