

By: Ogden

S.B. No. 16

A BILL TO BE ENTITLED

AN ACT

relating to supplemental state appropriations.

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

SECTION 1. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL PROGRAM EQUALIZED OPERATIONS. In addition to amounts previously appropriated to the Texas Education Agency for the state fiscal biennium ending August 31, 2007, for Strategy A.1.1, Foundation School Program--Equalized Operations, the amount of \$294.5 million is appropriated out of the general revenue fund to that agency for that strategy for the state fiscal year ending August 31, 2006. In this section, "Strategy A.1.1, Foundation School Program--Equalized Operations" means that strategy for the Texas Education Agency as provided by Chapter 1369, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act), as amended by Chapter 2, Acts of the 79th Legislature, 1st Called Session, 2005.

SECTION 2. HEALTH AND HUMAN SERVICES COMMISSION: INTEGRATED ELIGIBILITY AND ENROLLMENT; EMPLOYEES AUTHORIZED. (a) In addition to amounts previously appropriated for this purpose for the state fiscal year ending August 31, 2007, the following amounts are appropriated to the Health and Human Services Commission for the state fiscal year ending August 31, 2007, for the purpose of operating the integrated eligibility and enrollment program during that state fiscal year:

1           (1) \$85.9 million out of the general revenue fund; and

2           (2) \$85.9 million in matching federal funds.

3           (b) In addition to the number of full-time equivalent  
4 employees (FTEs) the Health and Human Services Commission is  
5 authorized by other law to employ during the following periods, the  
6 commission may employ:

7           (1) an additional 851 FTEs during the state fiscal  
8 year ending August 31, 2006; and

9           (2) an additional 1,305 FTEs during the state fiscal  
10 year ending August 31, 2007.

11           SECTION 3. HEALTH AND HUMAN SERVICES COMMISSION: FEDERAL  
12 MATCH LESS FAVORABLE FOR CERTAIN DEPARTMENTS. (a) In addition to  
13 amounts previously appropriated for the state fiscal biennium  
14 ending August 31, 2007, the amount of \$136.3 million is  
15 appropriated out of the general revenue fund to the Health and Human  
16 Services Commission for that biennium for the purpose of supporting  
17 the following programs that are subject to a decreased federal  
18 medical assistance percentage (FMAP) or a decreased enhanced  
19 federal medical assistance percentage (EFMAP) for that biennium:

20           (1) the Medicaid program operated by the Health and  
21 Human Services Commission and the Department of Aging and  
22 Disability Services (decreased FMAP);

23           (2) the foster care program operated by the Department  
24 of Family and Protective Services (decreased FMAP); and

25           (3) the Children's Health Insurance Program operated  
26 by the Health and Human Services Commission (decreased EFMAP).

27           (b) The Health and Human Services Commission shall

1 distribute money appropriated under this section to the appropriate  
2 agencies and departments in proportion to each agency's or  
3 department's FMAP or EFMAP reduction.

4 (c) The Health and Human Services Commission shall provide  
5 adequate directions to each agency or department that receives  
6 money under this section to ensure that the money is applied to the  
7 proper purposes.

8 SECTION 4. DEPARTMENT OF AGING AND DISABILITY SERVICES:  
9 NURSING HOME FACILITY REIMBURSEMENT. (a) In addition to amounts  
10 previously appropriated for the state fiscal biennium ending August  
11 31, 2007, the following amounts are appropriated to the Department  
12 of Aging and Disability Services for the state fiscal year ending  
13 August 31, 2006, for the purpose of supporting a nursing facility  
14 reimbursement rate that is 11.75 percent greater than the  
15 reimbursement rate for the state fiscal year ending August 31,  
16 2005:

17 (1) \$75 million out of the general revenue fund; and

18 (2) \$112.5 million in federal matching funds.

19 (b) In addition to amounts previously appropriated for the  
20 state fiscal biennium ending August 31, 2007, the following amounts  
21 are appropriated to the Department of Aging and Disability Services  
22 for the state fiscal year ending August 31, 2007, for the purpose of  
23 supporting a nursing facility reimbursement rate that is 11.75  
24 percent greater than the reimbursement rate for the state fiscal  
25 year ending August 31, 2005:

26 (1) \$136.2 million out of the general revenue fund;

27 and

1           (2) \$204.3 million in federal matching funds.

2           SECTION 5. DEPARTMENT OF AGING AND DISABILITY SERVICES:  
3 PERSONAL NEEDS ALLOWANCES. (a) In addition to amounts previously  
4 appropriated for the state fiscal biennium ending August 31, 2007,  
5 the following amounts are appropriated to the Department of Aging  
6 and Disability Services for the state fiscal year ending August 31,  
7 2006, for the purpose of funding the personal needs allowance of  
8 eligible residents of nursing facilities or intermediate care  
9 facilities for the mentally retarded (ICF/MR) at an amount  
10 increased to \$60 per month from \$45 per month for each resident:

11           (1) \$4.3 million out of the general revenue fund; and

12           (2) \$4.3 million from federal matching funds.

13           (b) In addition to amounts previously appropriated for the  
14 state fiscal biennium ending August 31, 2007, the following amounts  
15 are appropriated to the Department of Aging and Disability Services  
16 for the state fiscal year ending August 31, 2007, for the purpose of  
17 funding the personal needs allowance of eligible residents of  
18 nursing facilities or intermediate care facilities for the mentally  
19 retarded (ICF/MR) at an amount increased to \$60 per month from \$45  
20 per month for each resident:

21           (1) \$6.4 million out of the general revenue fund; and

22           (2) \$6.4 million in federal matching funds.

23           SECTION 6. DEPARTMENT OF STATE HEALTH SERVICES: MENTAL  
24 HEALTH HOSPITAL CAPACITY. (a) In addition to amounts previously  
25 appropriated for the state fiscal biennium ending August 31, 2007,  
26 the following amounts are appropriated to the Department of State  
27 Health Services for the state fiscal year ending August 31, 2006,

1 for the purpose of increasing state mental health hospital  
2 capacity:

- 3 (1) \$13.4 million out of the general revenue fund; and
- 4 (2) \$3.7 million in mental health Medicare  
5 reimbursements (revenue code 3634).

6 (b) In addition to amounts previously appropriated for the  
7 state fiscal biennium ending August 31, 2007, the following amounts  
8 are appropriated to the Department of State Health Services for the  
9 state fiscal year ending August 31, 2007, for the purpose of  
10 increasing state mental health hospital capacity:

- 11 (1) \$20.6 million out of the general revenue fund; and
- 12 (2) \$4.0 million in mental health Medicare  
13 reimbursements (revenue code 3634).

14 SECTION 7. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE  
15 SERVICES: VOCATIONAL REHABILITATION. (a) In addition to amounts  
16 previously appropriated for the state fiscal biennium ending August  
17 31, 2007, the following amounts are appropriated to the Department  
18 of Assistive and Rehabilitative Services for the state fiscal year  
19 ending August 31, 2006, for the purpose of providing vocational  
20 rehabilitation programs to additional clients:

- 21 (1) \$1.8 million out of the general revenue fund; and
- 22 (2) \$6.8 million in federal matching funds.

23 (b) In addition to amounts previously appropriated for the  
24 state fiscal biennium ending August 31, 2007, the following amounts  
25 are appropriated to the Department of Assistive and Rehabilitative  
26 Services for the state fiscal year ending August 31, 2007, for the  
27 purpose of providing vocational rehabilitation programs to

1 additional clients:

2 (1) \$3.4 million out of the general revenue fund; and

3 (2) \$12.5 million in federal matching funds.

4 SECTION 8. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:  
5 FOSTER CARE; ADOPTION SUBSIDIES; RELATIVE CAREGIVERS. (a) In  
6 addition to amounts previously appropriated for this purpose for  
7 the state fiscal biennium ending August 31, 2007, the following  
8 amounts are appropriated to the Department of Family and Protective  
9 Services for the purpose of making foster care payments:

10 (1) for the state fiscal year ending August 31, 2006:

11 (A) \$3.7 million out of the general revenue fund;

12 and

13 (B) \$10.3 million in matching federal funds; and

14 (2) for the state fiscal year ending August 31, 2007:

15 (A) \$9.7 million out of the general revenue fund;

16 and

17 (B) \$20.8 million in matching federal funds.

18 (b) In addition to amounts previously appropriated for this  
19 purpose for the state fiscal biennium ending August 31, 2007, the  
20 following amounts are appropriated to the Department of Family and  
21 Protective Services for the purpose of making adoption subsidy  
22 payments:

23 (1) for the state fiscal year ending August 31, 2006:

24 (A) \$2.3 million out of the general revenue fund;

25 and

26 (B) \$3.1 million in matching federal funds; and

27 (2) for the state fiscal year ending August 31, 2007:

1 (A) \$2.8 million out of the general revenue fund;  
2 and

3 (B) \$6.3 million in matching federal funds.

4 (c) In addition to amounts previously appropriated for the  
5 state fiscal biennium ending August 31, 2007, the following amounts  
6 are appropriated out of the general revenue fund to the Department  
7 of Family and Protective Services for the purpose of making  
8 relative caregiver payments:

9 (1) for the state fiscal year ending August 31, 2006,  
10 \$344,942; and

11 (2) for the state fiscal year ending August 31, 2007,  
12 \$745,424.

13 SECTION 9. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:  
14 REAPPROPRIATION OF CERTAIN MONEY; CONTINGENCY. (a) The unexpended  
15 and unobligated balance of money appropriated to the Department of  
16 Family and Protective Services for the purpose of child protective  
17 services under Section 4, Chapter 1362, Acts of the 79th  
18 Legislature, Regular Session, 2005, is reappropriated to that  
19 agency for that purpose for the remainder of the state fiscal  
20 biennium ending August 31, 2007.

21 (b) To the extent that this section makes appropriations out  
22 of the Economic Stabilization Fund or makes appropriations of  
23 matching federal funds, the receipt of which is dependent on an  
24 appropriation out of the Economic Stabilization Fund, those  
25 appropriations take effect only if this Act receives the vote  
26 required by Section 49-g, Article III, Texas Constitution.

27 SECTION 10. TEXAS TECH HEALTH SCIENCES CENTER EL PASO

1 SCHOOL OF MEDICINE: FACULTY AND STAFF. The amount of \$20.5 million  
2 is appropriated out of the general revenue fund to the Texas Tech  
3 University Health Sciences Center for the state fiscal year ending  
4 August 31, 2007, for the purpose of paying the center's expenses for  
5 recruitment and employment of key faculty and staff for the  
6 center's El Paso School of Medicine.

7 SECTION 11. TEXAS COMMISSION ON THE ARTS: OPERATIONS. In  
8 addition to amounts previously appropriated for the state fiscal  
9 biennium ending August 31, 2007, the amount of \$312,522 is  
10 appropriated out of the general revenue fund to the Texas  
11 Commission on the Arts for the state fiscal biennium ending August  
12 31, 2007, for the purpose of maintaining the programs of that  
13 agency.

14 SECTION 12. ADJUTANT GENERAL DEPARTMENT: RESPONSIBILITIES  
15 OF TEXAS MILITARY FACILITIES COMMISSION. The following amounts are  
16 appropriated out of the general revenue fund to the Adjutant  
17 General's Department for the purpose of the department assuming the  
18 responsibilities of the Texas Military Facilities Commission:

19 (1) \$1.3 million for the state fiscal year ending  
20 August 31, 2006; and

21 (2) \$1.2 million for the state fiscal year ending  
22 August 31, 2007.

23 SECTION 13. ATTORNEY GENERAL'S OFFICE: SEX OFFENDER  
24 APPREHENSION UNIT. (a) In addition to amounts previously  
25 appropriated for the state fiscal year ending August 31, 2007, the  
26 amount of \$3.4 million is appropriated out of the general revenue  
27 fund to the Office of the Attorney General for the state fiscal year



1 ending August 31, 2007, for the purpose of operating the Sex  
2 Offender Apprehension Unit of that office.

3 (b) In addition to the number of full-time equivalent  
4 employees (FTEs) the Office of the Attorney General is authorized  
5 by other law to employ during the state fiscal year ending August  
6 31, 2007, the office may employ an additional 56 FTEs during that  
7 state fiscal year.

8 SECTION 14. TEXAS A&M UNIVERSITY HEALTH SCIENCE CENTER:  
9 RANGEL COLLEGE OF PHARMACY. In addition to amounts previously  
10 appropriated for the state fiscal year ending August 31, 2007, the  
11 amount of \$5 million is appropriated out of the general revenue fund  
12 to the Texas A&M University Health Science Center for the state  
13 fiscal year ending August 31, 2007, for the purpose of operating the  
14 Texas A&M University-Kingsville Irma Lerma Rangel College Of  
15 Pharmacy.

16 SECTION 15. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL  
17 PROGRAM. In addition to amounts previously appropriated for the  
18 state fiscal biennium ending August 31, 2007, the following amounts  
19 are appropriated out of General Revenue Account No. 193 (the  
20 Foundation School Fund) to the Texas Education Agency to be spent  
21 under the foundation school program for the purpose of educating  
22 approximately 38,000 students displaced by Hurricane Katrina and  
23 enrolled in Texas public schools:

24 (1) \$188 million for the state fiscal year ending  
25 August 31, 2006; and

26 (2) \$170 million for the state fiscal year ending  
27 August 31, 2007.

1 SECTION 16. TEXAS STATE UNIVERSITY SYSTEM: LAMAR  
2 UNIVERSITY - BEAUMONT, LAMAR INSTITUTE OF TECHNOLOGY, LAMAR  
3 UNIVERSITY - ORANGE. In addition to amounts previously  
4 appropriated for the state fiscal biennium ending August 31, 2007,  
5 the amount of \$33.5 million is appropriated out of the general  
6 revenue fund to the board of regents of the Texas State University  
7 System for the state fiscal year ending August 31, 2006, to pay the  
8 costs of or reimburse expenditures for repairing or replacing  
9 buildings and equipment damaged by Hurricane Rita at Lamar  
10 University - Beaumont, the Lamar Institute of Technology, and  
11 Lamar University - Orange.

12 SECTION 17. HEALTH AND HUMAN SERVICES COMMISSION: ACUTE  
13 CARE. In addition to amounts previously appropriated for the state  
14 fiscal biennium ending August 31, 2007, the following amounts are  
15 appropriated to the Health and Human Services Commission to provide  
16 acute care services under the state Medicaid program, including  
17 prescription drugs, to persons affected by Hurricane Katrina or  
18 Hurricane Rita who may receive services under the state Medicaid  
19 program:

20 (1) \$129.4 million out of the general revenue fund and  
21 \$194.1 million in matching federal funds for the state fiscal year  
22 ending August 31, 2006; and

23 (2) \$64.1 million out of the general revenue fund and  
24 \$96.2 million in matching federal funds for the state fiscal year  
25 ending August 31, 2007.

26 SECTION 18. DEPARTMENT OF AGING AND DISABILITY SERVICES:  
27 LONG-TERM CARE SERVICES. In addition to amounts previously

1 appropriated for the state fiscal biennium ending August 31, 2007,  
2 the following amounts are appropriated to the Department of Aging  
3 and Disability Services to provide long-term care services under  
4 the state Medicaid program to persons affected by Hurricane Katrina  
5 or Hurricane Rita who may receive long-term care services under the  
6 state Medicaid program:

7 (1) \$14.5 million out of the general revenue fund and  
8 \$21.8 million in matching federal funds for the state fiscal year  
9 ending August 31, 2006; and

10 (2) \$13.5 million out of the general revenue fund and  
11 \$20.3 million in matching federal funds for the state fiscal year  
12 ending August 31, 2007.

13 SECTION 19. DEPARTMENT OF STATE HEALTH SERVICES: MENTAL  
14 HEALTH SERVICES. In addition to amounts previously appropriated for  
15 the state fiscal biennium ending August 31, 2007, the amount of \$1.6  
16 million is appropriated out of the general revenue fund and the  
17 amount of \$2.4 million in matching federal funds is appropriated to  
18 the Department of State Health Services for the state fiscal year  
19 ending August 31, 2006, to provide mental health services under the  
20 state Medicaid program to persons affected by Hurricane Katrina or  
21 Hurricane Rita who may receive mental health services under the  
22 state Medicaid program.

23 SECTION 20. HEALTH AND HUMAN SERVICES COMMISSION:  
24 APPROPRIATION FOR MEDICAID MANAGED CARE. In addition to amounts  
25 previously appropriated for this purpose for the state fiscal  
26 biennium ending August 31, 2007, the following amounts are  
27 appropriated to the Health and Human Services Commission under

1 Strategy B.1.4, Children and Medically Needy, for the state fiscal  
2 year ending August 31, 2007, for the purpose of providing services  
3 under the state Medicaid program under that strategy:

4 (1) the amount of \$52.7 million out of the general  
5 revenue fund; and

6 (2) the amount of \$81.9 million in federal matching  
7 funds.

8 SECTION 21. HEALTH AND HUMAN SERVICES COMMISSION:  
9 APPROPRIATION FOR CHILDREN'S HEALTH INSURANCE PROGRAM. In addition  
10 to amounts previously appropriated for this purpose for the state  
11 fiscal biennium ending August 31, 2007, the following amounts are  
12 appropriated to the Health and Human Services Commission under  
13 Strategy C.1.1, CHIP, for the state fiscal year ending August 31,  
14 2007, for the purpose of providing services related to the  
15 Children's Health Insurance Program:

16 (1) the amount of \$5 million out of the general revenue  
17 fund; and

18 (2) the amount of \$12.9 million in federal matching  
19 funds.

20 SECTION 22. DEPARTMENT OF AGING AND DISABILITY SERVICES:  
21 APPROPRIATION FOR MENTAL RETARDATION COMMUNITY SERVICES. (a) In  
22 addition to amounts previously appropriated for this purpose for  
23 the state fiscal biennium ending August 31, 2007, the amount of \$5.3  
24 million is appropriated to the Department of Aging and Disability  
25 Services under Strategy A.4.3, Mental Retardation Community  
26 Services, out of the general revenue fund for the state fiscal year  
27 ending August 31, 2007, for the purpose of providing payments to

1 mental retardation community centers.

2 (b) In addition to amounts previously appropriated for this  
3 purpose for the state fiscal biennium ending August 31, 2007, the  
4 amount of \$200,000 is appropriated to the Department of Aging and  
5 Disability Services under Strategy A.4.4, Mental Retardation  
6 Community Services Residential, out of the general revenue fund for  
7 the state fiscal year ending August 31, 2007, for the purpose of  
8 providing payments to mental retardation community centers.

9 SECTION 23. DEPARTMENT OF AGING AND DISABILITY SERVICES:  
10 APPROPRIATION FOR VARIOUS SERVICES. In addition to amounts  
11 previously appropriated for these purposes for the state fiscal  
12 biennium ending August 31, 2007, the amount of \$140 million is  
13 appropriated to the Department of Aging and Disability Services out  
14 of the general revenue fund and the amount of \$359,953,852 in  
15 federal matching funds is appropriated to that agency. The  
16 appropriations made under this section are for the state fiscal  
17 year ending August 31, 2007, for the purpose of providing long-term  
18 care services under the following numbered strategies:

- 19 (1) A.2.1, Primary Home Care;
- 20 (2) A.2.2, Community Attendant Services;
- 21 (3) A.2.3, Day Activity and Health Services;
- 22 (4) A.3.1, Community-Based Alternatives;
- 23 (5) A.3.2, Home and Community-Based Services;
- 24 (6) A.3.3, Community Living Assistance (CLASS);
- 25 (7) A.6.1, Nursing Facility Payments;
- 26 (8) A.6.2, Medicare Skilled Nursing Facility;
- 27 (9) A.6.3, Hospice;

1 (10) A.6.4, Promoting Independence Services; and

2 (11) A.7.1, Intermediate Care Facilities - Mental  
3 Retardation.

4 SECTION 24. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:  
5 FOSTER CARE PAYMENTS. In addition to amounts previously  
6 appropriated for this purpose for the state fiscal biennium ending  
7 August 31, 2007, the following amounts are appropriated to the  
8 Department of Family and Protective Services under Strategy A.2.10,  
9 Foster Care Payments, for the state fiscal year ending August 31,  
10 2007, for the purpose of making foster care payments:

11 (1) the amount of \$12.4 million out of the general  
12 revenue fund; and

13 (2) the amount of \$21,878,127 in federal matching  
14 funds.

15 SECTION 25. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL  
16 PROGRAM ENTITLEMENT PAYMENTS. (a) In addition to amounts  
17 previously appropriated for this purpose for the state fiscal  
18 biennium ending August 31, 2007, the amount of \$800,000 is  
19 appropriated out of General Revenue Account No. 193 (Foundation  
20 School Fund) to the Texas Education Agency for the state fiscal year  
21 ending August 31, 2007, for the purpose of making yearly  
22 entitlement payments as prescribed by Section 42.259, Education  
23 Code.

24 (b) This section takes effect only if an Act of the 79th  
25 Legislature:

26 (1) amends Section 42.259, Education Code, to require  
27 that the last payment of yearly entitlement payments to category 2

1 and category 3 school districts made under that section be made in  
2 August of the calendar year after the calendar year in which the  
3 first payment is made; and

4 (2) becomes law in time to require an entitlement  
5 payment to those school districts in August 2007.

6 SECTION 26. REPEALER. The following riders to Chapter  
7 1369, Acts of the 79th Legislature, Regular Session, 2005 (the  
8 General Appropriations Act), are repealed:

9 (1) Rider 66 following the appropriations to the  
10 Health and Human Services Commission;

11 (2) Rider 21 following the appropriations to the  
12 Department of Aging and Disability Services;

13 (3) Rider 48 following the appropriations to the  
14 Department of Aging and Disability Services; and

15 (4) Rider 25 following the appropriations to the  
16 Department of Family and Protective Services.

17 SECTION 27. PREVENTION OF DOUBLE RECOVERY OR DOUBLE  
18 REIMBURSEMENT. (a) The purpose of this section is to prevent  
19 double recovery by or double reimbursement to an agency,  
20 institution, or other entity for the same hurricane-related cost or  
21 expenditure. Matching federal funds appropriated by this Act are  
22 not considered "reimbursement from the federal government" for  
23 purposes of this section.

24 (b) If a state agency, institution, or office receives  
25 reimbursement from the federal government for expenditures made by  
26 the state for a purpose described by a provision of this Act that  
27 makes an appropriation related to hurricane relief, the amounts

1 received may not be spent without the prior approval of the governor  
2 and the Legislative Budget Board. A federal reimbursement of  
3 revenue appropriated by this Act for a purpose related to hurricane  
4 relief is considered to be undedicated general revenue of this  
5 state.

6 (c) It is the intent of the legislature that the governor  
7 and the Legislative Budget Board consider the money described by  
8 Subsection (b) of this section to be available for budget execution  
9 transfers to the extent that the governor and the Legislative  
10 Budget Board determine that the federal reimbursement covers the  
11 same costs or expenditures as those covered by an appropriation  
12 made by this Act out of the general revenue fund or an account in the  
13 general revenue fund related to hurricane relief.

14 SECTION 28. DEFINITION. A reference in this Act to a  
15 numbered strategy is a reference to the numbered strategy for the  
16 appropriate agency in Chapter 1369, Acts of the 79th Legislature,  
17 Regular Session, 2005 (the General Appropriations Act).

18 SECTION 29. EFFECTIVE DATE. This Act takes effect  
19 immediately if it receives a vote of two-thirds of all the members  
20 elected to each house, as provided by Section 39, Article III, Texas  
21 Constitution. If this Act does not receive the vote necessary for  
22 immediate effect, this Act takes effect on the 91st day after the  
23 last day of the legislative session.