

1-1 By: Chisum (Senate Sponsor - Ogden) H.B. No. 15
1-2 (In the Senate - Received from the House April 2, 2007;
1-3 April 2, 2007, read first time and referred to Committee on
1-4 Finance; May 21, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 12, Nays 0;
1-6 May 21, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 15 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to making supplemental appropriations and reductions in
1-11 appropriations and giving direction, transfer authority, and other
1-12 adjustment authority regarding appropriations.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. AUSTIN COMMUNITY COLLEGE: GROUP HEALTH
1-15 INSURANCE. In addition to amounts previously appropriated for the
1-16 state fiscal biennium ending August 31, 2007, the amount of
1-17 \$3,678,942 is appropriated out of the general revenue fund to
1-18 Austin Community College for the two-year period beginning on the
1-19 effective date of this Act for the purpose of correcting the
1-20 institution's underreporting of its state-funded group health
1-21 insurance enrollment for fiscal years 2006 and 2007.

1-22 SECTION 2. SOUTH PLAINS COLLEGE: GROUP HEALTH INSURANCE.
1-23 In addition to amounts previously appropriated for the state fiscal
1-24 biennium ending August 31, 2007, the amount of \$1,424,764 is
1-25 appropriated out of the general revenue fund to South Plains
1-26 College for the two-year period beginning on the effective date of
1-27 this Act for the purpose of correcting the institution's
1-28 underreporting of its state-funded group health insurance
1-29 enrollment for fiscal years 2006 and 2007.

1-30 SECTION 3. TEXAS DEPARTMENT OF CRIMINAL JUSTICE:
1-31 OPERATIONS. In addition to amounts previously appropriated for the
1-32 state fiscal biennium ending August 31, 2007, the amount of
1-33 \$27,000,000 is appropriated out of the general revenue fund to the
1-34 Texas Department of Criminal Justice for the two-year period
1-35 beginning on the effective date of this Act for the purpose of
1-36 providing for salaries and wages, hazardous duty and longevity pay,
1-37 overtime pay, contractual rate adjustments, utilities, and fuel.

1-38 SECTION 4. TEXAS DEPARTMENT OF CRIMINAL JUSTICE:
1-39 CORRECTIONAL MANAGED HEALTH CARE. In addition to amounts
1-40 previously appropriated for the state fiscal biennium ending August
1-41 31, 2007, the amount of \$12,940,619 is appropriated out of the
1-42 general revenue fund to the Texas Department of Criminal Justice
1-43 for the two-year period beginning on the effective date of this Act
1-44 for the purpose of providing for correctional managed health care.

1-45 SECTION 5. TEXAS MEDICAL BOARD: OPERATIONS. (a) In
1-46 addition to amounts previously appropriated for the state fiscal
1-47 biennium ending August 31, 2007, the amount of \$1,222,827 is
1-48 appropriated out of the general revenue fund to the Texas Medical
1-49 Board for the two-year period beginning on the effective date of
1-50 this Act for the purpose of:

1-51 (1) repaying the Governor's Emergency and Deficiency
1-52 Grant awarded in fiscal year 2006; and

1-53 (2) providing for agency operating expenses for
1-54 licensing and enforcement.

1-55 (b) In addition to amounts previously appropriated for the
1-56 state fiscal biennium ending August 31, 2007, the amount of
1-57 \$600,248 is appropriated out of the public assurance account to the
1-58 Texas Medical Board for the two-year period beginning on the
1-59 effective date of this Act for the purpose of providing for agency
1-60 operating expenses for licensing and enforcement.

1-61 (c) In addition to the number of full-time equivalent
1-62 employees (FTEs) the Texas Medical Board is authorized to employ by
1-63 other law during the state fiscal year ending August 31, 2007, the

board may employ an additional six FTEs during that period.

SECTION 6. TEXAS DEPARTMENT OF LICENSING AND REGULATION: COSTS RELATED TO FORMER COSMETOLOGY COMMISSION AND BOARD OF BARBER EXAMINERS. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$463,202 is appropriated out of the general revenue fund to the Texas Department of Licensing and Regulation for the two-year period beginning on the effective date of this Act for the purposes of paying:

(1) the unanticipated costs of relocating the functions and operations of the former Cosmetology Commission and the former Board of Barber Examiners; and

(2) obligations, including interest accrued on the obligations, of the former Cosmetology Commission and the former Board of Barber Examiners.

(b) This subsection applies with respect to the obligation to pay for goods or services received before August 31, 2005, by the former Cosmetology Commission or the former Board of Barber Examiners. A claim for payment or reimbursement for goods or services to which this subsection applies may not be paid from money appropriated by Subsection (a) of this section until the claim is verified and substantiated by the executive director of the Texas Department of Licensing and Regulation and until it is subsequently approved by the attorney general and the comptroller of public accounts. The approvals must occur before August 31, 2008.

SECTION 7. TEXAS BUILDING AND PROCUREMENT COMMISSION: RENOVATION AND REPAIRS TO SAM HOUSTON BUILDING. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$3,000,000 is appropriated out of the general revenue fund to the Texas Building and Procurement Commission for the two-year period beginning on the effective date of this Act for the purpose of making renovations and repairs to the Sam Houston Building.

SECTION 8. TEXAS BUILDING AND PROCUREMENT COMMISSION: UTILITIES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$2,847,069 is appropriated out of the general revenue fund to the Texas Building and Procurement Commission for the two-year period beginning on the effective date of this Act for the purpose of making utility payments.

SECTION 9. TEXAS SOUTHERN UNIVERSITY: CONTINGENCY APPROPRIATION FOR DEFERRED MAINTENANCE AND OTHER EXPENSES. (a) Subject to Subsection (b) of this section, and in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$13,645,120 is appropriated out of the general revenue fund to Texas Southern University for the two-year period beginning on the effective date of this Act for the purpose of providing deferred maintenance, paying outstanding expenses, making emergency maintenance repairs, paying contract deficits, paying audit and legal costs, providing funding for summer school, and providing funding for the TSU/HISD Charter School.

(b) The appropriation made by Subsection (a) of this section is contingent on the occurrence of either:

(1) the enactment and becoming law of Senate Bill No. 2039 or similar legislation by the 80th Legislature, Regular Session, 2007; or

(2) the appointment of a conservator for Texas Southern University under Chapter 2104, Government Code.

SECTION 10. TEXAS SOUTHERN UNIVERSITY: CONTINGENCY APPROPRIATION FOR ACADEMIC DEVELOPMENT INITIATIVE. (a) Subject to Subsection (b) of this section, and in addition to other amounts appropriated for the state fiscal biennium ending August 31, 2009, that may be used for this purpose, the following amounts are appropriated out of the general revenue fund to Texas Southern University for the Academic Development Initiative:

(1) \$12,500,000 is appropriated for the state fiscal year ending August 31, 2008; and

(2) \$12,500,000 and any unexpended balance of the

3-1 amount appropriated under Subdivision (1) of this subsection are
3-2 appropriated for the state fiscal year ending August 31, 2009.

3-3 (b) The appropriations made by Subsection (a) of this
3-4 section are contingent on the occurrence of either:

3-5 (1) the enactment and becoming law of Senate Bill No.
3-6 2039 or similar legislation by the 80th Legislature, Regular
3-7 Session, 2007; or

3-8 (2) the appointment of a conservator for Texas
3-9 Southern University under Chapter 2104, Government Code.

3-10 (c) The amounts appropriated by Subsection (a) of this
3-11 section shall be used for:

3-12 (1) proven academic success programs;

3-13 (2) existing graduate programs;

3-14 (3) undergraduate education; and

3-15 (4) initiatives to target enrollment growth.

3-16 (d) Not later than November 1 of each fiscal year, the
3-17 university shall submit to the Texas Southern University Board of
3-18 Regents, the Texas Higher Education Coordinating Board, the
3-19 Legislative Budget Board, and the governor a report describing the
3-20 use of the funds appropriated by Subsection (a) of this section that
3-21 states the goals to be achieved through use of the funds and
3-22 establishes timelines and milestones for showing progress in
3-23 meeting the goals. The report shall include proposed actions to be
3-24 taken in the event a milestone is not met.

3-25 SECTION 11. TEXAS FOREST SERVICE: REIMBURSEMENT FOR
3-26 WILDFIRE COSTS. In addition to amounts previously appropriated for
3-27 the state fiscal biennium ending August 31, 2007, the amount of
3-28 \$44,730,767 is appropriated out of the general revenue fund to the
3-29 Texas Forest Service for the two-year period beginning on the
3-30 effective date of this Act for the purpose of providing
3-31 reimbursement for costs related to wildfire.

3-32 SECTION 12. UNIVERSITY OF HOUSTON: TEXAS FORENSIC SCIENCE
3-33 COMMISSION EXPENSES. (a) In addition to amounts previously
3-34 appropriated for the state fiscal biennium ending August 31, 2007,
3-35 the amount of \$45,000 is appropriated out of the general revenue
3-36 fund to the University of Houston for the two-year period beginning
3-37 on the effective date of this Act for the purposes of paying salary,
3-38 office, and travel expenses of the Texas Forensic Science
3-39 Commission under Article 38.01, Code of Criminal Procedure.

3-40 (b) From money appropriated by Subsection (a) of this
3-41 section, the commission is authorized to employ one full-time
3-42 equivalent employee (FTE) during the period covered by the
3-43 appropriation.

3-44 SECTION 13. ADJUTANT GENERAL'S DEPARTMENT: OPERATIONS. In
3-45 addition to amounts previously appropriated for the state fiscal
3-46 biennium ending August 31, 2007, the amount of \$1,681,615 is
3-47 appropriated out of the general revenue fund to the Adjutant
3-48 General's Department for the two-year period beginning on the
3-49 effective date of this Act for the purpose of paying salaries and
3-50 wages and providing for maintenance and operations.

3-51 SECTION 14. RESTORATION OF REDUCTIONS RELATED TO COMMERCIAL
3-52 AIR TRAVEL. In addition to amounts previously appropriated for the
3-53 state fiscal biennium ending August 31, 2007, the following amounts
3-54 are appropriated to the following agencies for the two-year period
3-55 beginning on the effective date of this Act for the purpose of
3-56 restoring reductions in appropriations for commercial air travel
3-57 made pursuant to Section 5.09, Article IX, Chapter 1369, Acts of the
3-58 79th Legislature, Regular Session, 2005 (the General
3-59 Appropriations Act):

3-60 (1) the Structural Pest Control Board is appropriated
3-61 \$2,595 out of the general revenue fund;

3-62 (2) the School for the Blind and Visually Impaired is
3-63 appropriated \$33,370 out of the general revenue fund;

3-64 (3) the School for the Deaf is appropriated \$139,207
3-65 out of the general revenue fund; and

3-66 (4) the Eleventh Court of Appeals, Eastland, is
3-67 appropriated \$3,383 out of the general revenue fund.

3-68 SECTION 15. SUPREME COURT: MULTI-DISTRICT LITIGATION. In
3-69 addition to amounts previously appropriated for the state fiscal

4-1 biennium ending August 31, 2007, the amount of \$50,747 is
 4-2 appropriated out of the general revenue fund to the Supreme Court of
 4-3 Texas for the two-year period beginning on the effective date of
 4-4 this Act for the purpose of providing grants to appellate
 4-5 courts for additional court staff to handle multi-district
 4-6 litigation cases, such as cases related to asbestosis or silicosis,
 4-7 appealed from the trial courts.

4-8 SECTION 16. HEALTH AND HUMAN SERVICES COMMISSION: PRIVATE
 4-9 HOSPITAL UPPER PAYMENT LIMIT PROGRAM; TRANSFER FROM TEXAS TECH
 4-10 HEALTH SCIENCES CENTER. (a) The Texas Tech University Health
 4-11 Sciences Center shall transfer an amount of non-Medicaid
 4-12 state-appropriated funds, not to exceed \$4,500,000, to the Health
 4-13 and Human Services Commission during the state fiscal biennium
 4-14 ending August 31, 2007. The comptroller in consultation with the
 4-15 commission shall determine the time or times of the transfer. The
 4-16 commission in consultation with the Legislative Budget Board, the
 4-17 comptroller, and the health sciences center shall determine the
 4-18 amount of the transfer based on achieving the optimal match of
 4-19 available federal funds.

4-20 (b) The Health and Human Services Commission is authorized
 4-21 to expend amounts transferred under Subsection (a) of this section
 4-22 during the two-year period beginning on the date of the transfer for
 4-23 the state contribution under the private hospital upper payment
 4-24 limit program.

4-25 SECTION 17. HEALTH AND HUMAN SERVICES COMMISSION: TRANSFER
 4-26 OF FUNDS APPROPRIATED FOR CHIP SERVICES. Notwithstanding any
 4-27 provision of another Act making appropriations to the contrary, the
 4-28 Health and Human Services Commission may, without the necessity of
 4-29 prior approval by another officer or entity, transfer funds
 4-30 appropriated to the commission under Goal C: CHIP Services by
 4-31 Chapter 1369, Acts of the 79th Legislature, Regular Session, 2005
 4-32 (page II-70, General Appropriations Act), to other goals and
 4-33 strategies as necessary to efficiently and effectively comply with
 4-34 the provisions of this Act.

4-35 SECTION 18. HEALTH AND HUMAN SERVICES COMMISSION: STAFFING
 4-36 AND CAPITAL BUDGET AUTHORITY IN LIEU OF CONTRACTED
 4-37 RESPONSIBILITIES. (a) Notwithstanding any other provision in this
 4-38 Act or another Act making an appropriation, if the executive
 4-39 commissioner of the Health and Human Services Commission determines
 4-40 that a service performed as of the effective date of this Act under
 4-41 a contract would be more effectively performed by state personnel,
 4-42 the executive commissioner may adjust the agency's full-time
 4-43 equivalent employee (FTE) limitation prescribed by any Act making
 4-44 an appropriation to the extent necessary to ensure the successful
 4-45 assumption of such contracted duties, provided that the commission
 4-46 has made corresponding adjustments in the scope of duties and
 4-47 responsibilities under the affected contract. An increase in
 4-48 agency staffing resulting from the executive commissioner's
 4-49 determination under this section is subject to the following
 4-50 requirements:

4-51 (1) the executive commissioner must notify the
 4-52 Legislative Budget Board and the governor at least 10 days before
 4-53 adjusting the budgeted FTE levels; and

4-54 (2) the executive commissioner must report on a
 4-55 quarterly basis beginning December 1, 2007, to the Legislative
 4-56 Budget Board and the governor the number of eligibility and related
 4-57 support staff and any related costs under the appropriations made
 4-58 to the commission for Strategy A.1.2, Integrated Eligibility and
 4-59 Enrollment, by the applicable General Appropriations Act.

4-60 (b) Notwithstanding any other provision in an Act making an
 4-61 appropriation, if the executive commissioner of the Health and
 4-62 Human Services Commission determines that a service performed as of
 4-63 the effective date of this Act under a contract would be more
 4-64 effectively performed by state personnel, the Health and Human
 4-65 Services Commission may exceed the capital budget authority
 4-66 limitations provided elsewhere in an Act making an appropriation to
 4-67 the extent necessary to acquire hardware, software, and office
 4-68 space to support any assumed contracted duties and
 4-69 responsibilities, provided that the commission has made

5-1 corresponding adjustments in the scope of the affected contract.
 5-2 An increase in capital expenditures is subject to the following
 5-3 requirements:

5-4 (1) the executive commissioner must notify the
 5-5 Legislative Budget Board and the governor at least 10 days before
 5-6 acquiring capital equipment; and

5-7 (2) the executive commissioner must include capital
 5-8 acquisitions in required financial reporting to the Legislative
 5-9 Budget Board and the governor.

5-10 (c) This section applies in relation to the Health and Human
 5-11 Services Commission for the two-year period beginning on the
 5-12 effective date of this Act.

5-13 SECTION 19. HEALTH AND HUMAN SERVICES COMMISSION: GENERAL
 5-14 SUPPLEMENTAL APPROPRIATIONS. In addition to other amounts
 5-15 appropriated for the state fiscal biennium ending August 31, 2007,
 5-16 the amount of \$110,000,000 is appropriated out of the general
 5-17 revenue fund to the Health and Human Services Commission for the
 5-18 two-year period beginning on the effective date of this Act. The
 5-19 amounts appropriated by this section may be expended by the
 5-20 commission or transferred by the commission to a health and human
 5-21 services agency for expenditure for any purpose for which the
 5-22 Health and Human Services Commission or health and human services
 5-23 agency received an appropriation under Chapter 1369, Acts of the
 5-24 79th Legislature, Regular Session, 2005 (the General
 5-25 Appropriations Act).

5-26 SECTION 20. HEALTH AND HUMAN SERVICES COMMISSION AND HEALTH
 5-27 AND HUMAN SERVICES AGENCIES: *FREW V. HAWKINS* COMPLIANCE. (a) This
 5-28 section provides direction, information, transfer authority,
 5-29 capital budget authority, and full-time-equivalent employee (FTE)
 5-30 authority in relation to the *Frew v. Hawkins* lawsuit regarding
 5-31 amounts described by this section that are appropriated by any Act
 5-32 of the 80th Legislature, Regular Session, 2007. This section does
 5-33 not of itself make an appropriation.

5-34 (b) In this section:

5-35 (1) "Appropriating Act" means an Act of the 80th
 5-36 Legislature, Regular Session, 2007, that makes one or more
 5-37 appropriations.

5-38 (2) "Executive Commissioner" means the Executive
 5-39 Commissioner of the Health and Human Services Commission.

5-40 (3) "*Frew v. Hawkins*" means the lawsuit styled *Linda*
 5-41 *Frew, et al. v. Albert Hawkins, et al.*, Civil Action No. 3:93CA65
 5-42 (U.S. Dist.--E.D. Tex.).

5-43 (4) "Health and human services agency" has the meaning
 5-44 assigned by Section 531.001, Government Code.

5-45 (5) "Joint Motion" means the Joint Motion for Entry of
 5-46 Agreed Corrective Action Order filed jointly by the plaintiffs and
 5-47 defendants in *Frew v. Hawkins* on April 27, 2007.

5-48 (c) Contingent on applicable approval by the federal
 5-49 judiciary and pursuant to the Joint Motion in *Frew v. Hawkins*, the
 5-50 amount of \$1,779.9 million in All Funds, including \$706.7 million
 5-51 in General Revenue, appropriated by any appropriating Act to the
 5-52 Health and Human Services Commission (HHSC) may be used to improve
 5-53 access to medically necessary services for members of the plaintiff
 5-54 class in that lawsuit and to ensure compliance with the Consent
 5-55 Decree and judicially-approved Corrective Action Plans in that
 5-56 lawsuit during the state fiscal biennium ending August 31, 2009.
 5-57 Notwithstanding any limitation on transfer authority prescribed by
 5-58 any appropriating Act, the Executive Commissioner may transfer
 5-59 amounts appropriated to the Health and Human Services Commission or
 5-60 to a health and human services agency by any appropriating Act, in a
 5-61 cumulative amount not to exceed the amounts described above in this
 5-62 subsection, within and among the commission and the health and
 5-63 human services agencies as necessary to accomplish the purposes
 5-64 described by this section.

5-65 (d) The Executive Commissioner shall develop a plan
 5-66 consistent with Subsection (c) of this section that details the
 5-67 proposed expenditure of funds under this section in a manner that
 5-68 addresses the requirements of the Consent Decree, the Joint Motion,
 5-69 and the judicially-approved Corrective Action Plans in *Frew v.*

6-1 *Hawkins*, to the extent those judicially-approved Corrective Action
 6-2 Plans supersede the Joint Motion. All expenditures by HHSC or a
 6-3 health and human services agency that address the requirements of
 6-4 the Consent Decree, the Joint Motion, or the judicially-approved
 6-5 Corrective Action Plans in *Frew v. Hawkins* must be made pursuant to
 6-6 the plan or a plan amendment. The Executive Commissioner shall
 6-7 submit the plan to the Legislative Budget Board and the Governor not
 6-8 later than September 1, 2007, or as soon thereafter as practical
 6-9 following judicial approval of the Corrective Action Plans. The
 6-10 Executive Commissioner may develop amendments to the plan as
 6-11 necessary and shall submit any amendments to the plan to the
 6-12 Legislative Budget Board and the Governor. In accordance with
 6-13 Section 69, Article XVI, Texas Constitution, expenditures pursuant
 6-14 to the plan or any plan amendment may not be made without the prior
 6-15 approval of the Governor and the Legislative Budget Board.

6-16 (e) To the extent not otherwise superseded by the
 6-17 judicially-approved Corrective Action Plans, the amounts described
 6-18 by this section that may be used for purposes of *Frew v. Hawkins*
 6-19 compliance may be used for the following purposes:

6-20 (1) a 25 percent increase in physician and other
 6-21 professional reimbursement rates for services to children enrolled
 6-22 in the medical assistance program and covered by the Joint Motion
 6-23 (\$511.3 million in All Funds including \$203 million in General
 6-24 Revenue);

6-25 (2) a 50 percent increase in dental reimbursement
 6-26 rates for services to children enrolled in the medical assistance
 6-27 program and covered by the Joint Motion (\$661.6 million in All Funds
 6-28 including \$258.7 million in General Revenue);

6-29 (3) a targeted rate increase for certain specialists
 6-30 for services to children enrolled in the medical assistance program
 6-31 and covered by the Joint Motion (\$125.9 million in All Funds
 6-32 including \$50 million in General Revenue);

6-33 (4) strategic dental and medical initiatives
 6-34 concerning services to children enrolled in the medical assistance
 6-35 program and covered by the Joint Motion (\$150 million in General
 6-36 Revenue) which may include but are not limited to the following:

6-37 (A) mobile medical and dental vans and operations
 6-38 in underserved areas of the state, commencing with health and human
 6-39 services Region 11;

6-40 (B) stipends or other incentives that qualify for
 6-41 federal financial participation to health care professionals who
 6-42 provide health care services in an underserved area to children
 6-43 enrolled in the medical assistance program;

6-44 (C) targeted rate adjustments not otherwise
 6-45 included in Subdivisions (1)-(3) of this subsection that further
 6-46 improve access for children enrolled in the medical assistance
 6-47 program;

6-48 (D) improvements in medical transportation;

6-49 (E) improvements such as the Medicaid Access Card
 6-50 that simplify access to medically necessary services and enhance
 6-51 scheduling and notification of required check-ups and follow-up
 6-52 care;

6-53 (F) appropriate efforts to provide specialty
 6-54 services in or near underserved areas, such as providing for
 6-55 regular, periodic clinics by specialists in communities that are
 6-56 closer to underserved areas than the specialists' regular offices;
 6-57 and

6-58 (G) other appropriate strategic initiatives to
 6-59 improve the access to medically necessary services in underserved
 6-60 areas of the state for children enrolled in the medical assistance
 6-61 program and covered by the Joint Motion;

6-62 (5) implementation of the judicially-approved
 6-63 Corrective Action Plans (\$113.4 million in All Funds including \$45
 6-64 million in General Revenue); and

6-65 (6) reasonable variances in utilization or cost
 6-66 estimates of the court-ordered Corrective Action Plans.

6-67 (f) Notwithstanding any provision of any appropriating Act
 6-68 to the contrary, the Executive Commissioner is authorized to adjust
 6-69 staffing levels and to acquire capital items to the extent the

7-1 Executive Commissioner determines is necessary to ensure
7-2 compliance with the judicially-approved Corrective Action Plans,
7-3 subject to the following requirements:

7-4 (1) staffing and capital equipment needs must be
7-5 described in adequate detail in the plan submitted by the Executive
7-6 Commissioner pursuant to Subsection (d) of this section, to the
7-7 extent such needs are known at the time the plan is submitted; and

7-8 (2) to the extent such needs are not known at that
7-9 time, the Executive Commissioner shall amend the plan and notify
7-10 the Legislative Budget Board and the Office of the Governor not
7-11 later than:

7-12 (A) the 30th day following the date the Executive
7-13 Commissioner determines that additional staffing and capital items
7-14 are required; and

7-15 (B) the 10th day before the date the number of
7-16 FTEs are adjusted or capital equipment is acquired in a manner that
7-17 differs from the original plan or an earlier amendment to the plan.

7-18 SECTION 21. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:

7-19 CPS REFORM. (a) In addition to amounts previously appropriated for
7-20 the state fiscal biennium ending August 31, 2007, the following
7-21 amounts are appropriated to the Department of Family and Protective
7-22 Services for the two-year period beginning on the effective date of
7-23 this Act to initiate child protective services reforms relating to
7-24 family group decision-making, in-home family support, redaction of
7-25 adoption records, improvement of court services, tablet personal
7-26 computers for conservatorship workers, and centralization of
7-27 background and criminal history checks:

7-28 (1) \$1,502,423 is appropriated out of the general
7-29 revenue fund; and

7-30 (2) \$2,214,557 in federal funds (TANF) is
7-31 appropriated.

7-32 (b) In addition to the number of full-time equivalent
7-33 employees (FTEs) the Department of Family and Protective Services
7-34 is authorized to employ by other law during the state fiscal year
7-35 ending August 31, 2007, the department may employ an additional 117
7-36 FTEs during the remainder of that period.

7-37 (c) In addition to the capital budget authority previously
7-38 granted for the state fiscal biennium ending August 31, 2007, the
7-39 Department of Family and Protective Services may use an additional
7-40 \$2,033,837 in capital budget authority for programming expenses
7-41 associated with providing tablet personal computers for
7-42 conservatorship workers, child-care licensing staff, and
7-43 residential child-care licensing staff.

7-44 SECTION 22. DEPARTMENT OF AGING AND DISABILITY SERVICES:

7-45 RESTORATION OF COMMUNITY CARE PROVIDER RATES TO FISCAL YEAR 2003
7-46 LEVELS. The amount of \$10,814,194 is appropriated out of the
7-47 general revenue fund and \$16,422,160 in federal funds is
7-48 appropriated to the Department of Aging and Disability Services for
7-49 the two-year period beginning June 1, 2007, for the purpose of
7-50 restoring provider rates to fiscal year 2003 levels in programs for
7-51 home and community-based services, in programs for community living
7-52 assistance and support services (CLASS), in the Texas Home Living
7-53 Waiver program, and in intermediate care facilities for the
7-54 mentally retarded. The adjustment to provider rates for such
7-55 services shall be effective January 1, 2007.

7-56 SECTION 23. DEPARTMENT OF STATE HEALTH SERVICES:

7-57 ANTIVIRALS FOR INFLUENZA PANDEMIC. In addition to amounts
7-58 previously appropriated for the state fiscal biennium ending August
7-59 31, 2007, the amount of \$11,000,000 is appropriated out of the
7-60 general revenue fund to the Department of State Health Services for
7-61 the two-year period beginning on the effective date of this Act for
7-62 the purpose of purchasing antiviral drugs for use in the event of an
7-63 influenza pandemic.

7-64 SECTION 24. COMPTROLLER OF PUBLIC ACCOUNTS: SUPPORT FOR TAX

7-65 ADMINISTRATION DUTIES AND STATEWIDE FISCAL RESPONSIBILITIES. In
7-66 addition to other amounts appropriated for the state fiscal
7-67 biennium ending August 31, 2009, that may be used for this purpose,
7-68 the amount of \$4,100,000 is appropriated out of the general revenue
7-69 fund to the comptroller of public accounts for the state fiscal

8-1 biennium ending August 31, 2009, for the purpose of supporting the
8-2 comptroller's tax administration duties and statewide fiscal
8-3 responsibilities.

8-4 SECTION 25. GENERAL LAND OFFICE AND VETERANS' LAND BOARD:
8-5 DERELICT STRUCTURE REMOVAL. In addition to other amounts
8-6 appropriated for the state fiscal biennium ending August 31, 2007,
8-7 the amount of \$2,000,000 is appropriated out of the general
8-8 revenue-dedicated coastal protection account No. 27 to the General
8-9 Land Office and Veterans' Land Board for the two-year period
8-10 beginning on the effective date of this Act for the purpose of
8-11 removing and disposing of the Zeus jack rig, an off-shore oil
8-12 platform abandoned in the Freeport Channel.

8-13 SECTION 26. SECRETARY OF STATE: COSTS OF MAY 12
8-14 CONSTITUTIONAL AMENDMENT ELECTION. In addition to other amounts
8-15 appropriated for the state fiscal biennium ending August 31, 2007,
8-16 the amount of \$5,000,000 is appropriated out of the general revenue
8-17 fund to the secretary of state for the two-year period beginning on
8-18 the effective date of this Act for the purpose of reimbursing each
8-19 county in this state for the expense incurred by the county in
8-20 conducting the election held on May 12, 2007, at which a proposed
8-21 amendment to the Texas Constitution was on the ballot.

8-22 SECTION 27. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:
8-23 HELOTES FIRE. In addition to other amounts appropriated for the
8-24 state fiscal biennium ending August 31, 2007, the amount of
8-25 \$2,800,000 is appropriated out of the general revenue-dedicated
8-26 solid waste disposal fees account No. 5000 to the Texas Commission
8-27 on Environmental Quality for the two-year period beginning on the
8-28 effective date of this Act for the purpose of supporting efforts to
8-29 extinguish the fire in or near the city of Helotes on property owned
8-30 by H.L. Zumwalt Construction, Inc., that poses a potential threat
8-31 to Edwards Aquifer groundwater.

8-32 SECTION 28. TEXAS YOUTH COMMISSION: OPERATING EXPENSES.
8-33 In addition to amounts previously appropriated for the state fiscal
8-34 biennium ending August 31, 2007, the amount of \$20,000,000 is
8-35 appropriated out of the general revenue fund to the Texas Youth
8-36 Commission for the two-year period beginning on the effective date
8-37 of this Act for the purpose of providing for the agency's operating
8-38 expenses and video surveillance needs. Notwithstanding any
8-39 limitation on the capital budget authority of the Texas Youth
8-40 Commission, the commission may expend the amount necessary from the
8-41 appropriation made by this section to acquire needed video
8-42 surveillance equipment.

8-43 SECTION 29. DATA CENTER SERVICES. (a) The following
8-44 amounts are appropriated for the state fiscal biennium ending
8-45 August 31, 2009, to the following agencies for the purpose of making
8-46 payments for data center services:

8-47 (1) \$154,354 is appropriated out of the general
8-48 revenue fund to the Railroad Commission of Texas;

8-49 (2) \$1,124,521 is appropriated out of the general
8-50 revenue fund and an additional \$4,856,648 is appropriated out of
8-51 general revenue dedicated accounts to the Texas Commission on
8-52 Environmental Quality;

8-53 (3) \$381,705 is appropriated out of the general
8-54 revenue fund, an additional \$17,699 is appropriated out of general
8-55 revenue dedicated accounts, and \$1,937,066 in federal funds is
8-56 appropriated to the Texas Workforce Commission;

8-57 (4) \$958,928 is appropriated out of the state highway
8-58 fund to the Texas Department of Transportation;

8-59 (5) \$2,734,431 is appropriated out of general revenue
8-60 dedicated accounts to the Parks and Wildlife Department;

8-61 (6) \$339,523 is appropriated out of the general
8-62 revenue fund to the Texas State Library and Archives Commission;

8-63 (7) \$773,164 is appropriated out of the general
8-64 revenue fund to the secretary of state;

8-65 (8) \$1,295,979 is appropriated out of the general
8-66 revenue fund, \$136,277 in other funds is appropriated, and \$778,098
8-67 in federal funds is appropriated to the Texas Education Agency;

8-68 (9) \$552,478 is appropriated out of the general
8-69 revenue fund, \$590,858 in other funds is appropriated, and \$10,995

9-1 in federal funds is appropriated to the Texas Higher Education
9-2 Coordinating Board;

9-3 (10) \$519,429 is appropriated out of the general
9-4 revenue fund to the Public Utility Commission of Texas;

9-5 (11) \$78,920 is appropriated out of the general
9-6 revenue fund to the General Land Office;

9-7 (12) \$1,929,901 is appropriated out of the general
9-8 revenue fund to the Office of the Attorney General;

9-9 (13) \$329,626 is appropriated out of the general
9-10 revenue fund to the Texas Alcoholic Beverage Commission;

9-11 (14) \$147,631 is appropriated out of the general
9-12 revenue fund to the Texas Department of Licensing and Regulation;

9-13 (15) \$2,466,681 is appropriated out of the general
9-14 revenue fund to the Texas Water Development Board; and

9-15 (16) \$839,500 is appropriated out of the general
9-16 revenue fund to the Texas Youth Commission.

9-17 (b) The amount of \$8,081,368 is appropriated out of the
9-18 general revenue fund to the Department of Information Resources for
9-19 the state fiscal year ending August 31, 2007, for the purpose of
9-20 transferring funds to state agencies as necessary for use by the
9-21 agencies in making payments for data center services.

9-22 (c) The following amounts are appropriated out of the
9-23 general revenue fund to the Department of Information Resources for
9-24 the purpose of paying one-time costs related to the data center
9-25 services contract:

9-26 (1) in addition to amounts previously appropriated for
9-27 the state fiscal biennium ending August 31, 2007, the amount of
9-28 \$32,335,000 is appropriated for the two-year period beginning on
9-29 the effective date of this Act; and

9-30 (2) in addition to other amounts appropriated for all
9-31 or part of the state fiscal biennium ending August 31, 2009, that
9-32 may be used for this purpose, the amount of \$34,385,000 is
9-33 appropriated for the state fiscal year ending August 31, 2008, and
9-34 the amount of \$9,935,000 is appropriated for the state fiscal year
9-35 ending August 31, 2009.

9-36 (d) As a result of reduced costs due to the implementation
9-37 of Chapter 1068, Acts of the 79th Legislature, Regular Session,
9-38 2005 (House Bill 1516), appropriations to the Employees Retirement
9-39 System for the state fiscal year ending August 31, 2007, are reduced
9-40 by the following amounts to reflect decreased retirement program
9-41 costs:

9-42 (1) appropriations out of the general revenue fund are
9-43 reduced by \$221,782;

9-44 (2) appropriations out of general revenue dedicated
9-45 accounts are reduced by \$58,608; and

9-46 (3) appropriations out of other funds are reduced by
9-47 \$88,412.

9-48 (e) As a result of reduced costs due to the implementation
9-49 of Chapter 1068, Acts of the 79th Legislature, Regular Session,
9-50 2005 (House Bill 1516), appropriations to the Employees Retirement
9-51 System for the state fiscal year ending August 31, 2007, are reduced
9-52 by the following amounts to reflect decreased insurance program
9-53 costs:

9-54 (1) appropriations out of the general revenue fund are
9-55 reduced by \$487,921;

9-56 (2) appropriations out of general revenue dedicated
9-57 accounts are reduced by \$128,937; and

9-58 (3) appropriations out of other funds are reduced by
9-59 \$194,507.

9-60 (f) As a result of reduced costs due to the implementation
9-61 of Chapter 1068, Acts of the 79th Legislature, Regular Session,
9-62 2005 (House Bill 1516), appropriations to the Comptroller of Public
9-63 Accounts for the state match for social security for the state
9-64 fiscal year ending August 31, 2007, are reduced by the following
9-65 amounts to reflect decreased social security costs:

9-66 (1) appropriations out of the general revenue fund are
9-67 reduced by \$263,044;

9-68 (2) appropriations out of general revenue dedicated
9-69 accounts are reduced by \$69,511; and

(3) appropriations out of other funds are reduced by \$104,861.

(g) As a result of reduced costs due to the implementation of Chapter 1068, Acts of the 79th Legislature, Regular Session, 2005 (House Bill 1516), appropriations to the Comptroller of Public Accounts made by Section 13.17(b), Article IX, Chapter 1369, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act), for the state fiscal year ending August 31, 2007, are reduced by the following amounts to reflect decreased salary costs:

(1) appropriations out of the general revenue fund are reduced by \$140,729;

(2) appropriations out of general revenue dedicated accounts are reduced by \$37,189; and

(3) appropriations out of other funds are reduced by \$56,101.

(h) As a result of reduced costs due to the implementation of Chapter 1068, Acts of the 79th Legislature, Regular Session, 2005 (House Bill 1516), appropriations to the Texas Department of Insurance for the state fiscal biennium ending August 31, 2009, are reduced by the following amounts to reflect decreased costs:

(1) appropriations out of the general revenue fund are reduced by \$912,610; and

(2) appropriations out of general revenue dedicated accounts are reduced by \$1,153,023.

(i) As a result of reduced costs due to the implementation of Chapter 1068, Acts of the 79th Legislature, Regular Session, 2005 (House Bill 1516), appropriations to the Department of Family and Protective Services for the state fiscal biennium ending August 31, 2009, are reduced by the following amounts to reflect decreased costs:

(1) appropriations out of the general revenue fund are reduced by \$2,192,309; and

(2) federal funds appropriations are reduced by \$371,007.

(j) As a result of reduced costs due to the implementation of Chapter 1068, Acts of the 79th Legislature, Regular Session, 2005 (House Bill 1516), appropriations to the Department of Public Safety for the state fiscal biennium ending August 31, 2009, are reduced by the following amounts to reflect decreased costs:

(1) appropriations out of the state highway fund are reduced by \$83,250; and

(2) appropriations out of general revenue dedicated accounts are reduced by \$141,750.

(k) As a result of reduced costs due to the implementation of Chapter 1068, Acts of the 79th Legislature, Regular Session, 2005 (House Bill 1516), appropriations to the Texas Building and Procurement Commission for the state fiscal biennium ending August 31, 2009, are reduced by the following amounts to reflect decreased costs:

(1) appropriations out of the general revenue fund are reduced by \$844,083;

(2) appropriations out of general revenue dedicated accounts are reduced by \$34,450; and

(3) appropriations out of other funds are reduced by \$289,273.

(l) As a result of reduced costs due to the implementation of Chapter 1068, Acts of the 79th Legislature, Regular Session, 2005 (House Bill 1516), appropriations out of the general revenue fund to the Department of Agriculture for the state fiscal biennium ending August 31, 2009, are reduced by \$105,478 to reflect decreased costs.

(m) If this section makes an appropriation to an agency out of general revenue dedicated accounts or out of other funds, or reduces an agency's appropriation out of general revenue dedicated accounts or out of other funds, under circumstances in which more than one general revenue dedicated account or source of other funds could be involved, the comptroller with the assistance of the affected agency shall allocate the appropriation or reduction in

11-1 appropriations among the dedicated accounts or sources of other
11-2 funds according to:

11-3 (1) the amounts available in the affected accounts or
11-4 from the sources of other funds; and

11-5 (2) the extent to which the programs supported by the
11-6 dedicated accounts or sources of other funds are supported by the
11-7 appropriation or, in the case of a reduction in appropriations,
11-8 supported by the implementation of Chapter 1068, Acts of the 79th
11-9 Legislature, Regular Session, 2005 (House Bill 1516).

11-10 (n)(1) Amounts appropriated by Subsection (c) of this
11-11 section may be used only for one-time implementation costs directly
11-12 related to consolidating data center services, such as costs for
11-13 labor, hardware, software, software upgrades, travel, human
11-14 resources expenses, moving and living expenses of transitioned
11-15 employees, consulting, communications, inventory of in-scope
11-16 equipment, and facilities renovations to consolidated data
11-17 centers, customer data centers, and customer remote facilities.

11-18 (2) As necessary to maximize the receipt of federal
11-19 funds, amounts appropriated by Subsection (c) of this section may
11-20 be transferred by the Department of Information Resources to state
11-21 agencies involved in the data center contract for use by the
11-22 agencies only for the purpose stated by Subsection (c) of this
11-23 section and this subsection. Notwithstanding any authority granted
11-24 by this Act or a General Appropriations Act to transfer
11-25 appropriated money between strategies, amounts appropriated by
11-26 Subsection (c) of this section are not available for any purpose
11-27 other than the purpose stated by Subsection (c) and this
11-28 subsection.

11-29 (3) The Department of Information Resources may not
11-30 spend amounts appropriated by Subsection (c) of this section and an
11-31 agency to which the department transfers money under this
11-32 subsection may not spend a transferred amount unless, more than 21
11-33 days before the department spends or transfers the money, as
11-34 applicable, the department reports to the Legislative Budget Board
11-35 and the Governor the intended use of the funds and, for money
11-36 transferred to another agency under this subsection, the specific
11-37 amounts proposed to be transferred. Amounts appropriated by
11-38 Subsection (c) of this section may not be expended to the extent:

11-39 (A) the Governor issues a written disapproval of
11-40 a proposed expenditure not later than the 21st business day after
11-41 the date the Governor receives the report from the department
11-42 concerning the proposed expenditure; or

11-43 (B) the Legislative Budget Board issues a written
11-44 disapproval of a proposed expenditure not later than the 21st
11-45 business day after the date the staff of the Legislative Budget
11-46 Board concludes its review of the report from the department
11-47 concerning the proposed expenditure and forwards the staff's
11-48 conclusions or comments to the Chair of the House Appropriations
11-49 Committee, Chair of the Senate Finance Committee, Speaker of the
11-50 House of Representatives, and Lieutenant Governor.

11-51 (4) Amounts appropriated by Subsection (c) of this
11-52 section may not be used by the department or another agency to pay
11-53 for costs incurred by the department to administer and oversee the
11-54 data center services contract.

11-55 SECTION 30. PREVIOUSLY AUTHORIZED DEFERRALS OF AUGUST 2007
11-56 PAYMENTS. (a) The following riders in Article II, Chapter 1369,
11-57 Acts of the 79th Legislature, Regular Session, 2005 (the General
11-58 Appropriations Act) are repealed:

11-59 (1) Rider 66 following the appropriations to the
11-60 Health and Human Services Commission;

11-61 (2) Rider 21 following the appropriations to the
11-62 Department of Aging and Disability Services;

11-63 (3) Rider 48 following the appropriations to the
11-64 Department of Aging and Disability Services; and

11-65 (4) Rider 25 following the appropriations to the
11-66 Department of Family and Protective Services.

11-67 (b) The following unencumbered amounts appropriated to the
11-68 Health and Human Services Commission for the state fiscal biennium
11-69 ending August 31, 2007, are transferred as follows:

12-1 (1) the amount of \$122,701,559 in general revenue is
12-2 transferred to the Department of Aging and Disability Services for
12-3 expenditure by the department during the state fiscal year ending
12-4 August 31, 2007, or if appropriate, during the state fiscal year
12-5 ending August 31, 2008, in connection with making payments for
12-6 August 2007 services; and

12-7 (2) the amount of \$12,792,244 in general revenue is
12-8 transferred to the Department of Family and Protective Services for
12-9 expenditure by the department during the state fiscal year ending
12-10 August 31, 2007, or if appropriate, during the state fiscal year
12-11 ending August 31, 2008, in connection with making payments for
12-12 August 2007 services.

12-13 SECTION 31. TRANSFERS TO DEPARTMENT OF ASSISTIVE AND
12-14 REHABILITATIVE SERVICES FOR VOCATIONAL REHABILITATION. The
12-15 unencumbered amount of \$1,541,628 in general revenue appropriated
12-16 to the Health and Human Services Commission for the state fiscal
12-17 biennium ending August 31, 2007, is transferred to the Department
12-18 of Assistive and Rehabilitative Services for expenditure by the
12-19 department during the two-year period beginning on the effective
12-20 date of this Act for vocational rehabilitation.

12-21 SECTION 32. TRANSFERS TO DEPARTMENT OF FAMILY AND
12-22 PROTECTIVE SERVICES FOR SUPPLEMENTAL NEEDS. The unencumbered
12-23 amount of \$13,047,000 in general revenue appropriated to the Health
12-24 and Human Services Commission for the state fiscal biennium ending
12-25 August 31, 2007, is transferred to the Department of Family and
12-26 Protective Services for expenditure by the department during the
12-27 two-year period beginning on the effective date of this Act for the
12-28 purpose of making foster care and adoption subsidy payments.

12-29 SECTION 33. APPROPRIATION REDUCTION: TEACHER RETIREMENT
12-30 SYSTEM, TRS-CARE. The unencumbered appropriations from the general
12-31 revenue fund appropriated to the Teacher Retirement System for use
12-32 during the state fiscal year ending August 31, 2007, by Chapter
12-33 1369, Acts of the 79th Legislature, Regular Session, 2005 (the
12-34 General Appropriations Act) under Strategy A.3.1 for the Teacher
12-35 Retirement System (Retiree Health - Supplemental Funds) are reduced
12-36 by the amount of \$76,644,468.

12-37 SECTION 34. REDUCTION IN VETOED FUNDS APPROPRIATION. The
12-38 appropriations made from general revenue by Section 13.18, Article
12-39 IX, Chapter 1369, Acts of the 79th Legislature, Regular Session,
12-40 2005 (the General Appropriations Act), are reduced by the amount of
12-41 \$463,973,206.

12-42 SECTION 35. EFFECTIVE DATE. This Act takes effect
12-43 immediately.

12-44 * * * * *