

By: Ogden

S.B. No. 1610

A BILL TO BE ENTITLED

AN ACT

1
2 relating to statutory authority for certain governmental entities
3 to take certain actions to permit the legislature to reduce
4 appropriations to those agencies.

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

6 SECTION 1. (a) Notwithstanding any statute to the
7 contrary, the legislature, in its discretion, may determine the
8 amount of each appropriation of state funds. The amounts required
9 by statute for entities that receive state funds under Article II of
10 the General Appropriations Act, 79th Legislature, Regular Session,
11 2005, may be reduced or eliminated in order to achieve a balanced
12 budget.

13 (b) This section expires September 1, 2007.

14 SECTION 2. (a) This section applies to the following state
15 agencies:

16 (1) the Health and Human Services Commission; and

17 (2) each agency over which the executive director of
18 the Health and Human Services Commission has authority.

19 (b) Notwithstanding any other statute of this state, each
20 state agency to which this section applies is authorized to reduce
21 expenditures by:

22 (1) consolidating any reports or publications the
23 agency is required to make and filing or delivering any of those
24 reports or publications exclusively by electronic means;

1 (2) extending the effective period of any license,
2 permit, or registration the agency grants or administers;

3 (3) entering into a contract with another governmental
4 entity or with a private vendor to carry out any of the agency's
5 duties;

6 (4) providing that any communication between the
7 agency and another person and any document required to be delivered
8 to or by the agency, including any application, notice, billing
9 statement, receipt, or certificate, may be made or delivered by
10 electronic mail or through the Internet; and

11 (5) adopting and collecting fees or charges to cover
12 any costs the agency incurs in performing its lawful functions.

13 SECTION 3. Section 39.903(e), Utilities Code, as amended by
14 Chapters 1394, 1451, and 1466, Acts of the 77th Legislature,
15 Regular Session, 2001, is reenacted and amended to read as follows:

16 (e) Money in the system benefit fund may be appropriated to
17 provide funding solely for the following [~~regulatory~~] purposes,
18 [~~and~~] in the following order of priority:

19 (1) the medical assistance program under Chapter 32,
20 Human Resources Code;

21 (2) customer education programs, administrative
22 expenses incurred by the commission in implementing and
23 administering this chapter, and expenses incurred by the office
24 under this chapter;

25 (3) programs to assist low-income electric customers
26 by providing the 10 percent reduced rate prescribed by Subsection
27 (h);

1 (4) programs to assist low-income electric customers
2 by providing the targeted energy efficiency programs described by
3 Subsection (f)(2); [~~customer education programs, administrative~~
4 ~~expenses incurred by the commission in implementing and~~
5 ~~administering this chapter, and expenses incurred by the office~~
6 ~~under this chapter,~~]

7 (5) the school funding loss mechanism provided by
8 Section 39.901;

9 (6) programs to assist low-income electric customers
10 by providing the 20 percent reduced rate prescribed by Subsection
11 (h); and

12 (7) reimbursement to the commission and the Health and
13 Human Services Commission [~~Texas Department of Human Services~~] for
14 expenses incurred in the implementation and administration of an
15 integrated eligibility process created under Section 17.007 for
16 customer service discounts relating to retail electric service,
17 including outreach expenses the commission determines are
18 reasonable and necessary.

19 SECTION 4. Notwithstanding any statute to the contrary,
20 each health and human services agency, including any agency listed
21 in Section 531.001, Government Code, shall reduce its
22 expenditures, through a reduction in services provided or through a
23 reduction in other activities of the agency, as necessary to
24 operate within the amounts appropriated to the agency under Article
25 II of the General Appropriations Act. The comptroller of public
26 accounts or the executive commissioner of the Health and Human
27 Services Commission, as appropriate, may direct an agency to reduce

1 services or activities in accordance with this section.

2 SECTION 5. Notwithstanding Subchapter G, Chapter 403,
3 Government Code, the legislature may appropriate the available
4 earnings of any permanent fund established under that subchapter
5 and derived from tobacco proceeds to any strategy identified under
6 Article II of the General Appropriations Act. The comptroller
7 shall transfer funds from the permanent funds established under
8 Subchapter G, Chapter 403, Government Code, as necessary to
9 implement this section. This section expires September 1, 2007.

10 SECTION 6. The executive commissioner of the Health and
11 Human Services Commission shall reduce expenditures by directing
12 the appropriate actions as follows:

13 (1) consolidating facilities providing services to
14 persons with mental retardation while maintaining the total
15 capacity of those facilities in this state;

16 (2) consolidating facilities providing services to
17 persons with mental illness and operating those facilities at a
18 reduced capacity; and

19 (3) reducing state funding for community hospitals
20 providing services to persons with mental illness.

21 SECTION 7. Notwithstanding Section 2201.002, Government
22 Code, or any other law, the Texas capital trust fund may be used in
23 any manner necessary to support the infrastructure of facilities
24 for persons with mental retardation and mental illness.

25 SECTION 8. (a) The Department of Assistive and
26 Rehabilitative Services shall reduce expenditures by providing
27 through the vocational rehabilitation program operated by the

1 commission:

2 (1) transition planning services to prepare persons
3 with disabilities for a successful transition to employment; and

4 (2) extended ongoing support services to enable
5 individuals to achieve and maintain employment.

6 (b) Notwithstanding any other law, services described by
7 Subsections (a)(1) and (2) of this section may not be provided
8 separately from the vocational rehabilitation program operated by
9 the Department of Assistive and Rehabilitative Services.

10 SECTION 9. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.