

By: Pitts, Eiland

H.B. No. 4586

A BILL TO BE ENTITLED

AN ACT

relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority and prescribing limitations regarding appropriations.

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

SECTION 1. DATA CENTER SERVICES. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the following amounts are appropriated out of the general revenue fund for the two-year period beginning on the effective date of this Act to the following agencies for the purpose of providing funding for unanticipated increases in consumption related to data center services:

(1) \$128,000 is appropriated out of the general revenue fund to the Texas Facilities Commission;

(2) \$278,855 is appropriated out of the general revenue fund to the secretary of state;

(3) \$6,730,000 is appropriated out of the general revenue fund to the Texas Department of Criminal Justice;

(4) \$150,991 is appropriated out of the general revenue fund to the Texas Youth Commission;

(5) \$42,089 is appropriated out of the general revenue fund to the Department of Agriculture;

(6) \$1,094,830 is appropriated out of general revenue dedicated account number 550, \$121,648 is appropriated out of

1 general revenue dedicated account number 549, \$64,706 is  
2 appropriated out of general revenue dedicated account number 153,  
3 and \$12,941 is appropriated out of general revenue dedicated  
4 account number 151 to the Texas Commission on Environmental  
5 Quality;

6 (7) \$1,179,894 is appropriated out of the general  
7 revenue fund to the Parks and Wildlife Department;

8 (8) \$349,929 is appropriated out of the general  
9 revenue fund to the Railroad Commission;

10 (9) \$135,999 is appropriated out of the general  
11 revenue fund to the Department of Licensing and Regulation; and

12 (10) \$147,687 is appropriated out of the general  
13 revenue fund and \$265,313 is appropriated out of general revenue  
14 dedicated account number 36 to the Texas Department of Insurance.

15 (b) In addition to the capital budget authority previously  
16 granted for the state fiscal biennium ending August 31, 2009, the  
17 agencies listed in Subsection (a) of this section may use the  
18 additional amounts appropriated by this section for capital budget  
19 items in response to unanticipated increases in consumption related  
20 to data center services. If those amounts are transferred by  
21 interagency contract or otherwise to the Department of Information  
22 Resources, the department also may use the additional amounts  
23 appropriated by this section for capital budget items in response  
24 to unanticipated increases in consumption related to data center  
25 services.

26 SECTION 2. CANCER PREVENTION AND RESEARCH INSTITUTE:  
27 OPERATIONS. (a) In addition to amounts previously appropriated for

1 the state fiscal biennium ending August 31, 2009, the amount of  
2 \$917,389 is appropriated out of the general revenue fund to the  
3 Cancer Prevention and Research Institute for the two-year period  
4 beginning on the effective date of this Act for the purpose of  
5 providing for salaries and wages, travel, acquisition of  
6 information technology, computers, furniture, legal counseling,  
7 and contracts.

8 (b) In addition to the number of full-time equivalent  
9 employees (FTEs) the Cancer Prevention and Research Institute is  
10 authorized by other law to employ during the state fiscal year  
11 ending August 31, 2009, the center may employ an additional 16.0  
12 FTEs during that state fiscal year.

13 SECTION 3. TEXAS FACILITIES COMMISSION: UTILITY COSTS. (a)  
14 In addition to amounts previously appropriated for the state fiscal  
15 biennium ending August 31, 2009, the amount of \$2,396,612 is  
16 appropriated out of the general revenue fund to the Texas  
17 Facilities Commission under Strategy B.2.1, Building Design and  
18 Construction, for the two-year period beginning on the effective  
19 date of this Act for the purpose of providing for payment of  
20 increased utility costs as a result of an increase in utility rates.

21 (b) Notwithstanding Article IX, Section 14.01,  
22 Appropriation Transfers, or similar provisions of Chapter 1428  
23 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the  
24 General Appropriations Act), funds appropriated by this section may  
25 not be transferred by the commission to another appropriation item  
26 or be used by the commission for a purpose other than payment of  
27 utility expenses without the prior written approval of the

Legislative Budget Board.

SECTION 4. TEXAS ETHICS COMMISSION: *FREE MARKET ASSOCIATION*  
*V. TEXAS ETHICS COMMISSION*. In addition to amounts previously  
appropriated for the state fiscal biennium ending August 31, 2009,  
the amount of \$188,349 is appropriated out of the general revenue  
fund to the Texas Ethics Commission for the fiscal year ending  
August 31, 2009, for the purpose of reimbursing the commission for  
the payment of the judgment on October 2, 2008, in *Free Market*  
*Association of Texas v. Texas Ethics Commission* in the United  
States District Court for the Western District of Texas, Austin  
Division.

SECTION 5. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION:  
LORENZO DE ZAVALA BUILDING. In addition to amounts previously  
appropriated for the state fiscal biennium ending August 31, 2009,  
the amount of \$1,894,676 is appropriated out of the general revenue  
fund to the Texas State Library and Archives Commission for the  
two-year period beginning on the effective date of this Act for the  
purchase of furniture and shelving for the Lorenzo de Zavala  
Building.

SECTION 6. HISTORICAL COMMISSION: RESTORATION OF THE  
GOVERNOR'S MANSION. In addition to amounts previously appropriated  
for the state fiscal biennium ending August 31, 2009, the amount of  
\$8,289,680 is appropriated out of the general revenue fund to the  
Texas Historical Commission for the two-year period beginning on  
the effective date of this Act for costs associated with the  
restoration of the Governor's Mansion.

SECTION 7. HEALTH AND HUMAN SERVICES COMMISSION: RED LIGHT

1 CAMERA TRAUMA FUND. In addition to amounts previously appropriated  
2 for the state fiscal biennium ending August 31, 2009, all revenue  
3 deposited to the Regional Trauma Account 5137 (Red Light Camera  
4 Trauma Fund) (estimated to be \$6,712,284) is appropriated under  
5 Strategy A.1.1, Enterprise Oversight and Policy, to the Health and  
6 Human Services Commission for the state fiscal year ending August  
7 31, 2009, to be used to reimburse uncompensated trauma care.

8 SECTION 8. TEXAS EDUCATION AGENCY: CRIMINAL HISTORY  
9 BACKGROUND CHECKS. In addition to amounts previously appropriated  
10 for the state fiscal biennium ending August 31, 2009, the amount of  
11 \$2,630,206 is appropriated out of the general revenue fund to the  
12 Texas Education Agency for the two-year period beginning on the  
13 effective date of this Act to conduct criminal history background  
14 checks pursuant to Chapter 1372 (S.B. 9), Acts of the 80th  
15 Legislature, Regular Session, 2007.

16 SECTION 9. APPROPRIATION FOR REBUILDING OF SCHOOL FACILITY  
17 DAMAGED BY HURRICANE. In addition to other amounts appropriated to  
18 the Texas Education Agency for the state fiscal year ending August  
19 31, 2009, the amount of \$8,000,000 in general revenue is  
20 appropriated to the Texas Education Agency for the state fiscal  
21 year ending August 31, 2009, for distribution, as authorized by  
22 Section 51, Article III, Texas Constitution, to the Bridge City  
23 Independent School District to rebuild the elementary school that  
24 suffered extensive damage during Hurricane Ike.

25 SECTION 10. LAMAR STATE COLLEGE--ORANGE: APPROPRIATION FOR  
26 HURRICANE IKE DAMAGE. The amount of \$3,600,000 in general revenue  
27 is appropriated to Lamar State College--Orange for the two-year

1 period beginning on the effective date of this Act for the purpose  
2 of paying or reimbursing costs incurred in connection with damages  
3 caused by Hurricane Ike.

4       SECTION 11. HIGHER EDUCATION GROUP INSURANCE  
5 CONTRIBUTIONS. In addition to amounts previously appropriated for  
6 the state fiscal biennium ending August 31, 2009, the following  
7 amounts are appropriated out of the general revenue fund for the  
8 two-year period beginning on the effective date of this Act to the  
9 following community and junior colleges for the purpose of  
10 restoring fiscal year 2009 proportional state contributions for  
11 health benefits and providing a transitional adjustment sufficient  
12 to set the restoration total for each institution at an amount equal  
13 to the amount of the fiscal year 2009 higher education group  
14 insurance contribution for each institution included in the line  
15 item veto for Chapter 1428 (H.B. 1), Acts of the 80th Legislature,  
16 Regular Session, 2007 (the General Appropriations Act):

17               (1) \$12,185,357 is appropriated out of the general  
18 revenue fund to Alamo Community College;

19               (2) \$1,574,860 is appropriated out of the general  
20 revenue fund to Alvin Community College;

21               (3) \$3,758,285 is appropriated out of the general  
22 revenue fund to Amarillo College;

23               (4) \$1,367,325 is appropriated out of the general  
24 revenue fund to Angelina College;

25               (5) \$7,164,544 is appropriated out of the general  
26 revenue fund to Austin Community College;

27               (6) \$3,054,600 is appropriated out of the general

1 revenue fund to Blinn College;  
2 (7) \$1,373,650 is appropriated out of the general  
3 revenue fund to Brazosport College;  
4 (8) \$2,731,087 is appropriated out of the general  
5 revenue fund to Central Texas College;  
6 (9) \$990,189 is appropriated out of the general  
7 revenue fund to Cisco Junior College;  
8 (10) \$461,040 is appropriated out of the general  
9 revenue fund to Clarendon College;  
10 (11) \$1,497,422 is appropriated out of the general  
11 revenue fund to Coastal Bend College;  
12 (12) \$2,138,088 is appropriated out of the general  
13 revenue fund to the College of the Mainland;  
14 (13) \$3,784,295 is appropriated out of the general  
15 revenue fund to Collin County Community College;  
16 (14) \$15,758,341 is appropriated out of the general  
17 revenue fund to the Dallas County Community College District;  
18 (15) \$4,018,340 is appropriated out of the general  
19 revenue fund to Del Mar College;  
20 (16) \$6,182,391 is appropriated out of the general  
21 revenue fund to El Paso Community College;  
22 (17) \$585,527 is appropriated out of the general  
23 revenue fund to Frank Phillips College;  
24 (18) \$943,016 is appropriated out of the general  
25 revenue fund to Galveston College;  
26 (19) \$1,468,952 is appropriated out of the general  
27 revenue fund to Grayson County College;

1           (20)   \$954,181 is appropriated out of the general  
2 revenue fund to Hill College;

3           (21)   \$10,278,053 is appropriated out of the general  
4 revenue fund to Houston Community College;

5           (22)   \$1,813,685 is appropriated out of the general  
6 revenue fund to Howard College;

7           (23)   \$2,129,068 is appropriated out of the general  
8 revenue fund to Kilgore College;

9           (24)   \$3,342,228 is appropriated out of the general  
10 revenue fund to Laredo Community College;

11          (25)   \$2,119,681 is appropriated out of the general  
12 revenue fund to Lee College;

13          (26)   \$8,670,589 is appropriated out of the general  
14 revenue fund to the Lone Star College System;

15          (27)   \$2,724,160 is appropriated out of the general  
16 revenue fund to McLennan Community College;

17          (28)   \$2,065,163 is appropriated out of the general  
18 revenue fund to Midland College;

19          (29)   \$1,470,933 is appropriated out of the general  
20 revenue fund to Navarro College;

21          (30)   \$1,418,908 is appropriated out of the general  
22 revenue fund to North Central Texas College;

23          (31)   \$874,764 is appropriated out of the general  
24 revenue fund to Northeast Texas Community College;

25          (32)   \$1,963,198 is appropriated out of the general  
26 revenue fund to Odessa College;

27          (33)   \$945,499 is appropriated out of the general



1 revenue fund to Panola College;

2                   (34) \$1,278,367 is appropriated out of the general

3 revenue fund to Paris Junior College;

4                   (35) \$474,991 is appropriated out of the general

5 revenue fund to Ranger College;

6                   (36) \$6,628,666 is appropriated out of the general

7 revenue fund to San Jacinto College;

8                   (37) \$3,338,955 is appropriated out of the general

9 revenue fund to South Plains College;

10                  (38) \$3,985,978 is appropriated out of the general

11 revenue fund to South Texas College;

12                  (39) \$1,666,736 is appropriated out of the general

13 revenue fund to Southwest Texas Junior College;

14                  (40) \$9,207,978 is appropriated out of the general

15 revenue fund to Tarrant County College;

16                  (41) \$1,330,783 is appropriated out of the general

17 revenue fund to Temple College;

18                  (42) \$1,667,329 is appropriated out of the general

19 revenue fund to Texarkana College;

20                  (43) \$1,706,940 is appropriated out of the general

21 revenue fund to Trinity Valley Community College;

22                  (44) \$3,361,192 is appropriated out of the general

23 revenue fund to Tyler Junior College;

24                  (45) \$1,120,729 is appropriated out of the general

25 revenue fund to Vernon College;

26                  (46) \$1,519,013 is appropriated out of the general

27 revenue fund to Victoria College;

1           (47) \$1,397,289 is appropriated out of the general  
2 revenue fund to Weatherford College;

3           (48) \$694,843 is appropriated out of the general  
4 revenue fund to Western Texas College; and

5           (49) \$1,789,670 is appropriated out of the general  
6 revenue fund to Wharton County Junior College.

7           SECTION 12. TEXAS FOREST SERVICE: VOLUNTEER FIRE DEPARTMENT  
8 ASSISTANCE PROGRAM. In addition to amounts previously appropriated  
9 for the state fiscal biennium ending August 31, 2009, the amount of  
10 \$2,500,000 is appropriated out of general revenue fund dedicated  
11 account number 5064 to the Texas Forest Service for the two-year  
12 period beginning on the effective date of this Act for grants to  
13 volunteer fire departments for training and equipment through the  
14 Volunteer Fire Department Assistance Program.

15           SECTION 13. UNIVERSITY OF TEXAS MEDICAL BRANCH: HIGHER  
16 EDUCATION GROUP INSURANCE CONTRIBUTIONS. In addition to amounts  
17 previously appropriated for the state fiscal biennium ending August  
18 31, 2009, the amount of \$500,000 is appropriated out of the general  
19 revenue fund to The University of Texas Medical Branch at Galveston  
20 for the two-year period beginning on the effective date of this Act  
21 for additional contributions made to higher education group  
22 insurance made on behalf of 47 full-time equivalent positions  
23 transferred under a contract with the Texas Youth Commission from  
24 the Texas Tech University Health Sciences Center to The University  
25 of Texas Medical Branch.

26           SECTION 14. THE UNIVERSITY OF NORTH TEXAS SYSTEM:  
27 REIMBURSEMENT FOR PLANNING AND DESIGN. In addition to amounts

1 previously appropriated for the state fiscal biennium ending August  
2 31, 2009, the amount of \$2,800,000 is appropriated out of the  
3 general revenue fund to the University of North Texas System for the  
4 two-year period beginning on the effective date of this Act for the  
5 purpose of reimbursing the cost of planning and design for  
6 construction of a second academic building at the Dallas campus.  
7 The legislature finds there is a demonstrated need for undertaking  
8 the planning and design process for this building.

9 SECTION 15. TEXAS DEPARTMENT OF CRIMINAL JUSTICE:  
10 OPERATIONS. In addition to amounts previously appropriated for the  
11 state fiscal biennium ending August 31, 2009, the amount of  
12 \$125,112,392 is appropriated out of the general revenue fund to the  
13 Texas Department of Criminal Justice for the two-year period  
14 beginning on the effective date of this Act for the purpose of  
15 providing for salaries and wages, hazardous duty and longevity pay,  
16 overtime pay, food for wards of the state, contracted temporary  
17 capacity, utilities, and fuel.

18 SECTION 16. TEXAS DEPARTMENT OF CRIMINAL JUSTICE:  
19 CORRECTIONAL MANAGED HEALTH CARE. In addition to amounts previously  
20 appropriated for the state fiscal biennium ending August 31, 2009,  
21 the amount of \$38,955,518 is appropriated out of the general  
22 revenue fund to the Texas Department of Criminal Justice for the  
23 two-year period beginning on the effective date of this Act for the  
24 purpose of providing for correctional managed health care.

25 SECTION 17. WATER DEVELOPMENT BOARD: MEDINA LAKE DAM. In  
26 addition to amounts previously appropriated for the state fiscal  
27 biennium ending August 31, 2009, the amount of \$4,000,000 is

1 appropriated out of the general revenue fund to the Water  
2 Development Board for the two-year period beginning on the  
3 effective date of this Act to be transferred to the Water Assistance  
4 Fund to provide a grant to the Bexar-Medina Atascosa Water Control  
5 and Improvement District #1 for structural improvements to the  
6 Medina Lake Dam.

7       SECTION 18. SOIL AND WATER CONSERVATION BOARD: MILEAGE  
8 REIMBURSEMENT. In addition to amounts previously appropriated for  
9 the state fiscal biennium ending August 31, 2009, the amount of  
10 \$54,664 is appropriated out of the general revenue fund to the Soil  
11 and Water Conservation Board for the two-year period beginning on  
12 the effective date of this Act to provide mileage reimbursement for  
13 soil and water conservation district directors.

14       SECTION 19. TEXAS DEPARTMENT OF TRANSPORTATION: HIGHWAY AND  
15 BRIDGE CONSTRUCTION. In addition to amounts previously  
16 appropriated for the state fiscal biennium ending August 31, 2009,  
17 the amount of \$662,200,000 is appropriated out of funds received  
18 under the American Recovery and Reinvestment Act of 2009 (Pub. L.  
19 No. 111-5) to the Texas Department of Transportation for the  
20 two-year period beginning on the effective date of this Act for the  
21 purpose of highway and bridge construction.

22       SECTION 20. RACING COMMISSION: REVENUE SHORTFALL. In  
23 addition to amounts previously appropriated for the state fiscal  
24 biennium ending August 31, 2009, the amount of \$178,525 is  
25 appropriated out of the general revenue fund to the Racing  
26 Commission for the two-year period beginning on the effective date  
27 of this Act for the purpose of providing for current operations as a

1 result of a revenue shortfall.

2       SECTION 21. APPROPRIATION REDUCTION: THE UNIVERSITY OF  
3 HOUSTON. The unencumbered appropriations from the general revenue  
4 fund appropriated to the University of Houston for use during the  
5 state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B.  
6 1), Acts of the 80th Legislature, Regular Session, 2007 (the  
7 General Appropriations Act), by the Section 55 special item  
8 appropriation for the University of Houston - Wind Energy under the  
9 Special Provisions of Article III of that Act are reduced by  
10 \$4,245,244.

11       SECTION 22. THE UNIVERSITY OF HOUSTON: WIND ENERGY. In  
12 addition to amounts previously appropriated for the state fiscal  
13 biennium ending August 31, 2009, the amount of \$4,245,244 is  
14 appropriated out of the general revenue fund to the University of  
15 Houston for the two-year period beginning on the effective date of  
16 this Act for the purpose of developing and constructing the  
17 National Large Wind Turbine Research and Testing Facility. The  
18 legislature finds there is a demonstrated need to develop and  
19 construct this facility.

20       SECTION 23. JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT:  
21 TRANSFERS. Notwithstanding the transfer limitations of Section  
22 14.01, Article IX, or Rider 4 following the appropriations to the  
23 Judiciary Section, Comptroller's Department, in Chapter 1428 (H.B.  
24 1), Acts of the 80th Legislature, Regular Session, 2007 (the  
25 General Appropriations Act), the Judiciary Section, Comptroller's  
26 Department, may transfer appropriations among items of  
27 appropriations appropriated by Chapter 1428 (H.B. 1), Acts of the

1 80th Legislature, Regular Session, 2007 (the General  
2 Appropriations Act), in any amount during the state fiscal biennium  
3 ending August 31, 2009.

4 SECTION 24. APPROPRIATION REDUCTION: OFFICE OF ATTORNEY  
5 GENERAL. As a result of savings created by the American Recovery and  
6 Reinvestment Act of 2009 (Pub. L. No. 111-5) in providing a  
7 temporary exemption for the use of federal incentives to increase  
8 federal funds, the unencumbered appropriations from the general  
9 revenue fund appropriated to the Office of the Attorney General for  
10 use during the state fiscal biennium ending August 31, 2009, by  
11 Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular  
12 Session, 2007 (the General Appropriations Act), under Strategy  
13 B.1.1, Child Support Enforcement, are reduced by \$27,300,000.

14 SECTION 25. APPROPRIATION REDUCTION: TEXAS TECH UNIVERSITY  
15 HEALTH SCIENCES CENTER. The unencumbered appropriations from the  
16 general revenue fund appropriated to the Texas Tech University  
17 Health Sciences Center for use during the state fiscal biennium  
18 ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th  
19 Legislature, Regular Session, 2007 (the General Appropriations  
20 Act), under Strategy C.1.22, Texas Tech University Health Sciences  
21 Center, are reduced by \$500,000.

22 SECTION 26. APPROPRIATION REDUCTION: TEXAS EDUCATION  
23 AGENCY. The unencumbered appropriations from the foundation school  
24 fund appropriated to the Texas Education Agency for use during the  
25 state fiscal biennium ending August 31, 2009, made by Chapter 1428  
26 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the  
27 General Appropriations Act), under Strategy A.1.1, FSP-Equalized

1 Operations, are reduced by \$500,000,000.

2       SECTION 27. UNEXPENDED BALANCE APPROPRIATION: HEALTH AND  
3 HUMAN SERVICES COMMISSION. The unexpended balance of the  
4 appropriations from the general revenue fund to the Health and  
5 Human Services Commission for use during the state fiscal biennium  
6 ending August 31, 2009, made by Chapter 1428 (H.B. 1), Acts of the  
7 80th Legislature, Regular Session, 2007 (the General  
8 Appropriations Act), under Goal B, Medicaid, in the amount of  
9 \$117,054,148, for the purpose of funding the Frew Strategic  
10 Initiative is appropriated from the general revenue fund to the  
11 Health and Human Services Commission for the purposes of funding  
12 the Frew Strategic Initiative during the state fiscal year ending  
13 August 31, 2010.

14       SECTION 28. TEXAS EDUCATION AGENCY: ADDITIONAL  
15 APPROPRIATION FOR TEXTBOOKS. In addition to amounts previously  
16 appropriated for the state fiscal biennium ending August 31, 2009,  
17 the amount of \$758,084,423 is appropriated out of funds received  
18 under the American Recovery and Reinvestment Act of 2009 (Pub. L.  
19 No. 111-5) to the Texas Education Agency for the two-year period  
20 beginning on the effective date of this Act for the purpose of  
21 providing formula distributions to school districts and charter  
22 schools for the purchase, in cooperation with the  
23 agency, of textbooks under Proclamation 2010 and continuing  
24 contracts related to instructional materials.

25       SECTION 29. OFFICE OF ATTORNEY GENERAL: ADDITIONAL  
26 APPROPRIATION. In addition to amounts previously appropriated for  
27 the state fiscal biennium ending August 31, 2009, the amount of

1 \$27,300,000 is appropriated out of funds received under the  
2 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5)  
3 to the Office of the Attorney General for the two-year period  
4 beginning on the effective date of this Act for the purpose of  
5 providing child support enforcement.

6 SECTION 30. APPROPRIATION REDUCTION/RESTORATION AND  
7 REPORTS AND LIMITS ON THE USE OF APPROPRIATED OR TRANSFERRED FUNDS:  
8 TEXAS A&M UNIVERSITY SYSTEM, TRUSTEED PROGRAMS WITHIN THE OFFICE OF  
9 THE GOVERNOR. (a) The appropriations, from any fund, appropriated  
10 to Texas A&M University or The Texas A&M University System or an  
11 affiliated entity or to the Trusteed Programs within the Office of  
12 the Governor for use during the state fiscal biennium ending August  
13 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature,  
14 Regular Session, 2007 (the General Appropriations Act), that are  
15 used or proposed to be used for a project described by Subsection  
16 (b) of this section are reduced entirely by this section and  
17 reappropriated in their entirety by this section subject to the  
18 restrictions prescribed by this section.

19 (b) This section applies to all appropriated funds used by  
20 or for the benefit of, or used in furtherance of, a project or  
21 undertaking of The Texas A&M University System's National Center  
22 for Therapeutics Manufacturing (the "Center"), the Institute for  
23 Advanced Therapeutics, the Texas Institute for Genomic Medicine,  
24 the Texas Institute for Pre-Clinical Studies, or any similar  
25 institute (collectively referred to as the "Institutes") in  
26 connection with a partnership or joint venture for research or  
27 manufacturing or a related activity with The Texas A&M University



1 System ("System") or an entity affiliated with the System,  
2 including the Texas A&M Health Science Center (collectively  
3 referred to as "A&M").

4 (c) This section applies to all unexpended funds described  
5 by Subsection (b) appropriated or transferred by or under this Act  
6 or by or under a previous Act of the legislature, specifically  
7 including but not limited to all appropriated funds transferred  
8 from the governor, the Office of the Governor, or the Trusteed  
9 Programs within the Office of the Governor (collectively referred  
10 to as the "governor") to the System, A&M, the Center, or the  
11 Institutes. Funds to which this section applies are restricted  
12 funds for purposes of this section.

13 (d) All restricted funds under this section may not be  
14 expended or obligated without the written prior approval of the  
15 Legislative Budget Board as provided by Section 69, Article XVI,  
16 Texas Constitution. The System, A&M, the Center, the Institutes,  
17 and the comptroller may not release any restricted funds  
18 appropriated or transferred for the use or expenditure of the  
19 System, A&M, the Center, or the Institutes until the release of the  
20 restricted funds has been approved in writing by the Legislative  
21 Budget Board. The comptroller may not make any transfers of  
22 restricted funds to, for, or on behalf of the System, A&M, the  
23 Center, or the Institutes without the written approval of the  
24 Legislative Budget Board.

25 (e) Not later than the 10th calendar day after the date this  
26 Act takes effect, the System shall provide the Legislative Budget  
27 Board with an initial report related to restricted funds used

1 directly or indirectly in support of the Center or the Institutes,  
2 including the \$50 million transferred from the Emerging Technology  
3 Fund to the System as announced by the governor on March 23, 2009,  
4 and approved by letter dated January 2, 2009, including the  
5 following:

6 (1) a detailed accounting;

7 (2) an accounting for consulting contracts paid by:

8 (A) A&M or the System in support of the Center or  
9 the Institutes; and

10 (B) the Center or the Institutes;

11 (3) an accounting of staff salaries paid by:

12 (A) A&M or the System in support of the Center or  
13 the Institutes; and

14 (B) the Center or the Institutes;

15 (4) an accounting of construction-related expenses  
16 for the Center and the Institutes accompanied by a narrative  
17 description of the progress of any construction that has occurred  
18 or that is planned;

19 (5) a timeline for completion of the construction and  
20 operation of the Center and the Institutes; and

21 (6) such other information as the Legislative Budget  
22 Board may require.

23 (f) The Legislative Budget Board may approve of the release  
24 of restricted funds under this section after receiving adequate  
25 reports from the System demonstrating the proper use of the  
26 restricted funds. Specifically the System shall provide the  
27 Legislative Budget Board with the following information on a

1 monthly basis:

2 (1) an accounting for restricted funds used directly  
3 or indirectly in support of the Center or the Institutes;

4 (2) an accounting of staff salaries paid by:

5 (A) A&M or the System in support of the Center or  
6 the Institutes; and

7 (B) the Center or the Institutes;

8 (3) an accounting of construction-related expenses  
9 accompanied by a narrative description of the progress of any  
10 construction;

11 (4) an update of a timeline for completion of the  
12 construction and operation of the Center and the Institutes;

13 (5) an update of any new information that could make  
14 more complete or accurate the report required under Subsection (e)  
15 of this section;

16 (6) an accounting for consulting contracts paid by:

17 (A) A&M or the System in support of the Center or  
18 the Institutes; and

19 (B) the Center or the Institutes; and

20 (7) such other information as the Legislative Budget  
21 Board may require.

22 SECTION 31. TRANSFER AUTHORITY SUBJECT TO APPROVAL.  
23 Notwithstanding other provisions in Chapter 1428 (H.B. 1), Acts of  
24 the 80th Legislature, Regular Session, 2007 (the General  
25 Appropriations Act), the governor, Office of the Governor, and  
26 Trusteed Programs within the Office of the Governor may not,  
27 without the written prior approval of the Legislative Budget Board,

1 expend or transfer amounts deposited or appropriated to the  
2 Emerging Technology Fund Account No. 5124 or deposited or  
3 appropriated to the Texas Enterprise Fund Account No. 5107 and may  
4 not assign or transfer appropriations and the corresponding FTEs  
5 for Trusteed Programs within the Office of the Governor to other  
6 agencies without the written prior approval of the Legislative  
7 Budget Board.

8       SECTION 32. TRANSFER           AUTHORITY.           Notwithstanding  
9 limitations on or grants of appropriation transfers contained in  
10 Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular  
11 Session, 2007 (the General Appropriations Act), the Office of the  
12 Governor is not authorized, without the prior written approval of  
13 the Legislative Budget Board, to direct agency resources or to  
14 transfer appropriated amounts between appropriations items listed  
15 under the bill pattern of the Office of the Governor. Without the  
16 prior written approval of the Legislative Budget Board, the  
17 governor may not transfer appropriations and FTEs under the bill  
18 pattern of the Trusteed Programs within the Office of the Governor,  
19 and may not, without the prior written approval of the Legislative  
20 Budget Board, assign appropriations and the corresponding FTEs for  
21 Trusteed Programs within the Office of the Governor to other  
22 agencies.

23       SECTION 33. REPORTING REQUIREMENTS; AMERICAN RECOVERY AND  
24 REINVESTMENT ACT. (a) Each state agency and institution of higher  
25 education receiving appropriations in this Act out of funds  
26 received under the American Recovery and Reinvestment Act of 2009  
27 (Pub. L. No. 111-5) shall develop and submit a plan to the

1 Legislative Budget Board and the governor providing details on the  
2 entity's intended use of appropriations made by this Act out of  
3 funds received under the American Recovery and Reinvestment Act of  
4 2009. The plan shall include a summary of any American Recovery and  
5 Reinvestment Act of 2009 funds spent, allocated, or encumbered  
6 prior to August 31, 2009. The report shall be delivered not later  
7 than September 30, 2009.

8 (b) Each of the agencies receiving appropriations under  
9 this Act out of funds received under the American Recovery and  
10 Reinvestment Act of 2009 (Pub. L. No. 111-5) shall submit quarterly  
11 reports, in a form determined by the Legislative Budget Board, on  
12 expenditure of those funds. Reports shall be submitted not later  
13 than the following dates each year: December 31, March 31, June 30,  
14 and September 30. The reports shall be submitted to the governor,  
15 Legislative Budget Board, state auditor's office, and the  
16 comptroller.

17 SECTION 34. INFORMATIONAL SECTION: REDUCTION IN GENERAL.  
18 The amounts of general revenue reductions shown in this Act are in  
19 accordance with Title V of the American Recovery and Reinvestment  
20 Act of 2009 (Pub. L. No. 111-5). All of the general revenue  
21 reductions identified in previous provisions of this Act are offset  
22 by an equal or greater amount of funds made available to this state  
23 under the American Recovery and Reinvestment Act of 2009.

24 SECTION 35. FMAP ALLOCATIONS. Appropriations made in this  
25 Act to the Health and Human Services Commission for Medicaid  
26 Enhanced FMAP shall be allocated by the commission to affected  
27 agencies. The commission shall submit a plan for that allocation to

1 the Legislative Budget Board and the governor not later than  
2 September 30, 2009.

3 SECTION 36. PROHIBITION OF EXPANSION OF STATE GOVERNMENT.

4 It is the intent of the legislature that to the extent allowed by  
5 federal and state law with regard to funds received under the  
6 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5),  
7 an agency appropriated funds under this Act may not adopt a plan,  
8 policy, procedure, strategy, or rule to facilitate expenditure of  
9 American Recovery and Reinvestment Act of 2009 funding during this  
10 or a future biennium for expansion of a program, strategy, policy,  
11 expense, or employment that:

12 (1) cannot be reasonably and proportionately reduced  
13 or eliminated after American Recovery and Reinvestment Act of 2009  
14 funding is reduced or eliminated; or

15 (2) creates liability on behalf of the State of Texas  
16 to make:

17 (A) repayment to the United States treasury  
18 ("clawback") in the event of a future discontinuation of payments  
19 to the direct or indirect beneficiaries from those American  
20 Recovery and Reinvestment Act of 2009 funds already expended; or

21 (B) payments to direct or indirect beneficiaries  
22 of a program or strategy in excess of those funds actually received  
23 by the State of Texas from the United States treasury.

24 SECTION 37. DISCONTINUED FUNDING PLAN. Each agency  
25 receiving funds under the American Recovery and Reinvestment Act of  
26 2009 (Pub. L. No. 111-5) that are appropriated by this Act shall  
27 prepare a written Discontinued Funding Plan ("plan") that addresses

1 the fact that American Recovery and Reinvestment Act of 2009  
2 funding is temporary in nature and that programs authorized and  
3 federal funds provided under the American Recovery and Reinvestment  
4 Act of 2009 will be eliminated or reduced or might reasonably be  
5 viewed as likely to be eliminated or reduced during this or a future  
6 biennium. In accordance with requirements prescribed by the  
7 Legislative Budget Board and the governor the plan must:

8 (1) identify funds received under the American  
9 Recovery and Reinvestment Act of 2009;

10 (2) forecast the amount of reduction of American  
11 Recovery and Reinvestment Act of 2009 funds in future budgets  
12 compared to the current budget of the agency;

13 (3) be filed initially with the Legislative Budget  
14 Board and the governor not later than September 30, 2009;

15 (4) be updated quarterly;

16 (5) be supplemented as requested by the Legislative  
17 Budget Board or the governor;

18 (6) indicate how services or benefits will be provided  
19 by the agency after elimination or reduction of American Recovery  
20 and Reinvestment Act of 2009 funding;

21 (7) state how a reduction in force employed by the  
22 agency will be executed;

23 (8) state whether staff hired by an agency as a result  
24 of American Recovery and Reinvestment Act of 2009 funding were  
25 notified that the positions of employment are temporary because  
26 they are funded by money received under the American Recovery and  
27 Reinvestment Act of 2009;

1           (9) state the manner in which the agency will reduce  
2 services and benefits when American Recovery and Reinvestment Act  
3 of 2009 funding is eliminated or reduced;

4           (10) provide other information required from the  
5 agency by the Legislative Budget Board or the governor;

6           (11) provide for avoiding liability for or any  
7 commitment by the State of Texas to future financial obligations or  
8 responsibilities not approved by the 81st Legislature; and

9           (12) be available for public inspection and review.

10         SECTION 38. EXCEPTIONS PROVIDED FOR USE OF APPROPRIATIONS.  
11 As a specific exception to the requirement of Section 8.02, Article  
12 IX, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular  
13 Session, 2007 (the General Appropriations Act), that all federal  
14 funds appropriated by that Act be deposited to and expended from an  
15 appropriation item identified by that Act and not be expended for a  
16 purpose other than for a purpose reviewed by the 80th Legislature  
17 and authorized by specific language in that Act or encompassed by an  
18 agency's budget structure as established by that Act, all American  
19 Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) funds  
20 appropriated by this Act may be expended for other items and  
21 purposes with the prior written approval of the Legislative Budget  
22 Board and the governor.

23         SECTION 39. DISCONTINUANCE OF POSITION ASSOCIATED WITH  
24 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. It is the intent of  
25 the legislature that a position of employment created as a result of  
26 the receipt of American Recovery and Reinvestment Act of 2009 (Pub.  
27 L. No. 111-5) funding shall be eliminated by an agency on exhaustion



1 or discontinued availability of the American Recovery and  
2 Reinvestment Act of 2009 funding for that position.

3       SECTION 40. MAXIMIZATION OF AMERICAN RECOVERY AND  
4 REINVESTMENT ACT OF 2009 FUNDS. In order to maximize the amount of  
5 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5)  
6 funds that might become available to the State of Texas, state funds  
7 from any source used by a state agency to provide services or  
8 benefits may be counted in any manner consistent with then existing  
9 law towards any required state matching contribution for receiving  
10 American Recovery and Reinvestment Act funds, notwithstanding any  
11 requirement to the contrary in Chapter 1428 (H.B. 1), Acts of the  
12 80th Legislature, Regular Session, 2007 (the General  
13 Appropriations Act).

14       SECTION 41. TEXAS EDUCATION AGENCY: ADDITIONAL  
15 APPROPRIATION FOR TECHNOLOGY. In addition to amounts previously  
16 appropriated for the state fiscal biennium ending August 31, 2009,  
17 the amount of \$220,915,577 is appropriated out of funds received  
18 under the American Recovery and Reinvestment Act of 2009 (Pub. L.  
19 No. 111-5) to the Texas Education Agency for the two-year period  
20 beginning on the effective date of this Act for the purpose of  
21 providing additional technology and instructional materials  
22 through the Technology Allotment under Strategy B.2.1,  
23 Technology/Instructional Materials.

24       SECTION 42. DEPARTMENT OF AGING AND DISABILITY SERVICES:  
25 APPROPRIATION REDUCTION. As a result of savings created by the  
26 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5)  
27 providing a temporary exemption for the use of federal incentives

1 to increase federal funds, the unencumbered appropriations from the  
2 general revenue fund appropriated to the Department of Aging and  
3 Disability Services for use during the state fiscal biennium ending  
4 August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th  
5 Legislature, Regular Session, 2007 (the General Appropriations  
6 Act) under Strategy A.6.1, Nursing Facility Payments, are reduced  
7 by \$414,556,053.

8 SECTION 43. DEPARTMENT OF AGING AND DISABILITY SERVICES:  
9 RESTORATION OF TRANSFER AUTHORITY. Notwithstanding any limitation  
10 on transfer among appropriation items prescribed by Chapter 1428  
11 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the  
12 General Appropriations Act), the Department of Aging and Disability  
13 Services for the fiscal year ending August 31, 2009, may transfer  
14 any amounts among the following items of appropriation:

- 15 (1) A.2.1, Primary Home Care;
- 16 (2) A.2.2, Community Attendant Services;
- 17 (3) A.2.3, Day Activity and Health Services (DAHS);
- 18 (4) A.3.1, Community-based Alternatives (CBA);
- 19 (5) A.3.2, Home and Community-based Services (HCS);
- 20 (6) A.3.3, Community Living Assistance and Support  
21 Services (CLASS);
- 22 (7) A.3.4, Deaf-blind Multiple Disabilities (DBMD);
- 23 (8) A.3.5, Medically Dependent Children Program  
24 (MDCP);
- 25 (9) A.3.6, Consolidated Waiver Program;
- 26 (10) A.3.7, Texas Home Living Waiver;
- 27 (11) A.5.1, Program of All-Inclusive Care for the

1 Elderly (PACE);

2 (12) A.6.1, Nursing Facility Payments;

3 (13) A.6.2, Medicare Skilled Nursing Facility;

4 (14) A.6.3, Hospice;

5 (15) A.6.4, Promoting Independence by Providing  
6 Community-based Client Services;

7 (16) A.7.1, Intermediate Care Facilities - Mental  
8 Retardation (ICF/MR); and

9 (17) A.8.1, MR State Schools Services.

10 SECTION 44. DEPARTMENT OF AGING AND DISABILITY SERVICES:  
11 GENERATORS FOR NURSING FACILITIES. In addition to amounts  
12 previously appropriated for the state fiscal biennium ending August  
13 31, 2009, the amount of \$47,668,044 is appropriated out of the  
14 general revenue fund to the Department of Aging and Disability  
15 Services for the two-year period beginning on the effective date of  
16 this Act for the purposes of: 1) surveying the need for emergency  
17 back-up generators and fire sprinkler systems in Texas nursing  
18 facilities; 2) establishing a priority list of nursing facilities  
19 if the need exceeds the funds available; and 3) allocating the funds  
20 for the purchase and installation of back-up generators and fire  
21 sprinkler systems to nursing facilities.

22 SECTION 45. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:  
23 APPROPRIATION REDUCTION. As a result of savings created by the  
24 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5)  
25 providing a temporary exemption for the use of federal incentives  
26 to increase federal funds, the unencumbered amounts appropriated  
27 from the general revenue fund to the Department of Family and

1 Protective Services for use during the state fiscal biennium ending  
2 August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th  
3 Legislature, Regular Session, 2007 (the General Appropriations  
4 Act), are reduced by the following amounts:

5 (1) \$11,609,096 under Strategy A.2.10, Foster Care  
6 Payments; and

7 (2) \$7,483,772 under Strategy A.2.11, Adoption  
8 Subsidy Payments.

9 SECTION 46. HEALTH AND HUMAN SERVICES COMMISSION:  
10 APPROPRIATION REDUCTION. As a result of savings created by the  
11 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5)  
12 providing a temporary exemption for the use of federal incentives  
13 to increase federal funds, the unencumbered amounts appropriated  
14 from the general revenue fund to the Health and Human Services  
15 Commission for use during the state fiscal biennium ending August  
16 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature,  
17 Regular Session, 2007 (the General Appropriations Act), under  
18 Strategy B.1.4, Children and Medically Needy, are reduced by  
19 \$1,206,507,722.

20 SECTION 47. HEALTH AND HUMAN SERVICES COMMISSION:  
21 RESTORATION OF TRANSFER AUTHORITY. Notwithstanding any limitation  
22 on transfer among appropriation items prescribed by Chapter 1428  
23 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the  
24 General Appropriations Act), the Health and Human Services  
25 Commission for the fiscal year ending August 31, 2009, may transfer  
26 any amounts among the following items of appropriation:

27 (1) Strategy B.1.4, Children and Medically Needy;

- (2) Strategy B.2.4, Medical Transportation;
- (3) Strategy B.3.1, Health Steps (EPSDT) Medical;
- (4) Strategy B.3.2, Health Steps (EPSDT) Dental; and
- (5) Strategy B.3.3, EPSDT Comprehensive Care Program.

SECTION 48. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: APPROPRIATION REDUCTION. The unencumbered amounts appropriated to the Department of Family and Protective Services for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), under Strategy A.2.10, Foster Care Payments, are reduced by the following amounts:

- (1) \$24,492,233 out of the general revenue fund appropriations for that strategy; and
- (2) \$26,719,977 out of the federal funds (TANF) appropriations for that strategy.

SECTION 49. DEPARTMENT OF AGING AND DISABILITY SERVICES: ADDITIONAL APPROPRIATIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$62,351,306 is appropriated out of the general revenue fund to the Department of Aging and Disability Services under Strategy A.6.1, Nursing Facility Payments, for the fiscal year ending August 31, 2009.

SECTION 50. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: ADDITIONAL APPROPRIATIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the Department of Family and Protective Services is appropriated for the fiscal year ending August 31, 2009, the following amounts

for the following purposes:

(1) \$5,174,830 from the general revenue fund under Strategy A.2.11, Adoption Subsidy Payments;

(2) \$6,191,042 from the general revenue fund under Strategy C.1.1, CPS Reform Continued;

(3) \$4,199,776 in federal funds (TANF) under Strategy C.1.1, CPS Reform Continued;

(4) \$13,126,361 from the general revenue fund under Strategy A.3.1, APS Direct Delivery Staff; and

(5) \$12,460,353 in federal funds (TANF) under Strategy A.2.1, CPS Direct Delivery Staff.

SECTION 51. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: RESTORATION OF TRANSFER AUTHORITY. Notwithstanding any limitation on transfer among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), for the fiscal year ending August 31, 2009, the Department of Family and Protective Services may transfer any amounts among the following items of appropriation:

(1) Strategy A.1.1, Statewide Intake Services;

(2) Strategy A.2.1, CPS Direct Delivery Staff;

(3) Strategy A.2.2, CPS Program Support;

(4) Strategy A.3.1, APS Direct Delivery Staff;

(5) Strategy A.3.2, APS Program Support;

(6) Strategy A.3.3, MH and MR Investigations; and

(7) Strategy A.4.1, Child Care Regulation.

SECTION 52. HEALTH AND HUMAN SERVICES COMMISSION: ADDITIONAL APPROPRIATIONS. In addition to amounts previously

1 appropriated for the state fiscal biennium ending August 31, 2009,  
2 the Health and Human Services Commission is appropriated for the  
3 fiscal year ending August 31, 2009, the following amounts for the  
4 following purposes:

5 (1) \$357,839,421 from the general revenue fund under  
6 Goal B, Medicaid; and

7 (2) \$322,378,835 from the general revenue fund under  
8 Strategy B.2.3, Medicare Federal Give Back.

9 SECTION 53. DEPARTMENT OF STATE HEALTH SERVICES: REMOVAL OF  
10 CERTAIN LIMITATIONS. (a) In order to meet an expected shortfall  
11 within the mental health hospital system, the limitations  
12 prescribed by the following provisions of Chapter 1428 (H.B. 1),  
13 Acts of the 80th Legislature, Regular Session, 2007 (the General  
14 Appropriations Act), do not limit appropriations made to the  
15 Department of State Health Services for the fiscal year ending  
16 August 31, 2009:

17 (1) Section 8.03(e), Article IX (Reimbursements and  
18 Payments);

19 (2) Section 14.01, Article IX (Appropriation  
20 Transfers);

21 (3) Section 49, Article II, Special Provisions,  
22 Contingent Appropriation of Medicare Part D Savings;

23 (4) Rider 46, State Owned Multicategorical Teaching  
24 Hospital Account (UTMB), following the appropriations to the  
25 Department of State Health Services; and

26 (5) Rider 55, County Indigent Health Care, following  
27 the appropriations to the Department of State Health Services.

1           (b) The Department of State Health Services shall report to  
2 the Legislative Budget Board not later than October 1, 2009,  
3 regarding each instance in which the Department of State Health  
4 Services transferred funds to meet the shortfall within the mental  
5 health hospital system. The report shall include at a minimum the  
6 items of appropriation from which the funds were transferred, the  
7 items of appropriation to which the funds were transferred, the  
8 amount and method of finance of funds used in each transfer, and any  
9 other information requested by the Legislative Budget Board.

10           SECTION 54. HEALTH AND HUMAN SERVICES COMMISSION:  
11 ADDITIONAL FEDERAL MEDICAID FUNDING. In addition to amounts  
12 previously appropriated for the state fiscal biennium ending August  
13 31, 2009, the amount of \$1,640,156,643 is appropriated out of funds  
14 received under the American Recovery and Reinvestment Act of 2009  
15 (Pub. L. No. 111-5) to the Health and Human Services Commission for  
16 the two-year period beginning on the effective date of this Act for  
17 the purpose of increased federal Medicaid funding.

18           SECTION 55. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY  
19 NATURAL DISASTERS. (a) The following amounts are appropriated out  
20 of the general revenue fund to the following agencies and  
21 institutions of higher education for the two-year period beginning  
22 on the effective date of this Act for the purpose of paying for, or  
23 reimbursing payments made for, costs incurred by the agencies or  
24 institutions associated with damages or disruptions caused by  
25 natural disasters that occurred before the effective date of this  
26 Act during the state fiscal biennium that began September 1, 2007:

27           (1) UT Medical Branch at Galveston: \$300,000,000;



1           (2) Brazosport College: \$120,111;  
2           (3) Parks and Wildlife Department: \$60,849,794;  
3           (4) Health and Human Services Commission:  
4 \$47,416,821;  
5           (5) UT M.D. Anderson Cancer Center: \$1,725,995;  
6           (6) Alvin College: \$12,043,688;  
7           (7) Texas A&M Galveston: \$10,700,000;  
8           (8) Texas Forest Service: \$385,091;  
9           (9) Houston Community College: \$6,030,680;  
10          (10) Department of Criminal Justice: \$32,387,608;  
11          (11) Commission on Environmental Quality:  
12 \$4,598,100;  
13          (12) San Jacinto College: \$3,700,000;  
14          (13) Galveston College: \$491,844;  
15          (14) Texas Engineering Extension Service:  
16 \$1,190,794;  
17          (15) Adjutant General's Department: \$1,244,007;  
18          (16) The University of Texas at Brownsville:  
19 \$1,178,189;  
20          (17) Lamar University: \$2,803,561;  
21          (18) Lamar Institute of Technology: \$2,007,758;  
22          (19) Lamar State College: Port Arthur: \$1,082,754;  
23          (20) Texas Southern University: \$17,884,439;  
24          (21) College of the Mainland: \$704,945;  
25          (22) The University of Texas Pan American: \$102,258;  
26          (23) Texas AgriLife Research: \$281,428;  
27          (24) General Land Office and Veterans' Land Board:

1 \$30,220,100;  
2 (25) Angelina College: \$142,245;  
3 (26) Texas A&M Corpus Christi: \$59,145;  
4 (27) Texas AgriLife Extension Service: \$143,378;  
5 (28) The University of Texas Health Center at Tyler:  
6 \$2,898,557;  
7 (29) The University of Texas Health Science Center at  
8 Houston: \$8,520,839;  
9 (30) University of Houston System Administration:  
10 \$7,339,000;  
11 (31) Texas State Technical College: Harlingen:  
12 \$904,558;  
13 (32) Lamar State College: Orange: \$693,691;  
14 (33) Prairie View A&M University: \$488,864;  
15 (34) Stephen F. Austin State University: \$434,075;  
16 (35) Tyler Junior College: \$215,688;  
17 (36) Sam Houston State University: \$118,841;  
18 (37) The University of Texas Health Science Center at  
19 San Antonio: \$89,436;  
20 (38) Texas A&M University--Commerce: \$39,694;  
21 (39) Lee College: \$137,554; and  
22 (40) Department of Agriculture: \$20,000,000.

23 (b) For each appropriation made to an entity by this section  
24 in an amount that exceeds \$5,000,000, the comptroller shall  
25 separately account for expenditures from that item of appropriation  
26 and for reimbursements to the general revenue fund made in  
27 connection with that item of appropriation in accordance with

1 Section 62 of this Act by creating, for accounting purposes, a  
2 separate account within the general revenue fund. Expenditures  
3 from each item of appropriation subject to this section shall be  
4 made from the separate account created for that item and  
5 reimbursements to the general revenue fund made in connection with  
6 that item of appropriation in accordance with Section 62 of this Act  
7 shall be deposited to that separate account. It is the intent of  
8 the 81st Legislature that the 82nd Legislature appropriate for  
9 further recovery efforts from the natural disaster that are still  
10 being made or paid for by the entity that received the appropriation  
11 any money received as reimbursements to the general revenue fund in  
12 connection with the appropriation to that entity and separately  
13 accounted for in accordance with this subsection.

14 (c) Out of the amounts appropriated by this section to UT  
15 Medical Branch at Galveston, \$150,000,000 of that amount may be  
16 spent only to provide matching funds for FEMA qualifying projects,  
17 except that if that amount cannot be prudently and effectively  
18 spent in that manner, the remainder of that \$150,000,000 may be  
19 spent only with the prior written approval of the Legislative  
20 Budget Board.

21 SECTION 56. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY  
22 WILDFIRES. The amount of \$9,384,231 is appropriated out of the  
23 general revenue fund to the Texas Forest Service for the two-year  
24 period beginning on the effective date of this Act for the purpose  
25 of paying for, or reimbursing payments made for, costs incurred by  
26 the Texas Forest Service associated with wildfires that occurred  
27 before the effective date of this Act during the state fiscal

1 biennium that began September 1, 2007.

2       SECTION 57. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY  
3 FLOODING. The following amounts are appropriated out of the  
4 general revenue fund to the following agencies and institutions of  
5 higher education for the two-year period beginning on the effective  
6 date of this Act for the purpose of paying for, or reimbursing  
7 payments made for, costs incurred by the agencies or institutions  
8 associated with flooding that occurred before the effective date of  
9 this Act during the state fiscal biennium that began September 1,  
10 2007:

11               (1) Texas Forest Service: \$69,339; and

12               (2) Texas Engineering Extension Service: \$2,106,560.

13       SECTION 58. CERTAIN APPROPRIATIONS FOR DISASTER RELIEF.

14 (a) An amount not to exceed \$100 million is appropriated out of the  
15 general revenue fund for transfer to the disaster contingency fund  
16 and is appropriated for expenditure out of the disaster contingency  
17 fund to the Trusteed Programs within the Office of the Governor for  
18 the two-year period beginning on the effective date of this Act for  
19 the purpose of providing disaster relief in accordance with this  
20 section. Money may not be transferred out of the general revenue  
21 fund or expended from the disaster contingency fund under this  
22 section without the prior written approval of the Legislative  
23 Budget Board given in response to a request for that approval from  
24 the Office of the Governor.

25       (b) The amounts appropriated by Subsection (a) of this  
26 section may be transferred to the disaster contingency fund and  
27 expended out of the disaster contingency fund only serially as

1 conditions warrant. The Legislative Budget Board may not approve  
2 at any one time a transfer or expenditure under this section in an  
3 amount that exceeds \$25 million, but the board may concurrently  
4 approve under this section the transfer of an amount out of the  
5 general revenue fund and the expenditure of all or part of that  
6 amount out of the disaster contingency fund.

7 (c) The first priority for the expenditure of funds  
8 appropriated by this section shall be to provide to units of local  
9 government that are suffering financial hardship as a result of  
10 declared disasters, including wildfires, flooding, and other  
11 natural disasters, funds for the purpose of:

12 (1) providing local matching funds for FEMA qualifying  
13 projects; or

14 (2) preventing default on outstanding bonds or meeting  
15 other financial requirements.

16 SECTION 59. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. In  
17 addition to amounts previously appropriated for the state fiscal  
18 biennium ending August 31, 2009, the amount of \$2,000,000 is  
19 appropriated out of the general revenue fund to the Texas  
20 Commission on Environmental Quality for the two-year period  
21 beginning on the effective date of this Act for conducting  
22 hazardous substance removal and disposal activities at Ballard  
23 Pits, a state superfund site in Nueces County.

24 SECTION 60. CERTAIN REIMBURSEMENTS FROM FEDERAL  
25 GOVERNMENT, AN INSURER, OR ANOTHER SOURCE. If any state agency or  
26 institution of higher education receives reimbursement from the  
27 federal government, an insurer, or another source for an

1 expenditure paid for or reimbursed with money appropriated under  
2 Section 58 of this Act, the agency or institution shall reimburse  
3 the disaster contingency fund in an amount equal to the amount  
4 expended from the disaster contingency account that is proportional  
5 to the total expenditures for damages described by Section 58 of  
6 this Act, and that amount shall be deposited to the credit of the  
7 disaster contingency fund within the state treasury.

8       SECTION 61. CONTINGENT APPROPRIATION: WEALTH PER STUDENT  
9 LIMITATION. Contingent on the enactment of legislation relating to  
10 an exception to the wealth per student limitation for school  
11 districts that, as a result of natural disasters, are suffering  
12 financial hardship and also contingent on a declaration of a state  
13 or national emergency, an amount not to exceed \$30 million is  
14 appropriated out of the general revenue fund to the Texas Education  
15 Agency for the two-year period beginning on the effective date of  
16 this Act for the purpose of allowing certain school districts to  
17 retain recapture payments in order to respond to a disaster.

18       SECTION 62. REIMBURSEMENT TO GENERAL REVENUE FUND. If any  
19 state agency or institution of higher education receives  
20 reimbursement from the federal government, an insurer, or another  
21 source for an expenditure paid for or reimbursed under Section 55,  
22 56, 57, or 63 of this Act, the agency or institution shall reimburse  
23 the state in an amount equal to the general revenue funds expended  
24 for damages that is proportional to the total expenditures for  
25 damages described under Section 55, 56, 57, or 63 of this Act, and  
26 that amount shall be deposited to the credit of the general revenue  
27 fund within the state treasury.

1           SECTION 63. TEXAS DEPARTMENT OF TRANSPORTATION: FM 170  
2 REPAIRS. An amount not to exceed \$1 million is appropriated out of  
3 the general revenue fund to the Texas Department of Transportation  
4 for the two-year period beginning on the effective date of this Act  
5 for the purpose of repairing the damage caused by flooding to  
6 Farm-to-Market Road 170 in Brewster and Presidio Counties. It is  
7 the intent of the legislature that this work be completed not later  
8 than December 31, 2009.

9           SECTION 64. STATE AUDITOR AUTHORITY: DISASTER RELIEF  
10 APPROPRIATIONS. An entity receiving funds under this Act  
11 appropriated for disaster relief, including an entity receiving  
12 funds appropriated in response to a natural disaster and a unit of  
13 local government receiving funds appropriated for transfer to and  
14 expenditure out of the disaster contingency fund, is subject to  
15 audit by the state auditor based on a risk assessment made by the  
16 state auditor in developing the annual audit plan under Chapter  
17 321, Government Code. As part of the risk assessment of an entity,  
18 including a unit of local government, the state auditor may  
19 consider:

20           (1) the amount of money directly appropriated to an  
21 entity by this Act or received by a unit of local government out of  
22 money appropriated for transfer to and expenditure out of the  
23 disaster contingency fund by this Act;

24           (2) the amount of money reimbursed under a provision  
25 of this Act requiring that the general revenue fund or disaster  
26 contingency fund be reimbursed under certain circumstances; and

27           (3) the methodology used by an entity, including a

1 unit of local government, to estimate a loss caused by a disaster.

2 SECTION 65. GENERAL LAND OFFICE: FEMA REIMBURSEMENTS.

3 Reimbursements received from the Federal Emergency Management  
4 Agency (an estimated amount of \$39 million) for expenses incurred  
5 by the General Land Office in removing debris caused by Hurricane  
6 Ike and paid for with \$39 million in emergency funds transferred  
7 from the Texas Public Finance Authority are appropriated to the  
8 General Land Office for the two-year period beginning on the  
9 effective date of this Act for the purpose of funding coastal  
10 management programs of the land office, including debris and  
11 structure removal, derelict structure buyouts, shoreline  
12 stabilization, dune restoration, beach renourishment, coastal  
13 erosion mitigation, and other coastal projects authorized by  
14 statute.

15 SECTION 66. PAYMENT TO PHI, INC., FOR EMERGENCY EVACUATION

16 OPERATIONS. Out of amounts appropriated to the Health and Human  
17 Services Commission by Section 55(a)(4) of this Act, the amount of  
18 \$1,508,450 shall be transferred to the Department of State Health  
19 Services and the department shall use that amount to pay PHI, Inc.,  
20 for services rendered in connection with emergency evacuation  
21 operations conducted from September 21 through September 29, 2005.  
22 The Department of State Health Services shall supply all necessary  
23 information required by the comptroller of public accounts to  
24 approve and pay this claim by PHI, Inc., and the claim may not be  
25 paid unless the comptroller gives the necessary approvals.

26 SECTION 67. Section 8.02, Chapter 1428 (H.B. 1), Acts of the

27 80th Legislature, Regular Session, 2007, is amended by amending



Subsection (a) and adding Subsection (i) to read as follows:

(a) Except as provided in Subsection (i), all ~~[All]~~ funds received from the United States government by a state agency or institution named in this Act are hereby appropriated to the agency for the purposes for which the federal grant, allocation, aid, payment, or reimbursement was made subject to the provisions of this section.

(i) Prior to obligating or expending funds received from the United States government under the American Recovery and Reinvestment Act (Pub. L. No. 111-5), an agency or institution of higher education must provide the following information to the Legislative Budget Board, the Governor's Office, and each member of the legislature:

(1) the amount of money awarded or received;  
(2) the purposes for which the funds may be spent;  
(3) specific performance measures tied to each expenditure;

(4) the estimated number of jobs to be created or retained;

(5) the number of any new full-time equivalent positions;

(6) a list of all capital items to be purchased with the funds; and

(7) for each contract to be funded in whole or part with the funds received:

(A) the principal place of business of the entity receiving the contract;

1                   (B) the geographic location of the office or  
2 offices from which the entity will administer the contract;

3                   (C) a statement regarding the race, ethnicity,  
4 and gender of:

5                   (i) the sole proprietor, if the entity  
6 receiving the contract is a sole proprietor; or

7                   (ii) each partner, if the entity receiving  
8 the contract is a partnership; and

9                   (D) if the entity receiving the contract is a  
10 corporation, information regarding whether the corporation is  
11 registered as a majority-owned corporation or a minority-owned  
12 corporation under a federal program or is registered as or  
13 considered to be a historically underutilized business or similar  
14 entity under a state or local program.

15           SECTION 68. APPROPRIATIONS ALLOCATED TO APPROPRIATE  
16 GENERAL APPROPRIATIONS ACT STRATEGIES. Except as otherwise  
17 provided by this Act, the agencies and institutions receiving  
18 appropriations made by this Act shall allocate the appropriations  
19 to the appropriate General Appropriations Act strategies.

20           SECTION 69. EFFECTIVE DATE. This Act takes effect  
21 immediately.