

By: Bonnen, et al.

H.B. No. 5

Substitute the following for H.B. No. 5:

By: Capriglione

C.S.H.B. No. 5

A BILL TO BE ENTITLED

AN ACT

relating to making supplemental appropriations and giving direction regarding appropriations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. SENATE. (a) Section 1, Article X, Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), is amended by adding the following rider at the end of the riders to the bill pattern of the appropriations made to the Senate in that section (page X-1):

4. General Funding. In addition to amounts otherwise appropriated by this Act to the Senate, there is appropriated to the Senate from the general revenue fund the amount of \$34,422,614 for the state fiscal year beginning September 1, 2021, and the amount of \$37,291,165 for the state fiscal year beginning September 1, 2022, for Strategy A.1.1, Senate, to be spent in accordance with Rider 1 above.

(b) Rider 3 (page X-1), Section 1, Article X, Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), to the bill pattern of the appropriations to the Senate is amended to read as follows:

3. Unexpended Balances. Any unobligated and unexpended balances remaining as of August 31, 2021, from appropriations made to the Senate are appropriated to the Senate for the same purposes for the biennium beginning September 1, 2021.

1 Any unobligated and unexpended balances remaining as of
2 August 31, 2022, from appropriations made to the Senate are
3 appropriated for the same purposes for the fiscal year beginning
4 September 1, 2022.

5 SECTION 2. HOUSE OF REPRESENTATIVES. (a) Section 1,
6 Article X, Chapter 1053 (S.B. 1), Acts of the 87th Legislature,
7 Regular Session, 2021 (the General Appropriations Act), is amended
8 by adding the following rider at the end of the riders to the bill
9 pattern of the appropriations made to the House of Representatives
10 in that section (page X-2):

11 4. General Funding. In addition to amounts otherwise
12 appropriated by this Act to the House of Representatives, there is
13 appropriated to the House of Representatives from the general
14 revenue fund the amount of \$43,098,410 for the state fiscal year
15 beginning September 1, 2021, and the amount of \$48,600,335 for the
16 state fiscal year beginning September 1, 2022, for Strategy A.1.1,
17 House of Representatives, to be spent in accordance with Rider 1
18 above.

19 (b) Rider 3 (page X-2), Section 1, Article X, Chapter 1053
20 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the
21 General Appropriations Act), to the bill pattern of the
22 appropriations to the House of Representatives is amended to read
23 as follows:

24 3. Unexpended Balances. Any unobligated and unexpended
25 balances remaining as of August 31, 2021, from appropriations made
26 to the House of Representatives are appropriated to the House of
27 Representatives for the same purposes for the biennium beginning

1 September 1, 2021.

2 Any unobligated and unexpended balances remaining as of
3 August 31, 2022, from appropriations made to the House of
4 Representatives are appropriated for the same purposes for the
5 fiscal year beginning September 1, 2022.

6 SECTION 3. LEGISLATIVE BUDGET BOARD. (a) Section 1,
7 Article X, Chapter 1053 (S.B. 1), Acts of the 87th Legislature,
8 Regular Session, 2021 (the General Appropriations Act), is amended
9 by adding the following rider at the end of the riders to the bill
10 pattern of the appropriations made to the Legislative Budget Board
11 in that section (page X-3):

12 4. General Funding. In addition to amounts otherwise
13 appropriated by this Act to the Legislative Budget Board, there is
14 appropriated to the Legislative Budget Board from the general
15 revenue fund the amount of \$13,178,999 for the state fiscal year
16 beginning September 1, 2021, and the amount of \$13,178,998 for the
17 state fiscal year beginning September 1, 2022, for Strategy A.1.1,
18 Legislative Budget Board, to be spent in accordance with Rider 1
19 above.

20 (b) Rider 2 (page X-3), Section 1, Article X, Chapter 1053
21 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the
22 General Appropriations Act), to the bill pattern of the
23 appropriations to the Legislative Budget Board is amended to read
24 as follows:

25 2. Unexpended Balance. Any unobligated and unexpended
26 balances remaining as of August 31, 2021, from appropriations made
27 to the Legislative Budget Board are appropriated to the Legislative

1 Budget Board for the same purposes for the biennium beginning
2 September 1, 2021.

3 Any unobligated and unexpended balances remaining as of
4 August 31, 2022, from appropriations made to the Legislative Budget
5 Board are appropriated to the Legislative Budget Board for the same
6 purposes for the fiscal year beginning September 1, 2022.

7 SECTION 4. LEGISLATIVE COUNCIL. (a) Section 1, Article X,
8 Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular
9 Session, 2021 (the General Appropriations Act), is amended by
10 adding the following rider at the end of the riders to the bill
11 pattern of the appropriations made to the Legislative Council in
12 that section (page X-4):

13 5. General Funding. In addition to amounts otherwise
14 appropriated by this Act to the Legislative Council, there is
15 appropriated to the Legislative Council from the general revenue
16 fund the amount of \$40,205,883 for the state fiscal year beginning
17 September 1, 2021, and the amount of \$43,556,374 for the state
18 fiscal year beginning September 1, 2022, for Strategy A.1.1,
19 Legislative Council, to be spent in accordance with Rider 1 above.

20 (b) Rider 2 (page X-4), Section 1, Article X, Chapter 1053
21 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the
22 General Appropriations Act), to the bill pattern of the
23 appropriations to the Legislative Council is amended to read as
24 follows:

25 2. Unexpended Balances. Any unobligated and unexpended
26 balances remaining as of August 31, 2021, from appropriations made
27 to the Legislative Council are appropriated to the Legislative

1 Council for the same purposes for the biennium beginning September
2 1, 2021.

3 Any unobligated and unexpended balances remaining as of
4 August 31, 2022, from appropriations made to the Legislative
5 Council are appropriated to the Legislative Council for the same
6 purposes for the fiscal year beginning September 1, 2022.

7 SECTION 5. COMMISSION ON UNIFORM STATE LAWS. (a) Section 1,
8 Article X, Chapter 1053 (S.B. 1), Acts of the 87th Legislature,
9 Regular Session, 2021 (the General Appropriations Act), is amended
10 by adding the following rider at the end of the riders to the bill
11 pattern of the appropriations made to the Commission on Uniform
12 State Laws in that section (page X-5):

13 3. General Funding. In addition to amounts otherwise
14 appropriated by this Act to the Commission on Uniform State Laws,
15 there is appropriated to the Commission on Uniform State Laws from
16 the general revenue fund the amount of \$143,958 for each state
17 fiscal year of the state fiscal biennium beginning September 1,
18 2021, for Strategy A.1.1, Commission on Uniform State Laws, to be
19 spent in accordance with Rider 1 above.

20 (b) Rider 2 (page X-5), Section 1, Article X, Chapter 1053
21 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the
22 General Appropriations Act), to the bill pattern of the
23 appropriations to the Commission on Uniform State Laws is amended
24 to read as follows:

25 2. Unexpended Balances. Any unobligated and unexpended
26 balances remaining as of August 31, 2021, from appropriations made
27 to the Commission on Uniform State Laws are appropriated to the

1 Commission on Uniform State Laws for the same purposes for the
2 biennium beginning September 1, 2021.

3 Any unobligated and unexpended balances remaining as of
4 August 31, 2022, from appropriations made to the Commission on
5 Uniform State Laws are appropriated to the Commission on Uniform
6 State Laws for the same purposes for the fiscal year beginning
7 September 1, 2022.

8 SECTION 6. SUNSET ADVISORY COMMISSION. (a) Section 1,
9 Article X, Chapter 1053 (S.B. 1), Acts of the 87th Legislature,
10 Regular Session, 2021 (the General Appropriations Act), is amended
11 by adding the following rider at the end of the riders to the bill
12 pattern of the appropriations made to the Sunset Advisory
13 Commission in that section (page X-6):

14 3. General Funding. In addition to amounts otherwise
15 appropriated by this Act to the Sunset Advisory Commission, there
16 is appropriated to the Sunset Advisory Commission from the general
17 revenue fund the amount of \$2,268,722 for each state fiscal year of
18 the state fiscal biennium beginning September 1, 2021, for Strategy
19 A.1.1, Sunset Advisory Commission.

20 (b) Riders 1 and 2 (pages X-5 and X-6), Section 1, Article X,
21 Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular
22 Session, 2021 (the General Appropriations Act), to the bill pattern
23 of the appropriations to the Sunset Advisory Commission are amended
24 to read as follows:

25 1. Unexpended Balances. Any unobligated and unexpended
26 balances remaining as of August 31, 2021, from appropriations made
27 to the Sunset Advisory Commission are appropriated to the Sunset

1 Advisory Commission for the same purposes for the biennium
2 beginning September 1, 2021.

3 Any unobligated and unexpended balances remaining as of
4 August 31, 2022, from appropriations made to the Sunset Advisory
5 Commission are appropriated to the Sunset Advisory Commission for
6 the same purposes for the fiscal year beginning September 1, 2022.

7 2. Appropriation to Sunset Advisory Commission Account. The
8 money that an entity is required by law to pay to the Sunset
9 Advisory Commission to cover the costs the commission incurs in
10 performing a review of the entity is appropriated to the commission
11 for maintaining the operations of the commission.

12 SECTION 7. STATE AUDITOR'S OFFICE. (a) Section 1, Article
13 X, Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular
14 Session, 2021 (the General Appropriations Act), is amended by
15 adding the following rider at the end of the riders to the bill
16 pattern of the appropriations made to the State Auditor's Office in
17 that section (page X-7):

18 8. General Funding. (a) In addition to amounts otherwise
19 appropriated by this Act to the State Auditor's Office, there is
20 appropriated to the State Auditor's Office from the general revenue
21 fund the amount of \$17,027,403 for the state fiscal year beginning
22 September 1, 2021, and the amount of \$17,027,402 for the state
23 fiscal year beginning September 1, 2022, for Strategy A.1.1, State
24 Auditor.

25 (b) The State Auditor's Office shall use money appropriated
26 by Subsection (a) of this rider as necessary to perform the office's
27 duties under Riders 5, 6, and 7 above.

1 (b) Riders 2 and 3 (page X-6), Section 1, Article X, Chapter
2 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021
3 (the General Appropriations Act), to the bill pattern of the
4 appropriations to the State Auditor's Office are amended to read as
5 follows:

6 2. Appropriation of Appropriated Receipts. All funds
7 reimbursed to the State Auditor's Office (SAO) by governmental
8 entities for the provision of services are appropriated to the SAO
9 during the fiscal year in which they are received and shall be used
10 as provided by Government Code, Chapter 321.

11 3. Unexpended Balances. Any unobligated and unexpended
12 balances remaining as of August 31, 2021, from appropriations made
13 to the State Auditor's Office (SAO) from the General Revenue Fund
14 are appropriated to the SAO for the same purposes for the biennium
15 beginning September 1, 2021.

16 Any unobligated and unexpended balances remaining as of
17 August 31, 2022, from appropriations made to the SAO from the
18 General Revenue Fund are appropriated to the SAO for the same
19 purposes for the fiscal year beginning September 1, 2022.

20 SECTION 8. LEGISLATIVE REFERENCE LIBRARY. (a) Section 1,
21 Article X, Chapter 1053 (S.B. 1), Acts of the 87th Legislature,
22 Regular Session, 2021 (the General Appropriations Act), is amended
23 by adding the following riders at the end of the riders to the bill
24 pattern of the appropriations made to the Legislative Reference
25 Library in that section (page X-8):

26 3. General Funding. In addition to amounts otherwise
27 appropriated by this Act to the Legislative Reference Library,

1 there is appropriated to the Legislative Reference Library from the
2 general revenue fund the amount of \$1,733,325 for each state fiscal
3 year of the state fiscal biennium beginning September 1, 2021, for
4 Strategy A.1.1, Legislative Reference Library, to be spent in
5 accordance with Rider 1 above.

6 4. Appropriation of Interagency Contracts. All funds
7 transferred to the Legislative Reference Library pursuant to
8 interagency contracts for services provided by the Legislative
9 Reference Library are appropriated to the Legislative Reference
10 Library during the fiscal year in which they are received and shall
11 be used as provided by Government Code, Chapter 324.

12 5. Appropriation of Appropriated Receipts. All funds
13 reimbursed to the Legislative Reference Library by governmental
14 entities for the provision of services are appropriated to the
15 Legislative Reference Library during the fiscal year in which they
16 are received and shall be used as provided by Government Code,
17 Chapter 324.

18 (b) Rider 2 (page X-8), Section 1, Article X, Chapter 1053
19 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the
20 General Appropriations Act), to the bill pattern of the
21 appropriations to the Legislative Reference Library is amended to
22 read as follows:

23 2. Unexpended Balances. Any unobligated and unexpended
24 balances remaining as of August 31, 2021, from appropriations made
25 to the Legislative Reference Library from the General Revenue Fund
26 are appropriated for the same purposes for the biennium beginning
27 September 1, 2021.

1 Any unobligated and unexpended balances remaining as of
2 August 31, 2022, from appropriations made to the Legislative
3 Reference Library from the General Revenue Fund are appropriated
4 for the same purposes for the fiscal year beginning September 1,
5 2022.

6 SECTION 9. TEXAS EDUCATION AGENCY: SCHOOL DISTRICT AD
7 VALOREM TAX RELIEF. Notwithstanding Rider 3, page III-5, Chapter
8 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021
9 (the General Appropriations Act), and contingent on S.B. 8 or
10 similar legislation by the 87th Legislature, 2nd Called Session,
11 2021, relating to the authority of a person who acquires a residence
12 homestead to receive an ad valorem tax exemption for the homestead
13 in the year in which the property is acquired, being enacted and
14 becoming law, the amount of \$50,000,000 is appropriated from the
15 general revenue fund to the Texas Education Agency for each state
16 fiscal year of the state fiscal biennium beginning September 1,
17 2021, for the purpose of implementing the provisions of the
18 legislation.

19 SECTION 10. TEXAS EDUCATION AGENCY: CERTAIN PUBLIC SCHOOL
20 CURRICULUM. Contingent on S.B. 3 or similar legislation by the 87th
21 Legislature, 2nd Called Session, 2021, relating to certain
22 curriculum in public schools, including certain instructional
23 requirements and prohibitions, being enacted and becoming law, the
24 amount of \$14,625,000 is appropriated from the general revenue fund
25 to the Texas Education Agency for the state fiscal biennium
26 beginning September 1, 2021, for the purpose of implementing the
27 provisions of the legislation.

1 SECTION 11. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:
2 FOSTER CARE CAPACITY IMPROVEMENT. Section 1, Article II, Chapter
3 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021
4 (the General Appropriations Act), is amended by adding the
5 following rider at the end of the riders to the bill pattern of the
6 appropriations made to the Department of Family and Protective
7 Services in that section (page II-19):

8 52. Foster Care Capacity Improvement. (a) In addition to
9 the amounts appropriated above, the amount of \$35,000,000 is
10 appropriated from the general revenue fund to the Department of
11 Family and Protective Services for each fiscal year of the state
12 fiscal biennium beginning September 1, 2021, for the purpose of
13 providing supplemental payments to retain providers and increase
14 provider capacity.

15 (b) In addition to amounts appropriated above, the amount of
16 \$20,000,000 is appropriated from the general revenue fund to the
17 Department of Family and Protective Services for the state fiscal
18 year beginning September 1, 2021, for the purpose of providing
19 targeted foster care capacity grants across this state to address
20 the existing foster care capacity shortage. The grants should
21 focus on:

22 (1) serving children with the highest level of need;
23 (2) expanding certain types of placements and bringing
24 new providers and capacity online; and
25 (3) promoting long-term viability of child
26 placements.

27 (c) All unexpended balances of the amount appropriated by

1 Subsection (b) of this rider for the state fiscal year beginning
2 September 1, 2021, are appropriated for the same purposes for the
3 state fiscal year beginning September 1, 2022.

4 (d) The money appropriated by Subsection (a) of this rider
5 must be spent in coordination with appropriations provided in Rider
6 51, Community-based Care (CBC) Capacity, and, beginning with the
7 state fiscal year that begins September 1, 2022, must be spent in
8 compliance with rate methodology requirements outlined in Special
9 Provisions Relating to All Health and Human Services Agencies,
10 Section 26 of this article, Reimbursement Rates and Methodology;
11 Reporting Requirements: Legacy Foster Care, Community Based Care
12 Services, and Other Child Services.

13 (e) The Department of Family and Protective Services shall
14 prepare a report on the specific efforts that the department has
15 implemented with money appropriated by this rider and the effect of
16 those efforts on improving foster care capacity across the state.
17 Not later than September 1, 2022, the department shall submit the
18 report to the Legislative Budget Board, Senate Finance Committee,
19 House Appropriations Committee, and each standing committee of the
20 senate and house of representatives with primary jurisdiction over
21 health and human services.

22 SECTION 12. DEPARTMENT OF INFORMATION RESOURCES:
23 CYBERSECURITY. (a) The amount of \$17,443,511 is appropriated from
24 the general revenue fund to the Department of Information Resources
25 for the purpose of providing cybersecurity enhancements for the
26 state during the state fiscal biennium beginning September 1, 2021,
27 to be allocated as follows:

- 1 (1) \$6,534,350 for Endpoint Detection and Response;
2 (2) \$6,909,161 for the Security Operations Center; and
3 (3) \$4,000,000 for Multifactor Authentication
4 Expansion.

5 (b) During the state fiscal biennium beginning September 1,
6 2021, in addition to the number of full-time equivalent (FTE)
7 employees other law authorizes the department to employ during that
8 period, the Department of Information Resources may employ out of
9 money appropriated by Subsection (a) of this section:

10 (1) one full-time equivalent (FTE) employee for
11 Endpoint Detection and Response;

12 (2) seven full-time equivalent (FTE) employees for the
13 Security Operations Center; and

14 (3) one full-time equivalent (FTE) employee for
15 Multifactor Authentication Expansion.

16 SECTION 13. TEACHER RETIREMENT SYSTEM: ADDITIONAL PAYMENT.
17 Contingent on S.B. 7 or similar legislation by the 87th
18 Legislature, 2nd Called Session, 2021, relating to a one-time
19 supplemental payment of benefits under the Teacher Retirement
20 System of Texas, being enacted and becoming law, the amount of
21 \$701,100,535 is appropriated from the general revenue fund to the
22 Teacher Retirement System for the state fiscal biennium beginning
23 September 1, 2021, for the purpose of implementing the provisions
24 of the legislation.

25 SECTION 14. OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL
26 COUNCIL: BOND LEGISLATION. Section 1, Article IV, Chapter 1053
27 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the

1 General Appropriations Act), is amended by adding the following
2 rider at the end of the riders to the bill pattern of the
3 appropriations made to the Office of Court Administration, Texas
4 Judicial Council, in that section (page IV-28):

5 14. Contingent Appropriation for Bond Legislation.
6 Contingent on S.B. 6 or similar legislation by the 87th
7 Legislature, 2nd Called Session, 2021, relating to rules for
8 setting the amount of bail, to the release of certain defendants on
9 a monetary bond or personal bond, to related duties of certain
10 officers taking bail bonds and of a magistrate in a criminal case,
11 to charitable bail organizations, and to the reporting of
12 information pertaining to bail bonds, being enacted and becoming
13 law:

14 (1) in addition to amounts otherwise appropriated by
15 this Act to the Office of Court Administration, Texas Judicial
16 Council, the amount of \$1,427,218 is appropriated for the state
17 fiscal year beginning September 1, 2021, and the amount of \$885,798
18 is appropriated for the state fiscal year beginning September 1,
19 2022, from the general revenue fund to the Office of Court
20 Administration, Texas Judicial Council, to implement the
21 provisions of the legislation;

22 (2) in addition to amounts otherwise appropriated by
23 this Act to the Office of Court Administration, Texas Judicial
24 Council, the amount of \$1,500,000 is appropriated for the state
25 fiscal year beginning September 1, 2021, and the amount of \$462,500
26 is appropriated for the state fiscal year beginning September 1,
27 2022, from the General Revenue-Dedicated Statewide Electronic

1 Filing System Account No. 5157 to the Office of Court
2 Administration, Texas Judicial Council, to implement the
3 provisions of the legislation;

4 (3) during the state fiscal biennium beginning
5 September 1, 2021, the Office of Court Administration, Texas
6 Judicial Council, may, using money appropriated by this rider,
7 employ six full-time equivalent (FTE) employees to implement the
8 provisions of the legislation; and

9 (4) the capital budget authority for the Office of
10 Court Administration, Texas Judicial Council, is increased by
11 \$1,500,000 from the General Revenue-Dedicated Statewide Electronic
12 Filing System Account No. 5157 for the state fiscal year beginning
13 September 1, 2021, for capital budget items related to the
14 implementation of the legislation.

15 SECTION 15. REIMBURSEMENT FOR AUDITABLE VOTING MACHINES.
16 The amount of \$4,300,000 is appropriated from the general revenue
17 fund to the Secretary of State for the state fiscal year beginning
18 September 1, 2021, for the purpose of reimbursements for the
19 retrofitting of certain auditable voting systems, the replacement
20 of certain systems that cannot be upgraded, and the development of
21 secure tracking systems for mail ballots in accordance with H.B. 3
22 or similar legislation of the 87th Legislature, 2nd Called Session,
23 2021. Unexpended balances remaining for the purposes described by
24 this section for the state fiscal year beginning September 1, 2021,
25 are appropriated for the same purposes for the state fiscal year
26 beginning September 1, 2022.

27 SECTION 16. BUDGET EXECUTION ORDER SUPERSEDED. As

1 authorized by Section 317.011, Government Code, this Act supersedes
2 any budget execution order issued under Chapter 317, Government
3 Code, during August 2021 and any authorization for a transfer of an
4 appropriation or of money under such an order is void on the
5 effective date of this Act.

6 SECTION 17. EFFECTIVE DATE. This Act takes effect
7 immediately.