

By: Shapleigh

S.B. No. 23

A BILL TO BE ENTITLED

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AN ACT

relating to restoring essential health and human services programs;
depositing certain funds to the credit of the general revenue fund;
and making appropriations.

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

SECTION 1. (a) The Legislature of the State of Texas finds
that:

(1) The budget cuts contained in House Bill No. 1, Acts
of the 78th Legislature, Regular Session, 2003, (the General
Appropriations Act) to state-supported health and human services
programs will be devastating to the most vulnerable Texans.

(2) Health care needs not funded on the state level
result in an additional burden on local health care providers and
local taxpayers across the State of Texas.

(3) Cuts to state health care expenditures result in
not only a loss of federal matching funds but have a negative impact
on the economy of the State of Texas.

(4) Additional funds are available for the legislature
to appropriate during the 78th Legislature, 3rd Called Session.

(b) Because of the conditions stated in Subsection (a) of
this section, it is the purpose of this act to make appropriations
to certain state-supported programs and services in order to
restore budget cuts made during the 78th Legislature, Regular
Session, to the greatest extent possible.

1 SECTION 2. Section 20.02(c), House Bill No. 3588, Acts of
2 the 78th Legislature, Regular Session, 2003, is amended to read as
3 follows:

4 (c) Notwithstanding Sections 521.058, 521.313(c),
5 521.3466(e), 521.427, 522.029(i), 524.051(c), 548.508, 644.153(i),
6 and 724.046(c), Transportation Code, as added by this Act, to the
7 extent those sections allocate funds to the Texas mobility fund, in
8 state fiscal years [~~year~~] 2004 and 2005 the comptroller shall
9 deposit those funds to the credit of the general revenue fund
10 instead of to the credit of the Texas mobility fund.

11 SECTION 3. An amount of funds estimated to be \$235.1 million
12 deposited to the credit of the general revenue fund in state fiscal
13 year 2005 under Section 20.02(c), House Bill No. 3588, Acts of the
14 78th Legislature, Regular Session, 2003, as amended by this Act, is
15 appropriated out of the general revenue fund for the state fiscal
16 biennium beginning September 1, 2003, to replace an equal amount of
17 federal fiscal relief funds utilized to certify general revenue
18 appropriations made by House Bill No. 1, Acts of the 78th
19 Legislature, Regular Session, 2003 (the General Appropriations
20 Act). The federal fiscal relief funds so replaced are appropriated
21 to the comptroller of public accounts for the state fiscal biennium
22 beginning September 1, 2003, for the purposes described by Section
23 11.28, Article IX, House Bill No. 1, Acts of the 78th Legislature,
24 Regular Session, 2003 (the General Appropriations Act).

25 SECTION 4. Section 11.28, Article IX, House Bill No. 1, Acts
26 of the 78th Legislature, Regular Session, 2003 (the General
27 Appropriations Act) is amended as follows:

1 (a) Notwithstanding other provisions of this Act, based
2 upon the passage of federal legislation that provides federal funds
3 for the purpose of state fiscal relief, such funds are
4 appropriated~~[, after the implementation of Section 11.15,~~
5 ~~Contingency Reduction Appropriation Reduction and Contingency~~
6 ~~Appropriation,~~] to the Comptroller of Public Accounts in the fiscal
7 year in which the funds are received for the purpose of transferring
8 funds to state agencies for state fiscal relief, as provided by
9 Subsection (b) of this section.

10 (b) ~~[The Legislative Budget Board and the Governor shall~~
11 ~~develop a plan that outlines the transfers of these funds, by fiscal~~
12 ~~year, agency, and strategy for the purpose of state fiscal relief.~~
13 ~~It is a priority of the legislature that the plan of transfers will~~
14 ~~provide funding as follows.]~~ The Comptroller shall transfer the
15 funds in the amounts and to the agencies specified as follows:

16 (1) \$225 million to the Texas Department of Human
17 Services for the purpose of restoring the number of hours and
18 clients assumed in the community care programs to fiscal 2003
19 levels;

20 (2) \$13 million to the Texas Department of Human
21 Services for the purpose of restoring the personal needs allowance
22 to no less than \$60 a month for a resident of a convalescent or
23 nursing home, personal care facility, ICF-MR facility or other
24 similar long-term care facility;

25 (3) \$43.9 million to the Texas Health and Human
26 Services Commission for the purpose of restoring Medicaid coverage
27 for approximately 8,300 pregnant women on an average monthly basis;

1 (4) \$200 million to the Texas Health and Human
2 Services Commission for the purpose of restoring eligibility
3 criteria and benefits for the state child health plan (CHIP) to
4 fiscal 2003 levels;

5 (5) \$43.5 million to the Texas Health and Human
6 Services Commission for the purpose of restoring optional benefits
7 for adult Medicaid recipients to fiscal 2003 levels, including
8 mental health benefits, coverage for eyeglasses, hearing aides,
9 podiatric care and other services;

10 (6) \$10.62 million to the Texas Department of Health
11 for the purpose of providing services to approximately 1,500
12 chronically ill and disabled children on the waiting list for the
13 Children with Special Health Care Needs program.

14 (7) \$5.1 million to the Texas Department of Protective
15 and Regulatory Services for the purpose of restoring reductions in
16 adoption services and client services for families involved in
17 active child abuse cases to the greatest extent possible;

18 (8) \$27.9 million to the Texas Department of
19 Protective and Regulatory Services for At-Risk Prevention Services
20 which provide support to community-based prevention programs that
21 alleviate the conditions that lead to child abuse/neglect and
22 juvenile crime;

23 (9) \$26.5 million to the Texas Department of Mental
24 Health and Mental Retardation to restore In-Home and Family Support
25 Services to assist more than 2,946 Texans in living independently.

26 ~~[(1) One quarter of the amounts received for state~~
27 ~~fiscal relief may be used for partial restoration of reimbursement~~

1 ~~rates assumed in Article II of this Act to fiscal year 2003 levels.~~

2 ~~[(2) Restoration of the hours assumed in Community~~
3 ~~Care Programs at the Department of Human Services to fiscal year~~
4 ~~2003.~~

5 ~~[(3) Such funds also shall be used for the items shown~~
6 ~~below in bill pattern order:~~

7 ~~[Texas Department of Health:~~

8 ~~[A.3.1, HIV & STD Education & Services~~

9 ~~[D.2.1, Community Health Services~~

10 ~~[Health and Human Services Commission:~~

11 ~~[B.2.3, Premiums: Pregnant Women (from 158% of~~
12 ~~the Federal Poverty Level to 185% of the Federal Poverty Level)~~

13 ~~[B.2.4, Premiums: Children/Medically Needy (for~~
14 ~~Medically Needy)~~

15 ~~[B.2.7, Cost Reimbursed Services (for Graduate~~
16 ~~Medical Education)~~

17 ~~[Department of Human Services:~~

18 ~~[A.1.1, Community Care - State Department of~~
19 ~~Mental Health and Mental Retardation~~

20 ~~[C.1.1, MR Community Services~~

21 ~~[Department of Protective and Regulatory Services:~~

22 ~~[(4) Texas B-On Time Loan Program]~~

23 SECTION 5. In addition to other amounts appropriated to the
24 Texas Department of Mental Health and Mental Retardation for all or
25 part of the state fiscal biennium beginning September 1, 2003, the
26 amount of \$55 million is appropriated out of the general revenue
27 fund for the state fiscal biennium beginning September 1, 2003, to

1 the Texas Department of Mental Health and Mental Retardation for
2 community mental health services.

3 SECTION 6. In addition to other amounts appropriated to the
4 Texas Department of Health for all or part of the state fiscal
5 biennium beginning September 1, 2003, the amount of \$23.9 million
6 is appropriated out of the general revenue fund for the state fiscal
7 biennium beginning September 1, 2003, to the Texas Department of
8 Health for HIV & STD Education and Services to maintain current
9 levels of services.

10 SECTION 7. In addition to other amounts appropriated to the
11 Texas Health and Human Services Commission for all or part of the
12 state fiscal biennium beginning September 1, 2003, the amount of
13 \$63 million is appropriated out of the general revenue fund for the
14 state fiscal biennium beginning September 1, 2003, to the Texas
15 Health and Human Services Commission to restore the Medically Needy
16 program to assist approximately 10,000 Texans each month in paying
17 health care expenses.

18 SECTION 8. This Act takes effect immediately, if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary to take effect on
22 that date, this act takes effect on the 91st day after the last day
23 of the legislative session.