

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. DEPARTMENT OF STATE HEALTH SERVICES: SWINE FLU.

In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$11,796,415 is appropriated out of the general revenue fund to the Department of State Health Services for the two-year period beginning on the effective date of this Act for the purpose of paying for costs associated with the swine flu.

SECTION 2. CANCER PREVENTION AND RESEARCH INSTITUTE:

OPERATIONS. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$917,389 is appropriated out of the general revenue fund to the Cancer Prevention and Research Institute for the two-year period beginning on the effective date of this Act for the purpose of providing for salaries and wages, travel, acquisition of information technology, computers, furniture, legal counseling, and contracts.

(b) In addition to the number of full-time equivalent employees (FTEs) the Cancer Prevention and Research Institute is authorized by other law to employ during the state fiscal year

1 ending August 31, 2009, the center may employ an additional 16.0
2 FTEs during that state fiscal year.

3 SECTION 3. TEXAS FACILITIES COMMISSION: UTILITY COSTS. (a)
4 In addition to amounts previously appropriated for the state fiscal
5 biennium ending August 31, 2009, the amount of \$2,396,612 is
6 appropriated out of the general revenue fund to the Texas
7 Facilities Commission under Strategy C.2.1, Facilities Operation,
8 for the two-year period beginning on the effective date of this Act
9 for the purpose of providing for payment of increased utility costs
10 as a result of an increase in utility rates.

11 (b) Notwithstanding Article IX, Section 14.01,
12 Appropriation Transfers, or similar provisions of Chapter 1428
13 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the
14 General Appropriations Act), funds appropriated by this section may
15 not be transferred by the commission to another appropriation item
16 or be used by the commission for a purpose other than payment of
17 utility expenses without the prior written approval of the
18 Legislative Budget Board.

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

1 Division.

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

10 SECTION 6. PRESERVATION BOARD OR HISTORICAL COMMISSION:
11 RESTORATION OF THE GOVERNOR'S MANSION. Out of reimbursements
12 received from the Federal Emergency Management Agency for
13 expenditures that were paid for with funds transferred from the
14 Health and Human Services Commission to the Department of Public
15 Safety during the state fiscal year ending August 31, 2009, an
16 amount not to exceed \$11,000,000 is appropriated for the two-year
17 period beginning on the effective date of this Act, in addition to
18 other amounts appropriated for the state fiscal biennium ending
19 August 31, 2009, for costs associated with the restoration of the
20 Governor's Mansion. The appropriation is to:

21 (1) the State Preservation Board, contingent on the
22 enactment and becoming law of S.B. 2307 or similar legislation by
23 the 81st Legislature in regular session that imposes responsibility
24 on the State Preservation Board for the preservation and
25 maintenance of the Governor's Mansion; or

26 (2) the Texas Historical Commission, if the 81st
27 Legislature in regular session does not enact S.B. 2307 or similar

1 legislation that becomes law that imposes responsibility on the
2 State Preservation Board for the preservation and maintenance of
3 the Governor's Mansion.

4 SECTION 7. HEALTH AND HUMAN SERVICES COMMISSION: RED LIGHT
5 CAMERA TRAUMA FUND. In addition to amounts previously appropriated
6 for the state fiscal biennium ending August 31, 2009, all revenue
7 deposited to the Regional Trauma Account 5137 (Red Light Camera
8 Trauma Fund) (estimated to be \$6,712,284) is appropriated under
9 Strategy A.1.1, Enterprise Oversight and Policy, to the Health and
10 Human Services Commission for the state fiscal year ending August
11 31, 2009, to be used to reimburse uncompensated trauma care.

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

20 SECTION 9. TEXAS SOUTHERN UNIVERSITY: APPROPRIATION
21 REPURPOSING. (a) The unencumbered appropriations from the general
22 revenue fund appropriated to Texas Southern University for use
23 during the state fiscal biennium ending August 31, 2009, by Article
24 III, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
25 Session, 2007 (the General Appropriations Act), under Strategy
26 B.1.2, Tuition Revenue Bond Retirement, are reduced by the amount
27 of \$3,729,808.

(b) Notwithstanding any limitation made by Article III, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), under Section 6(9) of the Special Provisions Relating Only to State Agencies of Higher Education, the amount of \$3,729,808 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 paying for, or reimbursing payments made for, costs incurred by the university associated with damages caused by natural disasters that occurred before the effective date of this Act during the state fiscal biennium that began September 1, 2007.

SECTION 10. TEXAS SOUTHERN UNIVERSITY: ADMINISTRATIVE EXPENSES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$2,350,000 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 administrative operation expenses.

SECTION 11. HIGHER EDUCATION GROUP INSURANCE CONTRIBUTIONS. 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 community and junior colleges for the purpose of restoring fiscal year 2009 proportional state contributions for health benefits and providing a transitional adjustment sufficient to set the restoration total for each institution at an amount equal to the amount of the fiscal year 2009 higher education group

insurance contribution for each institution included in the line item veto for Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act):

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

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

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

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

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

(6) \$3,054,600 is appropriated out of the general revenue fund to Blinn College;

(7) \$1,373,650 is appropriated out of the general revenue fund to Brazosport College;

(8) \$2,731,087 is appropriated out of the general revenue fund to Central Texas College;

(9) \$990,189 is appropriated out of the general revenue fund to Cisco Junior College;

(10) \$461,040 is appropriated out of the general revenue fund to Clarendon College;

(11) \$1,497,422 is appropriated out of the general revenue fund to Coastal Bend College;

(12) \$2,138,088 is appropriated out of the general revenue fund to the College of the Mainland;

1 (13) \$3,784,295 is appropriated out of the general
2 revenue fund to Collin County Community College;

3 (14) \$15,758,341 is appropriated out of the general
4 revenue fund to the Dallas County Community College District;

5 (15) \$4,018,340 is appropriated out of the general
6 revenue fund to Del Mar College;

7 (16) \$6,182,391 is appropriated out of the general
8 revenue fund to El Paso Community College;

9 (17) \$585,527 is appropriated out of the general
10 revenue fund to Frank Phillips College;

11 (18) \$943,016 is appropriated out of the general
12 revenue fund to Galveston College;

13 (19) \$1,468,952 is appropriated out of the general
14 revenue fund to Grayson County College;

15 (20) \$954,181 is appropriated out of the general
16 revenue fund to Hill College;

17 (21) \$10,278,053 is appropriated out of the general
18 revenue fund to Houston Community College;

19 (22) \$1,813,685 is appropriated out of the general
20 revenue fund to Howard College;

21 (23) \$2,129,068 is appropriated out of the general
22 revenue fund to Kilgore College;

23 (24) \$3,342,228 is appropriated out of the general
24 revenue fund to Laredo Community College;

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

27 (26) \$8,670,589 is appropriated out of the general

1 revenue fund to the Lone Star College System;

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

4 (28) \$2,065,163 is appropriated out of the general
5 revenue fund to Midland College;

6 (29) \$1,470,933 is appropriated out of the general
7 revenue fund to Navarro College;

8 (30) \$1,418,908 is appropriated out of the general
9 revenue fund to North Central Texas College;

10 (31) \$874,764 is appropriated out of the general
11 revenue fund to Northeast Texas Community College;

12 (32) \$1,963,198 is appropriated out of the general
13 revenue fund to Odessa College;

14 (33) \$945,499 is appropriated out of the general
15 revenue fund to Panola College;

16 (34) \$1,278,367 is appropriated out of the general
17 revenue fund to Paris Junior College;

18 (35) \$474,991 is appropriated out of the general
19 revenue fund to Ranger College;

20 (36) \$6,628,666 is appropriated out of the general
21 revenue fund to San Jacinto College;

22 (37) \$3,338,955 is appropriated out of the general
23 revenue fund to South Plains College;

24 (38) \$3,985,978 is appropriated out of the general
25 revenue fund to South Texas College;

26 (39) \$1,666,736 is appropriated out of the general
27 revenue fund to Southwest Texas Junior College;

1 (40) \$9,207,978 is appropriated out of the general
2 revenue fund to Tarrant County College;

3 (41) \$1,330,783 is appropriated out of the general
4 revenue fund to Temple College;

5 (42) \$1,667,329 is appropriated out of the general
6 revenue fund to Texarkana College;

7 (43) \$1,706,940 is appropriated out of the general
8 revenue fund to Trinity Valley Community College;

9 (44) \$3,361,192 is appropriated out of the general
10 revenue fund to Tyler Junior College;

11 (45) \$1,120,729 is appropriated out of the general
12 revenue fund to Vernon College;

13 (46) \$1,519,013 is appropriated out of the general
14 revenue fund to Victoria College;

15 (47) \$1,397,289 is appropriated out of the general
16 revenue fund to Weatherford College;

17 (48) \$694,843 is appropriated out of the general
18 revenue fund to Western Texas College; and

19 (49) \$1,789,670 is appropriated out of the general
20 revenue fund to Wharton County Junior College.

21 SECTION 12. TEXAS FOREST SERVICE: VOLUNTEER FIRE DEPARTMENT
22 ASSISTANCE PROGRAM. In addition to amounts previously appropriated
23 for the state fiscal biennium ending August 31, 2009, the amount of
24 \$2,500,000 is appropriated out of general revenue fund dedicated
25 account number 5064 to the Texas Forest Service for the two-year
26 period beginning on the effective date of this Act for grants to
27 volunteer fire departments for training and equipment through the

1 Volunteer Fire Department Assistance Program.

2 SECTION 13. UNIVERSITY OF TEXAS MEDICAL BRANCH: HIGHER
3 EDUCATION GROUP INSURANCE CONTRIBUTIONS. In addition to amounts
4 previously appropriated for the state fiscal biennium ending August
5 31, 2009, the amount of \$500,000 is appropriated out of the general
6 revenue fund to The University of Texas Medical Branch at Galveston
7 for the two-year period beginning on the effective date of this Act
8 for additional contributions made to higher education group
9 insurance made on behalf of 47 full-time equivalent positions
10 transferred under a contract with the Texas Youth Commission from
11 the Texas Tech University Health Sciences Center to The University
12 of Texas Medical Branch.

13 SECTION 14. THE UNIVERSITY OF NORTH TEXAS SYSTEM:
14 REIMBURSEMENT FOR PLANNING AND DESIGN. In addition to amounts
15 previously appropriated for the state fiscal biennium ending August
16 31, 2009, the amount of \$2,800,000 is appropriated out of the
17 general revenue fund to the University of North Texas System for the
18 two-year period beginning on the effective date of this Act for the
19 purpose of reimbursing the cost of planning and design for
20 construction of a second academic building at the Dallas campus.
21 The legislature finds there is a demonstrated need for undertaking
22 the planning and design process for this building.

23 SECTION 15. TEXAS DEPARTMENT OF CRIMINAL JUSTICE:
24 OPERATIONS. In addition to amounts previously appropriated for the
25 state fiscal biennium ending August 31, 2009, the amount of
26 \$164,230,000 is appropriated out of the general revenue fund to the
27 Texas Department of Criminal Justice for the two-year period

beginning on the effective date of this Act for the purpose of providing for salaries and wages, hazardous duty and longevity pay, overtime pay, food for wards of the state, costs of damages resulting from natural disasters, contracted temporary capacity, utilities, information technology services, and fuel.

SECTION 16. TEXAS DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL MANAGED HEALTH CARE. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$48,144,918 is appropriated out of the general revenue fund to the Texas Department of Criminal Justice for the two-year period beginning on the effective date of this Act for the purpose of providing for correctional managed health and psychiatric care, the use of infirmary beds at The University of Texas Health Science Center at Tyler, outpatient cancer treatment, and the rental of a CT scanner.

(b) Out of the funds appropriated in Subsection (a) of this section, the Department of Criminal Justice and the Correctional Managed Health Care Committee shall identify and evaluate mechanisms to lower the cost of, or increase the quality of care in, health or pharmacy services and submit a report to the Legislative Budget Board and the governor no later than May 1, 2010.

SECTION 17. WATER DEVELOPMENT BOARD: MEDINA LAKE DAM. Contingent on an interlocal agreement among interested parties, including the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, the Edwards Aquifer Authority, the Bexar Metropolitan Water District and the San Antonio River Authority, regarding repairs to the Lake Medina Dam, in addition to

1 amounts previously appropriated for the state fiscal biennium
2 ending August 31, 2009, the amount of \$4,000,000 is appropriated
3 out of the general revenue fund to the Water Development Board for
4 the two-year period beginning on the effective date of this Act to
5 be transferred to the Water Assistance Fund to provide a grant to
6 the Bexar-Medina Atascosa Water Control and Improvement District #1
7 for structural improvements to the Medina Lake Dam.

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

15 (1) \$54,664 is appropriated out of the general revenue
16 fund; and

17 (2) the unexpended and unencumbered balance of the
18 amounts appropriated by Section 19.63, Article IX, Chapter 1428
19 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the
20 General Appropriations Act).

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

1 purpose of highway and bridge construction.

2 SECTION 20. RACING COMMISSION: REVENUE SHORTFALL. In
3 addition to amounts previously appropriated for the state fiscal
4 biennium ending August 31, 2009, the amount of \$348,525 is
5 appropriated out of the general revenue fund to the Racing
6 Commission for the two-year period beginning on the effective date
7 of this Act for the purpose of providing for current operations as a
8 result of a revenue shortfall.

9 SECTION 21. APPROPRIATION REDUCTION: THE UNIVERSITY OF
10 HOUSTON. The unencumbered appropriations from the general revenue
11 fund appropriated to the University of Houston for use during the
12 state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B.
13 1), Acts of the 80th Legislature, Regular Session, 2007 (the
14 General Appropriations Act), by the Section 55 special item
15 appropriation for the University of Houston - Wind Energy under the
16 Special Provisions of Article III of that Act are reduced by
17 \$4,245,244.

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

27 SECTION 23. JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT:

1 TRANSFERS. Notwithstanding the transfer limitations of Section
2 14.01, Article IX, or Rider 4 following the appropriations to the
3 Judiciary Section, Comptroller's Department, in Chapter 1428 (H.B.
4 1), Acts of the 80th Legislature, Regular Session, 2007 (the
5 General Appropriations Act), the Judiciary Section, Comptroller's
6 Department, may transfer appropriations among items of
7 appropriations appropriated by Chapter 1428 (H.B. 1), Acts of the
8 80th Legislature, Regular Session, 2007 (the General
9 Appropriations Act), in any amount during the state fiscal biennium
10 ending August 31, 2009. The Judiciary Section, Comptroller's
11 Department, may use any funds transferred under this section to pay
12 for personnel expenses of the 435th District Court in Montgomery
13 County.

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

24 SECTION 25. APPROPRIATION REDUCTION: TEXAS TECH UNIVERSITY
25 HEALTH SCIENCES CENTER; HIGHER EDUCATION GROUP INSURANCE
26 CONTRIBUTIONS. The unencumbered appropriations from the general
27 revenue fund appropriated to the Texas Tech University Health

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1 Sciences Center 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), under the Article III appropriations for Higher Education
5 Employees Group Insurance Contributions (Strategy C.1.22, Texas
6 Tech University Health Sciences Center), are reduced by \$500,000 to
7 reflect the transfer of 47 full-time equivalent employee positions
8 (FTEs) from the Texas Tech University Health Sciences Center to The
9 University of Texas Medical Branch at Galveston under a contract
10 with the Texas Youth Commission.

11 SECTION 26. APPROPRIATION REDUCTION: TEXAS EDUCATION
12 AGENCY. The unencumbered appropriations from the foundation school
13 fund appropriated to the Texas Education Agency for use during the
14 state fiscal biennium ending August 31, 2009, made by Chapter 1428
15 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the
16 General Appropriations Act), under Strategy A.1.1, FSP-Equalized
17 Operations, are reduced by \$500,000,000.

18 SECTION 27. HEALTH AND HUMAN SERVICES COMMISSION:
19 RESTORATION OF TRANSFER AUTHORITY. (a) Notwithstanding any
20 limitation on transfer among appropriation items prescribed by
21 Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
22 Session, 2007 (the General Appropriations Act), for the fiscal year
23 ending August 31, 2009, but subject to the limitations prescribed
24 by Subsections (b)-(e) of this section, the Health and Human
25 Services Commission may allocate the amount appropriated by Section
26 52(1) of this Act among the items of appropriation listed under Goal
27 B, Medicaid.

1 (b) Any unexpended balances of general revenue funds
2 appropriated by Section 52(1) of this Act for the state fiscal year
3 ending August 31, 2009 (estimated to be \$0), are appropriated to the
4 Health and Human Services Commission for the fiscal year beginning
5 September 1, 2009, for the purposes of Goal B, Medicaid, but the
6 amounts may be spent only with the prior approval of the Legislative
7 Budget Board and the governor obtained as prescribed by this
8 section.

9 (c) The commission shall submit a written request for prior
10 approval to the Legislative Budget Board and the governor and
11 concurrently provide a copy of the request to the comptroller. The
12 request for prior approval must be organized by fiscal year as
13 provided by this subsection. The commission shall provide the
14 following information:

15 (1) for the fiscal year with an unexpended balance:

16 (A) an explanation of the causes for the
17 unexpended balance;

18 (B) the amount of the unexpended balance by
19 strategy; and

20 (C) the associated incremental change in service
21 levels compared to applicable performance targets for that fiscal
22 year; and

23 (2) for the fiscal year receiving the funds:

24 (A) an explanation of the purposes for which the
25 unexpended balances will be used and whether the expenditures will
26 be one-time or ongoing;

27 (B) the amount of the expenditures by strategy;

(C) the incremental change in service levels compared to applicable performance targets for that fiscal year; and

(D) the capital budget impact.

(d) The request made under Subsection (c) of this section is considered to be approved unless the Legislative Budget Board or the governor issues a written disapproval on or before the 15th business day after the date on which the staff of the Legislative Budget Board concludes its review of the proposal to expend the funds and forwards its review to the chair of the House Appropriations Committee, chair of the Senate Finance Committee, speaker of the house of representatives, and lieutenant governor.

(e) The comptroller may not allow the use of unexpended balance amounts appropriated by this section if the Legislative Budget Board provides notification to the comptroller that the requirements of this section have not been satisfied.

SECTION 28. TEXAS EDUCATION AGENCY: APPROPRIATION REDUCTION. The unencumbered appropriations from the general revenue fund appropriated to the Texas Education Agency for use during the state fiscal biennium ending August 31, 2009, made by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), are reduced by the following amounts:

- (1) \$19,251,340 from Strategy A.2.1, Student Success;
- (2) \$1,037,973 from Strategy A.2.4, School Improvement and Support Programs;
- (3) \$108,007 from Strategy B.2.1, Educational

1 Technology; and

2 (4) \$1,300,434 from Strategy B.2.2, Safe Schools.

3 SECTION 29. OFFICE OF ATTORNEY GENERAL: ADDITIONAL
4 APPROPRIATION. In addition to amounts previously appropriated for
5 the state fiscal biennium ending August 31, 2009, the amount of
6 \$27,300,000 is appropriated out of funds received under the
7 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5)
8 to the Office of the Attorney General for the two-year period
9 beginning on the effective date of this Act for the purpose of
10 providing child support enforcement.

11 SECTION 30. AMERICAN RECOVERY AND REINVESTMENT ACT:
12 LIMITATION ON THE USE OF FUNDS. (a) None of the federal funds made
13 available under the American Recovery and Reinvestment Act (ARRA)
14 and appropriated by this Act may be expended for any purpose other
15 than those identified by this Act without prior approval of the
16 governor and Legislative Budget Board obtained in accordance with
17 this section and Section 34 of this Act.

18 (b) A state agency or institution receiving federal ARRA
19 funds appropriated by this Act shall notify the governor,
20 comptroller, Legislative Budget Board, and state auditor's office
21 whenever the federal government, including a federal agency, does
22 not approve an application by the agency or institution to spend the
23 federal ARRA funds in a particular manner. The notice may include a
24 proposed alternative use of the funds that the agency or
25 institution considers to be consistent with the purposes, as
26 identified by this Act, for which the funds may be used. Unless the
27 governor and the Legislative Budget Board issue a written

disapproval of a proposed alternative use within 15 business days after receiving the notification of federal disapproval that contains the proposed alternative use, the agency or institution may expend the funds in accordance with the proposed alternative use. If the governor and the Legislative Budget Board issue a written disapproval of the proposed alternative use, the governor and Legislative Budget Board may approve expenditure of the funds in accordance with a modified alternative use identified by the governor and the Legislative Budget Board.

(c) Before expending any federal ARRA funds appropriated by this Act, each agency or institution shall notify the Legislative Budget Board, the governor, and the comptroller of any changes in federal law, rules, or regulations related to programs that receive appropriations under this Act that could create a future fiscal obligation to the state beyond the state fiscal year beginning September 1, 2010. If after the 15th business day after notification from the agency or institution the Legislative Budget Board and the governor have not both issued a written disapproval of the expenditure, the agency or institution may expend the funds.

(d) Each state agency or institution that receives federal ARRA funds appropriated by this Act shall certify to the Legislative Budget Board, the governor, and the comptroller how the use of the funds or the programs receiving the funds comply with applicable state law, federal law, rules, regulations, and other relevant guidance, including any changes in guidance or interpretation and any changes in information reported under this section. The certification must include a statement that the

1 agency's chief executive and executive staff have knowledge of the
2 American Recovery and Reinvestment Act law and of federal agency
3 actions regarding that law and that those persons in their official
4 capacity accept responsibility that the agency's or institution's
5 use of federal ARRA funds appropriated by this Act comply with
6 applicable federal law, state law, rules, regulations, and relevant
7 guidance.

8 (e) The comptroller, in cooperation with the state auditor,
9 may prescribe and implement any payment and post-payment audit
10 procedures considered necessary to ensure compliance with this
11 section. The comptroller may provide consultation and training for
12 agencies and institutions prior to obligation or expenditure of
13 funds, and the comptroller shall provide technical assistance with
14 these matters as needed during the two-year period beginning with
15 the effective date of this Act. The comptroller shall coordinate
16 with the state auditor to ensure appropriate use of the funds
17 throughout the two-year period. Each state agency receiving
18 federal ARRA funds under this Act must comply with reporting
19 requirements prescribed by the comptroller and state auditor.

20 SECTION 31. AMERICAN RECOVERY AND REINVESTMENT ACT:
21 PRIORITY OF FUNDING. (a) To the extent allowed under the American
22 Recovery and Reinvestment Act (ARRA), from funds appropriated in
23 this Act, agencies and institutions shall give priority to
24 expenditures that do not recur beyond the two-year period that
25 begins on the effective date of this Act.

26 (b) To the extent allowed under ARRA, an agency or
27 institution may not create a liability that will cause the state to

1 make:

2 (1) repayment to the United States treasury
3 ("clawback") of ARRA funds already expended in the event of a future
4 discontinuation of payments to the direct or indirect beneficiaries
5 of a program or strategy; or

6 (2) payments to direct or indirect beneficiaries of a
7 program or strategy in an amount that exceeds the amount of ARRA
8 funds actually received by the state from the United States
9 treasury.

10 SECTION 32. AMERICAN RECOVERY AND REINVESTMENT ACT:
11 INFORMATIONAL RIDER: REDUCTION IN GENERAL. The amounts of general
12 revenue reductions shown in certain agency appropriations in this
13 Act are in accordance with Title V, State Fiscal Relief, American
14 Recovery and Reinvestment Act.

15 SECTION 33. AMERICAN RECOVERY AND REINVESTMENT ACT: FMAP
16 ALLOCATIONS. Appropriations made by this Act to the Health and
17 Human Services Commission for Medicaid Enhanced FMAP shall be
18 allocated by the commission to affected agencies. The commission
19 shall submit a plan for that allocation to the Legislative Budget
20 Board and the governor not later than the 30th day after the
21 effective date of this Act.

22 SECTION 34. AMERICAN RECOVERY AND REINVESTMENT ACT:
23 REPORTING REQUIREMENTS. (a) Each state agency and institution of
24 higher education receiving appropriations under this Act or under
25 Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
26 Session, 2007 (the General Appropriations Act), shall develop and
27 submit a plan to the Legislative Budget Board and the governor

1 providing details on the entity's intended use of appropriations
2 received from money available under the American Recovery and
3 Reinvestment Act (ARRA). The plan shall include a summary of any
4 ARRA funds spent, allocated, or encumbered on or before August 31,
5 2009. The report shall be delivered not later than September 30,
6 2009. Unless the Legislative Budget Board and the governor issue a
7 written disapproval of proposed expenditures under the plan within
8 15 business days after September 30, 2009, the agency or
9 institution may expend the funds in accordance with the plan,
10 subject to Section 30 of this Act.

11 (b) Each of the agencies and institutions receiving
12 appropriations under this Act shall submit quarterly reports on the
13 expenditure of funds received from money available under the
14 American Recovery and Reinvestment Act (ARRA). The report shall be
15 in the format prescribed by the Legislative Budget Board and must
16 include the estimated number of jobs that will be created or
17 retained in this state and the number of full-time equivalent
18 positions that will be created at the agency or institution. The
19 quarterly reports must be submitted on or before December 31, March
20 31, June 30, and September 30 of each year to the governor,
21 Legislative Budget Board, state auditor's office, and comptroller.

22 (c) Each agency or institution that receives funds from
23 money available under the American Recovery and Reinvestment Act
24 and that provides reports to the Legislative Budget Board and
25 federal agencies regarding funding received from that money shall
26 post on the agency's or institution's Internet website the agency's
27 or institution's ARRA report and provide a link to the state

1 auditor's office fraud hotline.

2 SECTION 35. AMERICAN RECOVERY AND REINVESTMENT ACT:
3 LEGISLATIVE INTENT. It is the intent of the legislature that all
4 American Recovery and Reinvestment Act funding appropriated by this
5 Act or by Senate Bill 1, Acts of the 81st Legislature, Regular
6 Session, 2009 (the General Appropriations Act), be allocated as
7 prescribed in each respective Act.

8 SECTION 36. DEPARTMENT OF AGING AND DISABILITY SERVICES:
9 LIMITATION ON CASELOADS. From amounts appropriated by Chapter 1428
10 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the
11 General Appropriations Act), for the fiscal year ending August 31,
12 2009, the Department of Aging and Disability Services may not at any
13 time during the period beginning on the effective date of this Act
14 and ending August 31, 2009, exceed the following limitations on the
15 total number of clients served under the following appropriation
16 items:

17 (1) 26,400 clients under Strategy A.3.1, Community
18 Based Alternatives (CBA);

19 (2) 15,629 clients under Strategy A.3.2, Home and
20 Community-based Services (HCS);

21 (3) 4,199 clients under Strategy A.3.3, Community
22 Living Assistance and Support Services (CLASS);

23 (4) 154 clients under Strategy A.3.4, Deaf-blind
24 Multiple Disabilities (DBMD);

25 (5) 2,745 clients under Strategy A.3.5, Medically
26 Dependent Children Program (MDCP);

27 (6) 160 clients under Strategy A.3.6, Consolidated

1 Waiver Program;

2 (7) 994 clients under Strategy A.3.7, Texas Home
3 Living Waiver;

4 (8) 39,005 clients under Strategy A.4.1, Non-Medicaid
5 Services;

6 (9) 13,109 clients under Strategy A.4.2, MR Community
7 Services;

8 (10) 5,442 clients under Strategy A.4.4, In-Home and
9 Family Support;

10 (11) 3,060 clients under Strategy A.4.5, Mental
11 Retardation In-Home Services; and

12 (12) 902 clients under Strategy A.5.1, Program of
13 All-Inclusive Care for the Elderly (PACE).

14 SECTION 37. HEALTH AND HUMAN SERVICES COMMISSION: TRANSFER
15 OF FUNDS APPROPRIATED FOR CHIP SERVICES. Notwithstanding any
16 provision of another Act making appropriations to the contrary, the
17 Health and Human Services Commission, without the necessity of
18 prior approval by another office or entity, may transfer funds
19 appropriated to the commission under Goal C, CHIP Services, or Goal
20 B, Medicaid by Chapter 1428 (H.B. 1) Acts of the 80th Legislature,
21 Regular Session, 2007 (the General Appropriations Act) between Goal
22 C, CHIP Services and Goal B, Medicaid, for the fiscal year ending
23 August 31, 2009.

24 SECTION 38. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE
25 SERVICES: APPROPRIATION REDUCTION. The unencumbered
26 appropriations made by Chapter 1428 (H.B. 1), Acts of the 80th
27 Legislature, Regular Session, 2007 (the General Appropriations

1 Act), from the general revenue fund for Vocational Rehabilitation
2 (Fund 8007) to the Department of Assistive and Rehabilitative
3 Services for use during the state fiscal biennium ending August 31,
4 2009, under Strategy B.3.1, Vocational Rehabilitation-General, are
5 reduced by \$2,931,371.

6 SECTION 39. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:
7 APPROPRIATION REDUCTION AND RELATED TRANSFER AUTHORITY. (a) The
8 unencumbered appropriations from the general revenue fund
9 appropriated to the Department of Family and Protective Services
10 for use during the state fiscal biennium ending August 31, 2009,
11 made by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
12 Session, 2007 (the General Appropriations Act), are reduced by the
13 following amounts:

14 (1) \$3,961,399 under Strategy A.2.1, CPS Direct
15 Delivery Staff;

16 (2) \$1,769,065 under Strategy A.2.12, STAR Program;

17 (3) \$1,100,000 under Strategy A.2.13, CYD Program; and

18 (4) \$1,368,000 under Strategy A.2.16, Other At-Risk
19 Prevention Programs.

20 (b) Notwithstanding any limitation on transfer among
21 appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of
22 the 80th Legislature, Regular Session, 2007 (the General
23 Appropriations Act), for the fiscal year ending August 31, 2009,
24 the Department of Family and Protective Services may transfer
25 federal funds from the following items of appropriation to Strategy
26 A.2.1, CPS Direct Delivery Staff:

27 (1) Strategy A.2.12, STAR Program;

1 (2) Strategy A.2.13, CYD Program;
2 (3) Strategy A.2.14, Texas Families Program; and
3 (4) Strategy A.2.16, Other At-Risk Prevention
4 Programs.

5 SECTION 40. HEALTH AND HUMAN SERVICES COMMISSION: TEMPORARY
6 ASSISTANCE TO NEEDY FAMILIES GRANTS. Notwithstanding any provision
7 of Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
8 Session, 2007 (the General Appropriations Act), the Health and
9 Human Services Commission may use current unexpended TANF balances
10 for the purpose of funding an additional \$75 one-time grant for a
11 total of \$105 in the state fiscal year ending August 31, 2009, for
12 each TANF child in an effort to maximize funds received by this
13 state under the American Recovery and Reinvestment Act of 2009.

14 SECTION 41. TEXAS YOUTH COMMISSION: RESTORATION OF TRANSFER
15 AUTHORITY. Notwithstanding any limitation on transfers among
16 appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of
17 the 80th Legislature, Regular Session, 2007 (the General
18 Appropriations Act), the Texas Youth Commission may transfer an
19 amount not to exceed \$5,589,975 from Strategy A.1.3, Contracted
20 Capacity, to Strategy A.1.2, Institutional Services.

21 SECTION 42. DEPARTMENT OF AGING AND DISABILITY SERVICES:
22 APPROPRIATION REDUCTION. As a result of savings created by the
23 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5),
24 the unencumbered appropriations from the general revenue fund
25 appropriated to the Department of Aging and Disability Services for
26 use during the state fiscal biennium ending August 31, 2009, by
27 Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular

1 Session, 2007 (the General Appropriations Act) under Strategy
2 A.6.1, Nursing Facility Payments, are reduced by \$473,774,915.

3 SECTION 43. DEPARTMENT OF AGING AND DISABILITY SERVICES:
4 RESTORATION OF TRANSFER AUTHORITY. (a) Notwithstanding any
5 limitation on transfer among appropriation items prescribed by
6 Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
7 Session, 2007 (the General Appropriations Act), the Department of
8 Aging and Disability Services for the fiscal year ending August 31,
9 2009, may allocate the reduction in appropriations under Section 42
10 of this Act among the items of appropriation listed by Subsection
11 (c) of this section.

12 (b) Notwithstanding any limitation on transfer among
13 appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of
14 the 80th Legislature, Regular Session, 2007 (the General
15 Appropriations Act), the Department of Aging and Disability
16 Services for the fiscal year ending August 31, 2009, may allocate
17 the additional amount appropriated under Section 49 of this Act
18 among the items of appropriation listed by Subsection (c) of this
19 section.

20 (c) The Department of Aging and Disability Services may
21 allocate the additional and reduced amounts appropriated as
22 described by Subsections (a) and (b) of this section among the
23 following items of appropriation:

- 24 (1) A.2.1, Primary Home Care;
- 25 (2) A.2.2, Community Attendant Services;
- 26 (3) A.2.3, Day Activity and Health Services (DAHS);
- 27 (4) A.3.1, Community-based Alternatives (CBA);

- 1 (5) A.3.2, Home and Community-based Services (HCS);
2 (6) A.3.3, Community Living Assistance and Support
3 Services (CLASS);
4 (7) A.3.4, Deaf-blind Multiple Disabilities (DBMD);
5 (8) A.3.5, Medically Dependent Children Program
6 (MDCP);
7 (9) A.3.6, Consolidated Waiver Program;
8 (10) A.3.7, Texas Home Living Waiver;
9 (11) A.5.1, Program of All-Inclusive Care for the
10 Elderly (PACE);
11 (12) A.6.1, Nursing Facility Payments;
12 (13) A.6.2, Medicare Skilled Nursing Facility;
13 (14) A.6.3, Hospice;
14 (15) A.6.4, Promoting Independence by Providing
15 Community-based Client Services;
16 (16) A.7.1, Intermediate Care Facilities - Mental
17 Retardation (ICF/MR); and
18 (17) A.8.1, MR State Schools Services.

19 SECTION 44. DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL
20 SECURITY EQUIPMENT. (a) In addition to amounts previously
21 appropriated for the state fiscal biennium ending August 31, 2009,
22 the amount of \$10,000,000 is appropriated out of the general
23 revenue fund to the Texas Department of Criminal Justice for the
24 two-year period beginning on the effective date of this Act for the
25 purpose of purchasing correctional security equipment.

26 (b) In addition to the capital budget authority previously
27 granted for the state fiscal biennium ending August 31, 2009, the

1 Department of Criminal Justice may use \$10,000,000 in capital
2 budget authority for an additional capital budget item for the
3 acquisition of capital equipment and items.

4 SECTION 45. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:
5 APPROPRIATION REDUCTION. As a result of savings created by the
6 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5),
7 the unencumbered amounts appropriated from the general revenue fund
8 to the Department of Family and Protective Services for use during
9 the state fiscal biennium ending August 31, 2009, by Chapter 1428
10 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the
11 General Appropriations Act), are reduced by the following amounts:

12 (1) \$10,976,561 under Strategy A.2.10, Foster Care
13 Payments; and

14 (2) \$7,565,224 under Strategy A.2.11, Adoption
15 Subsidy Payments.

16 SECTION 46. HEALTH AND HUMAN SERVICES COMMISSION:
17 APPROPRIATION REDUCTION. As a result of savings created by the
18 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5),
19 the unencumbered amounts appropriated from the general revenue fund
20 to the Health and Human Services Commission for use during the state
21 fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1),
22 Acts of the 80th Legislature, Regular Session, 2007 (the General
23 Appropriations Act), under Strategy B.1.4, Children and Medically
24 Needy, are reduced by \$1,127,526,993.

25 SECTION 47. HEALTH AND HUMAN SERVICES COMMISSION:
26 RESTORATION OF TRANSFER AUTHORITY. (a) Notwithstanding any
27 limitation on transfer among appropriation items prescribed by

1 Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
2 Session, 2007 (the General Appropriations Act), the Health and
3 Human Services Commission for the fiscal year ending August 31,
4 2009, may allocate the reduction in appropriations under Section 46
5 of this Act among the items of appropriation listed under Goal B,
6 Medicaid.

7 (b) Notwithstanding any limitation on transfer among
8 appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of
9 the 80th Legislature, Regular Session, 2007 (the General
10 Appropriations Act), the Health and Human Services Commission for
11 the fiscal year ending August 31, 2009, may allocate the additional
12 amount appropriated under Section 52(2) of this Act among the items
13 of appropriation listed under Goal B, Medicaid.

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

21 (1) \$24,041,141 out of the general revenue fund
22 appropriations for that strategy; and

23 (2) \$25,534,391 out of the federal funds (TANF)
24 appropriations for that strategy.

25 SECTION 49. DEPARTMENT OF AGING AND DISABILITY SERVICES:
26 ADDITIONAL APPROPRIATIONS. In addition to amounts previously
27 appropriated for the state fiscal biennium ending August 31, 2009,

1 the amount of \$74,351,306 is appropriated out of the general
2 revenue fund to the Department of Aging and Disability Services
3 under Strategy A.6.1, Nursing Facility Payments, for the fiscal
4 year ending August 31, 2009.

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

11 (1) \$7,211,846 from the general revenue fund under
12 Strategy A.2.11, Adoption Subsidy Payments;

13 (2) \$6,657,839 from the general revenue fund under
14 Strategy C.1.1, CPS Reform Continued;

15 (3) \$3,732,979 in federal funds (TANF) under Strategy
16 C.1.1, CPS Reform Continued;

17 (4) \$14,248,456 from the general revenue fund under
18 Strategy A.3.1, APS Direct Delivery Staff, for the loss of Medicaid
19 federal funds;

20 (5) \$18,620,948 in federal funds (TANF) under Strategy
21 A.2.1, CPS Direct Delivery Staff, for enterprise support services;
22 and

23 (6) \$6,693,100 from the general revenue fund under
24 Strategy A.2.3, TWC Foster Day Care.

25 SECTION 51. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:
26 RESTORATION OF TRANSFER AUTHORITY. (a) Notwithstanding any
27 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 allocate any amounts appropriated in Sections 50(4) and 50(5) of this Act 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;
- (7) Strategy A.4.1, Child Care Regulation;
- (8) Strategy B.1.1, Central Administration;
- (9) Strategy B.1.2, Other Support Services;
- (10) Strategy B.1.3, Regional Administration; and
- (11) Strategy B.1.4, IT Program Support.

(b) 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), the Department of Family and Protective Services for the fiscal year ending August 31, 2009, may transfer to Strategy A.2.4, TWC Protective Day Care, amounts appropriated by Section 50(6) of this Act to Strategy A.2.3, TWC Foster Day Care.

SECTION 52. HEALTH AND HUMAN SERVICES COMMISSION: ADDITIONAL APPROPRIATIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the Health and Human Services Commission is appropriated for the

1 fiscal year ending August 31, 2009, the following amounts for the
2 following purposes:

3 (1) \$759,113,979 from the general revenue fund under
4 Goal B, Medicaid; and

5 (2) \$323,850,650 from the general revenue fund under
6 Strategy B.2.3, Medicare Federal Give Back.

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

15 (1) Section 8.03(e), Article IX (Reimbursements and
16 Payments);

17 (2) Section 14.01, Article IX (Appropriation
18 Transfers);

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

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

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

26 (b) The Department of State Health Services shall report to
27 the Legislative Budget Board not later than October 1, 2009,

1 regarding each instance in which the Department of State Health
2 Services transferred funds to meet the shortfall within the mental
3 health hospital system. The report shall include at a minimum the
4 items of appropriation from which the funds were transferred, the
5 items of appropriation to which the funds were transferred, the
6 amount and method of finance of funds used in each transfer, and any
7 other information requested by the Legislative Budget Board.

8 SECTION 54. HEALTH AND HUMAN SERVICES COMMISSION:
9 ADDITIONAL FEDERAL MEDICAID FUNDING. In addition to amounts
10 previously appropriated for the state fiscal biennium ending August
11 31, 2009, the amount of \$1,619,843,693 is appropriated out of funds
12 received under the American Recovery and Reinvestment Act of 2009
13 (Pub. L. No. 111-5) to the Health and Human Services Commission for
14 the two-year period beginning on the effective date of this Act for
15 the purpose of increased federal funding for Medicaid and foster
16 care/adoption subsidies.

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

26 (1) UT Medical Branch at Galveston: \$150,000,000;

27 (2) Brazosport College: \$120,111;

1 (3) Parks and Wildlife Department: \$12,000,000;
2 (4) UT M.D. Anderson Cancer Center: \$1,725,995;
3 (5) Alvin College: \$2,358,771;
4 (6) Texas A&M Galveston: \$6,200,000;
5 (7) Texas Forest Service: \$385,091;
6 (8) Houston Community College: \$1,507,670;
7 (9) Commission on Environmental Quality: \$4,600,000;
8 (10) San Jacinto College: \$3,045,820;
9 (11) Galveston College: \$407,406;
10 (12) Texas Engineering Extension Service: \$1,200,000;
11 (13) Adjutant General's Department: \$1,244,007;
12 (14) The University of Texas at Brownsville:
13 \$1,200,000;
14 (15) Lamar University: \$2,803,561;
15 (16) Lamar Institute of Technology: \$2,007,758;
16 (17) Lamar State College: Port Arthur: \$829,530;
17 (18) Texas Southern University: \$9,720,192;
18 (19) College of the Mainland: \$176,236;
19 (20) The University of Texas Pan American: \$102,258;
20 (21) The University of Texas Health Center at Tyler:
21 \$1,461,557;
22 (22) The University of Texas Health Science Center at
23 Houston: \$1,000,000;
24 (23) University of Houston System Administration:
25 \$7,339,000;
26 (24) Texas State Technical College: Harlingen:
27 \$904,558;

- (25) Lamar State College: Orange: \$600,000;
(26) Prairie View A&M University: \$488,864;
(27) Lee College: \$137,554; and
(28) Department of Agriculture: \$20,000,000.

(b) For each appropriation made to an entity by this section in an amount that exceeds \$5,000,000, the comptroller shall separately account for expenditures from that item of appropriation and for reimbursements to the general revenue fund made in connection with that item of appropriation in accordance with Section 62 of this Act by creating, for accounting purposes, a separate account within the general revenue fund. Expenditures from each item of appropriation subject to this section shall be made from the separate account created for that item and reimbursements to the general revenue fund made in connection with that item of appropriation in accordance with Section 62 of this Act shall be deposited to that separate account. It is the intent of the 81st Legislature that the 82nd Legislature appropriate for further recovery efforts from the natural disaster that are still being made or paid for by the entity that received the appropriation any money received as reimbursements to the general revenue fund in connection with the appropriation to that entity and separately accounted for in accordance with this subsection.

(c) The amount appropriated by this section to UT Medical Branch at Galveston may be spent only to provide matching funds for FEMA qualifying projects, except that if that amount cannot be prudently and effectively spent in that manner, the remainder of the \$150,000,000 appropriation may be spent only with the prior

1 written approval of the Legislative Budget Board.

2 (d) The amounts appropriated by this section to the
3 Department of Agriculture shall be spent to compensate the Texas
4 Boll Weevil Eradication Foundation for a portion of the
5 foundation's increased expenses incurred because of Hurricane Ike
6 and Hurricane Dolly. The Texas Boll Weevil Eradication Foundation
7 and the Department of Agriculture must approve the allocation of
8 funds appropriated by this section to each eligible boll weevil
9 eradication zone. The Department of Agriculture shall remit the
10 amounts appropriated by this section to the Texas Boll Weevil
11 Eradication Foundation, and the foundation shall credit the funds
12 to the accounts of the following boll weevil eradication zones:

- 13 (1) Southern Blacklands;
- 14 (2) Northern Blacklands;
- 15 (3) Upper Coastal Bend;
- 16 (4) South Texas/Winter Garden; and
- 17 (5) Lower Rio Grande Valley.

18 SECTION 56. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY
19 WILDFIRES. The amount of \$31,478,218 is appropriated out of the
20 general revenue fund to the Texas Forest Service for the two-year
21 period beginning on the effective date of this Act for the purpose
22 of paying for, or reimbursing payments made for, costs incurred by
23 the Texas Forest Service associated with wildfires that occurred
24 before the effective date of this Act during the state fiscal
25 biennium that began September 1, 2007.

26 SECTION 57. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY
27 FLOODING. The amount of \$69,339 is appropriated out of the general

1 revenue fund to the Texas Forest Service for the two-year period
2 beginning on the effective date of this Act for the purpose of
3 paying for, or reimbursing payments made for, costs incurred by the
4 forest service associated with flooding that occurred before the
5 effective date of this Act during the state fiscal biennium that
6 began September 1, 2007.

7 SECTION 58. CERTAIN APPROPRIATIONS FOR DISASTER RELIEF.

8 (a) The amount of \$62 million is appropriated out of the general
9 revenue fund to the Trusteed Programs within the Office of the
10 Governor for the two-year period beginning on the effective date of
11 this Act for the purpose of providing disaster relief in accordance
12 with this section. The prior approval of the Legislative Budget
13 Board given or considered to be given as provided by this subsection
14 is required to expend funds for the purpose of providing
15 reimbursements for post disaster recovery expenditures. The
16 Governor's Division of Emergency Management shall provide
17 information regarding proposed expenditures of funds for this
18 purpose to the Legislative Budget Board in a format provided by the
19 board. If the Legislative Budget Board does not disapprove a
20 proposed reimbursement for post disaster recovery expenditures
21 within 10 days of receiving the required information, the proposed
22 expenditure is considered automatically approved.

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

27 (c) Out of amounts appropriated in Subsection (a) of this

1 section, it is the intent of the legislature that \$1,508,450 be used
2 to pay for air ambulance services in connection with emergency
3 evacuation operations during Hurricane Rita conducted from
4 September 21 through September 29, 2005.

5 (d) Out of amounts appropriated by Subsection (a) of this
6 section, it is the intent of the legislature that the governor
7 coordinate with the Texas Education Agency to reimburse eligible
8 school districts in an aggregate amount not to exceed \$10 million
9 for qualifying disaster remediation costs.

10 (e) Out of amounts appropriated by Subsection (a) of this
11 section, it is the intent of the legislature that the Governor's
12 Division of Emergency Management shall reimburse the Texas
13 Engineering Extension Service for costs incurred in connection with
14 the response of the Texas Task Force 1 to certain flooding.

15 (f) Out of amounts appropriated by Subsection (a) of this
16 section, it is the intent of the legislature that the Governor's
17 Division of Emergency Management may reimburse the General Land
18 Office for repairs made to the protective dune system for County
19 Road 257.

20 SECTION 59. UNIVERSITY OF TEXAS AT AUSTIN: HOLD HARMLESS.

21 (a) In addition to amounts previously appropriated for the state
22 fiscal biennium ending August 31, 2009, the amount of \$9,902,630 is
23 appropriated out of the general revenue fund to The University of
24 Texas at Austin for the two-year period beginning on the effective
25 date of this Act for the purpose of providing The University of
26 Texas the 2008-2009 biennium formula hold harmless amount.

27 (b) From appropriations made by Subsection (a) of this

1 section, The University of Texas at Austin shall direct the amount
2 of \$700,000 to the Marine Science Institute to support the National
3 Estuarine Research Reserve.

4 SECTION 60. TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE
5 GOVERNOR: DEBRIS REMOVAL. In addition to amounts previously
6 appropriated for the state fiscal biennium ending August 31, 2009,
7 the amount of \$16,565,040 is appropriated out of the general
8 revenue fund to the Trusteed Programs within the Office of the
9 Governor for the two-year period beginning on the effective date of
10 this Act for the Governor's Division of Emergency Management to
11 remove debris from Harris County, Jefferson County, Chambers
12 County, Brazoria County, Galveston County, and the City of Houston.

13 SECTION 61. TEXAS STATE UNIVERSITY SYSTEM: DISASTER
14 RECOVERY REIMBURSEMENTS. It is the intent of the legislature that
15 all funds received after the effective date of this Act by the Texas
16 State University System or its component institutions for
17 reimbursement of disaster recovery related expenditures associated
18 with Hurricane Katrina and Hurricane Rita shall be immediately
19 deposited to the credit of unappropriated general revenue. These
20 funds include, but are not limited to, an estimated \$9,100,000 in
21 Federal Emergency Management Agency (FEMA) reimbursements.

22 SECTION 62. REIMBURSEMENT TO GENERAL REVENUE FUND. (a) If
23 any state agency or institution of higher education receives
24 reimbursement from the federal government, an insurer, or another
25 source for an expenditure paid for or reimbursed under Sections 9,
26 15, 52, 55, 56, or 57 of this Act, the agency or institution shall
27 reimburse the state in an amount equal to the general revenue funds

1 expended for damages that is proportional to the total expenditures
2 for damages described under Sections 9, 15, 52, 55, 56, or 57 of
3 this Act, and that amount shall be deposited to the credit of the
4 general revenue fund.

5 (b) If any state agency or institution of higher education
6 receives reimbursement from the federal government, an insurer, or
7 another source for an expenditure paid for or reimbursed under
8 Section 58 or 60 of this Act, the agency or institution shall
9 reimburse the state by depositing the amount of the reimbursement
10 to the credit of the Trusteed Programs within the Office of the
11 Governor. Amounts deposited under this subsection are
12 reappropriated to the Trusteed Programs within the Office of the
13 Governor for disaster preparedness and recovery costs for the
14 two-year period beginning on the effective date of this Act.

15 SECTION 63. DEBT SERVICE PAYMENTS - NON-SELF SUPPORTING
16 GENERAL OBLIGATION WATER BONDS: APPROPRIATION REDUCTION. The
17 unencumbered appropriations from the general revenue fund
18 appropriated to the Water Development Board for Debt Service
19 Payments for Non-Self Supporting G.O. Water Bonds for use during
20 the state fiscal biennium ending August 31, 2009, made by Chapter
21 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007
22 (the General Appropriations Act), are reduced by the following
23 amounts:

24 (1) \$15,820,198 from Strategy A.1.2, State
25 Participation Debt Service;

26 (2) \$15,231,801 from Strategy A.1.1, EDAP Debt
27 Service;

(3) \$3,354 from Strategy A.1.3, AG Water Conservation Debt; and

(4) \$1,894,416 from Strategy A.1.4, WIF Debt Service.

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

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

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

(3) the methodology used by an entity, including a unit of local government, to estimate a loss caused by a disaster.

SECTION 65. GENERAL LAND OFFICE: FEMA REIMBURSEMENTS. (a) Reimbursements received from the Federal Emergency Management Agency (an estimated amount of \$39 million) for expenses incurred by the General Land Office in removing debris caused by Hurricane

1 Ike and paid for with \$39 million in emergency funds transferred
2 from the Texas Public Finance Authority are appropriated to the
3 General Land Office for the period ending on May 30, 2011, for the
4 purpose of funding coastal management programs of the land office,
5 including debris and structure removal, derelict structure
6 buyouts, shoreline stabilization, dune restoration, beach
7 renourishment, coastal erosion mitigation, and other coastal
8 projects authorized by statute.

9 (b) Not later than May 31, 2011, the General Land Office
10 shall deposit to the credit of undedicated general revenue an
11 amount equal to the amount of reimbursements received and
12 appropriated to the General Land Office under Subsection (a) of
13 this section.

14 SECTION 66. APPROPRIATIONS ALLOCATED TO APPROPRIATE
15 GENERAL APPROPRIATIONS ACT STRATEGIES. Except as otherwise
16 provided by this Act, the agencies and institutions receiving
17 appropriations made by this Act shall allocate the appropriations
18 to the appropriate General Appropriations Act strategies.

19 SECTION 67. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE
20 SERVICES: AUTISM. (a) In addition to amounts previously
21 appropriated for the state fiscal biennium ending August 31, 2009,
22 the amount of \$6,600,000 is appropriated out of the general revenue
23 fund to the Department of Assistive and Rehabilitative Services for
24 the two-year period beginning on the effective date of this Act to
25 provide autism services for children ages three to eight.

26 (b) Out of the funds appropriated in this section, the
27 Department of Assistive and Rehabilitative Services shall make

every effort to attain the following performance measure targets:

(1) provide autism services to an average of 127 children per month for the fiscal year ending August 31, 2010, and provide autism services to an average of 127 children per month for the fiscal year ending August 31, 2011;

(2) provide autism services at an average monthly cost per child of \$2,185 for the fiscal year ending August 31, 2010, and provide autism services at an average monthly cost per child of \$2,185 for the fiscal year ending August 31, 2011;

(3) provide autism services to 224 children by the end of the fiscal year ending August 31, 2010, and provide autism services to 224 children by the end of the fiscal year ending August 31, 2011.

SECTION 68. CONTINGENCY FOR DEPARTMENT OF JUSTICE SETTLEMENT. (a) Contingent on the State of Texas and the United States Department of Justice reaching a settlement agreement, the Department of Aging and Disability Services is appropriated the amount of \$45,069,658 out of the general revenue fund for the two-year period beginning on the effective date of this Act, for the purpose of providing for additional staffing, monitoring activities, training, and other one-time costs.

(b) Also contingent upon the State of Texas and the United States Department of Justice reaching a settlement agreement, in addition to the number of full-time equivalent employees (FTEs) the Department of Aging and Disability Services is authorized by other law to employ during the state fiscal year ending August 31, 2010, the department may employ an additional 1,160.0 FTEs during that

state fiscal year. In addition to the number of full-time equivalent employees (FTEs) the Department of Aging and Disability Services is authorized by other law to employ during the state fiscal year ending August 31, 2011, the department may employ an additional 1,160.0 FTEs during that state fiscal year.

(c) Contingent on the State of Texas and the United States Department of Justice reaching a settlement agreement, the Department of Family and Protective Services is appropriated the amount of \$1,544,907 out of the general revenue fund for the fiscal year ending August 31, 2010, and \$1,606,426 out of the general revenue fund for the period beginning on September 1, 2010, and ending on the last effective day of this Act for incident management and to ensure the protection from harm, abuse, or neglect for residents of state schools.

(d) Also contingent upon the State of Texas and the United States Department of Justice reaching a settlement agreement, in addition to the number of full-time equivalent employees (FTEs) the Department of Family and Protective Services is authorized by other law to employ during the state fiscal year ending August 31, 2010, the department may employ an additional 37.0 FTEs during that state fiscal year. In addition to the number of full-time equivalent employees (FTEs) the Department of Family and Protective Services is authorized by other law to employ during the state fiscal year ending August 31, 2011, the department may employ an additional 43.0 FTEs during that state fiscal year.

SECTION 69. TEXAS STATE TECHNICAL COLLEGE SYSTEM
ADMINISTRATION: RENOVATIONS AND CAPITAL EXPENDITURES. Contingent

H.B. No. 4586

1 on the enactment of H.B. 2654 or similar legislation relating to
2 imposition of the motor vehicle sales tax on motor vehicles
3 transferred as the result of a gift by the 81st Legislature, Regular
4 Session, 2009, and also contingent on the comptroller certifying
5 that the estimated amount of additional general revenue produced by
6 the enactment of H.B. 2654 or similar legislation relating to
7 imposition of the motor vehicle sales tax on motor vehicles
8 transferred as the result of a gift exceeds \$10,000,000, the Texas
9 State Technical College System Administration is appropriated the
10 amount of \$10,000,000 out of the general revenue fund for the fiscal
11 year ending August 31, 2010, for capital expenditures and
12 renovations for collaborative research projects. The legislature
13 finds a demonstrated need for these capital expenditures and
14 renovations.

15 SECTION 70. TEXAS SOUTHERN UNIVERSITY: MICKEY LELAND AND
16 BARBARA JORDAN PAPERS. In addition to amounts previously
17 appropriated for the state fiscal biennium ending August 31, 2009,
18 the amount of \$150,000 is appropriated out of the general revenue
19 fund to Texas Southern University for the two-year period beginning
20 on the effective date of this Act to ensure the proper preservation
21 and display of the Mickey Leland and Barbara Jordan papers
22 maintained by the university.

23 SECTION 71. TEXAS PARKS AND WILDLIFE DEPARTMENT: TEXAS
24 STATE RAILROAD. In addition to amounts previously appropriated for
25 the state fiscal biennium ending August 31, 2009, the amount of
26 \$1,000,000 is appropriated to the Texas Parks and Wildlife
27 Department out of the general revenue fund for the two-year period

1 beginning on the effective date of this Act for the purpose of
2 supporting the operations of the Texas State Railroad. The
3 comptroller shall release funds provided in this section contingent
4 on review and approval by the Legislative Budget Board of a signed
5 contract between the Texas State Railroad Authority and the
6 railroad operator describing loan terms and regular reporting to
7 the Legislative Budget Board on the revolving account.

8 SECTION 72. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. In
9 addition to amounts previously appropriated for the state fiscal
10 biennium ending August 31, 2009, the amount of \$2,000,000 is
11 appropriated out of the general revenue dedicated account number
12 550 to the Texas Commission on Environmental Quality for the
13 two-year period beginning on the effective date of this Act for
14 conducting hazardous substance removal and disposal activities at
15 Ballard Pits, a state superfund site in Nueces County.

16 SECTION 73. DEPARTMENT OF AGING AND DISABILITY SERVICES:
17 CONTINGENCY FOR SENATE BILL 643. (a) Contingent on the enactment
18 by the 81st Legislature, Regular Session, 2009, and becoming law of
19 Senate Bill 643 or similar legislation relating to the protection
20 and care of persons with mental retardation, the Department of
21 Aging and Disability Services is appropriated, in addition to
22 amounts previously appropriated for the state fiscal biennium
23 ending August 31, 2009, the amount of \$19,000,000 from the general
24 revenue fund and \$19,000,000 from federal funds for the two-year
25 period beginning on the effective date of this Act to fully
26 implement the provisions of the legislation; to install video
27 surveillance equipment in areas defined as nonprivate space for

1 residents of state developmental centers and the ICF/MR component
2 of the Rio Grande State Center; and to monitor video across shifts
3 to detect and prevent abuse and exploitation of residents and
4 clients.

5 (b) In addition to the number of full-time equivalent
6 employees (FTEs) the Department of Aging and Disability Services is
7 authorized by other law to employ during the state fiscal biennium
8 ending August 31, 2011, the department may employ an additional
9 186.0 FTEs during that state fiscal biennium.

10 (c) Also contingent on enactment by the 81st Legislature,
11 Regular Session, 2009 and becoming law of Senate Bill 643 or similar
12 legislation relating to the protection and care of persons with
13 mental retardation, the Department of Aging and Disability Services
14 shall use amounts appropriated by Senate Bill 1, Acts of the 81st
15 Legislature, Regular Session, 2009 (the General Appropriations
16 Act), to implement name changes, mortality reviews, on-site annual
17 surveys of group homes, the Forensic State Supported Living Center,
18 an independent ombudsman, a new assistance commissioner,
19 behavioral support specialists for alleged offenders, and employee
20 background checks, finger printing, and drug testing.

21 SECTION 74. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:
22 TEXAS EMISSIONS REDUCTION PLAN ACCOUNT. The Texas Commission on
23 Environmental Quality is appropriated the amount of \$37,000,000 out
24 of the Texas Emissions Reduction Plan Account No. 5071 for the
25 two-year period beginning on the effective date of this Act for the
26 implementation of activities under Subsection (a) of 386.252 of the
27 Health and Safety Code.

1 SECTION 75. DEPARTMENT OF PUBLIC SAFETY: EMERGENCY
2 PREPAREDNESS. The Department of Public Safety is appropriated the
3 amount of \$4,500,000 from the general revenue fund under Goal D,
4 Emergency Management, for the two-year period beginning on the
5 effective date of this Act to be transferred to the Division of
6 Emergency Management for staffing and emergency systems to apply
7 lessons learned in multiple major disasters in 2007 and 2008 to
8 enhance the capability of the state to plan and coordinate
9 emergency preparedness, emergency response, and disaster recovery
10 operations with local governments and state and federal agencies
11 and to fully incorporate the support of industry and volunteer
12 groups into emergency operations. Of the funds appropriated in
13 this section, the amount of \$1,550,000 shall be used to enhance the
14 capabilities of the State Operations Center and the remainder shall
15 be used to fund 29 full-time equivalent positions to improve
16 preparedness and response capabilities, the delivery of disaster
17 assistance, and staffing for disaster-related financial
18 management.

19 SECTION 76. TEXAS WORKFORCE COMMISSION: FEDERALLY FUNDED
20 BENEFITS. To minimize the impact on state funds appropriated in
21 this Act or in Senate Bill 1, Acts of the 81st Legislature, Regular
22 Session, 2009 (the General Appropriations Act), for the fiscal
23 biennium ending August 31, 2011, for unemployment benefits, the
24 Texas Workforce Commission may adjust unemployment eligibility
25 periods as necessary to maximize receipt of any 100 percent
26 federally funded benefit. This provision does not appropriate
27 state funds, nor may additional state funds be appropriated as a

1 result of this authorization. Additional federal funds received by
2 the State of Texas resulting from the authorized adjustment are
3 appropriated as necessary to comply with Section 2005 of Public Law
4 No. 111-5.

5 SECTION 77. EMPLOYEES RETIREMENT SYSTEM: PILOT PROGRAM TO
6 TEST ALTERNATIVE PAYMENT SYSTEMS. Out of funds appropriated to the
7 Employees Retirement System in Senate Bill 1, Acts of the 81st
8 Legislature, Regular Session, 2009 (the General Appropriations
9 Act), for the fiscal biennium ending August 31, 2011, the Employees
10 Retirement System is authorized to establish a pilot program under
11 which physicians and health care providers who provide health care
12 services to employees and retirees participating in the group
13 benefits program are compensated under a payment system designed to
14 test alternatives to traditional fee-for-service payments. To the
15 extent practicable, the program must be based on nationally
16 recognized quality of care standards and evidence-based best
17 practices, and must include policies designed to promote provider
18 collaboration and other policies and practices as necessary to
19 ensure high-quality and effective health care services.

20 SECTION 78. TEXAS PARKS AND WILDLIFE DEPARTMENT: LOCAL
21 PARK RESTORATION. Contingent on enactment by the 81st Legislature,
22 Regular Session, 2009, and becoming law of H.B. 3391, S.B. 1010, or
23 similar legislation relating to the continuation and functions of
24 the Parks and Wildlife Department, out of funds appropriated to the
25 Texas Parks and Wildlife Department in Strategy B.2.1, Local Parks
26 Grants in Senate Bill 1, Acts of the 81st Legislature, Regular
27 Session, 2009 (the General Appropriations Act), for the fiscal

1 biennium ending August 31, 2011, it is the intent of the legislature
2 that an amount not to exceed \$1,500,000 be provided as matching
3 grants to the City of Waco as follows:

4 (1) \$373,000 shall be allocated for a one-to-one
5 matching grant for the purpose of replacing the existing Oscar Du
6 Conge Pool with safe and appropriate public recreational water
7 activities in East Waco, such as a splash pad/spray park; and

8 (2) \$1,127,000 shall be allocated for a two-to-one
9 matching grant for the purpose of restoring, upgrading, or
10 replacing the existing public skate park to provide a safe, family
11 recreational skating facility.

12 SECTION 79. APPROPRIATIONS FOR ADVANCED CLEAN ENERGY
13 PROJECT. Amounts appropriated by Senate Bill 1, Acts of the 81st
14 Legislature, Regular Session, 2009 (the General Appropriations
15 Act), to the Trusteed Programs within the Office of the Governor for
16 transfer to the Texas Emerging Technology Fund may be used for the
17 two-year period beginning on the effective date of this Act for
18 expenditures related to clean energy programs or projects, as
19 authorized by general law.

20 SECTION 80. UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT
21 HOUSTON: TRAUMA CARE. The University of Texas Health Science Center
22 at Houston is appropriated \$6,000,000 from the general revenue
23 dedicated account 5111 for the two-year period beginning on the
24 effective date of this Act to provide reimbursements for
25 uncompensated care.

26 SECTION 81. UNIVERSITY OF TEXAS M.D. ANDERSON CANCER
27 CENTER: UNCOMPENSATED CARE FOR HURRICANE IKE PATIENTS. The

1 University of Texas M.D. Anderson Cancer Center is appropriated
2 \$2,000,000 from the general revenue fund for the two-year period
3 beginning on the effective date of this Act to provide
4 reimbursements for uncompensated care for Hurricane Ike patients.

5 SECTION 82. UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER
6 AT FORT WORTH: TRAUMA CARE. The University of North Texas Health
7 Science Center at Fort Worth is appropriated \$2,000,000 from the
8 general revenue fund for the two-year period beginning on the
9 effective date of this Act to provide reimbursements for
10 uncompensated care.

11 SECTION 83. TEXAS PARKS AND WILDLIFE DEPARTMENT: VARIOUS
12 FUNCTIONS. The Texas Parks and Wildlife Department is appropriated
13 from the general revenue fund for the two-year period beginning on
14 the effective date of this Act the following amounts:

15 (1) \$2,000,000 to repair hurricane-related damages to
16 the Sea Rim State Park ;and

17 (2) \$1,000,000 for information technology services.

18 SECTION 84. NAVARRO COLLEGE: REIMBURSEMENTS. Navarro
19 College is appropriated \$1,500,000 from the general revenue fund
20 for the two-year period beginning on the effective date of this Act
21 to reimburse the Higher Education Coordinating Board for new campus
22 funding.

23 SECTION 85. TEXAS DEPARTMENT OF LICENSING AND REGULATION:
24 OPERATIONS. The Texas Department of Licensing and Regulation is
25 appropriated \$956,000 from the general revenue fund for the
26 two-year period beginning on the effective date of this Act for
27 operations.

1 SECTION 86. CANCER PREVENTION AND RESEARCH INSTITUTE:
2 CERTAIN SALARIES. (a) Notwithstanding any limitation on salary
3 rates prescribed by Chapter 1428 (H.B. 1), Acts of the 80th
4 Legislature, Regular Session, 2007 (the General Appropriations
5 Act), the Executive Director of the Cancer Prevention and Research
6 Institute shall be compensated at a rate not to exceed \$214,000 per
7 fiscal year for the fiscal year ending August 31, 2009, and the
8 Chief Scientific Officer of the institute may be compensated at a
9 rate not to exceed \$212,000 per year for the fiscal year ending
10 August 31, 2009.

11 (b) In addition to the rates provided in Subsection (a) of
12 this section, the Executive Director may receive a salary
13 supplement not to exceed \$86,000 for a total combined salary of
14 \$300,000 out of state and foundation funds for the fiscal year
15 ending August 31, 2009. In addition to the rates provided in
16 Subsection (a) of this section, the Chief Scientific Officer may
17 receive a salary supplement not to exceed \$488,000 for a total
18 combined salary of \$700,000 out of state and foundation funds for
19 the fiscal year ending August 31, 2009. The respective salaries
20 paid out of appropriated state funds and foundation funds for each
21 fiscal year of the biennium to the Executive Director and the Chief
22 Scientific Officer of the Institute may not exceed the highest
23 salary paid to a chancellor of a public university system.

24 SECTION 87. GENERAL LAND OFFICE: DISASTER MITIGATION
25 BUYOUTS. The General Land Office is appropriated \$10,000,000 from
26 the general revenue fund for the two-year period beginning on the
27 effective date of this Act for structure buyouts as authorized by

1 Chapter 33, Natural Resources Code.

2 SECTION 88. DEPARTMENT OF STATE HEALTH SERVICES: NORTHSTAR
3 BEHAVIORAL HEALTH WAIVER. (a) Notwithstanding any limitations
4 prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature,
5 Regular Session, 2007 (the General Appropriations Act), for the
6 fiscal year ending August 31, 2009, to the extent that the NorthSTAR
7 managed care organization is able to obtain cost savings associated
8 with state-approved purchasing arrangements for the purchase of new
9 generation medications under Department of State Health Services
10 Strategy B.2.4, NorthSTAR Behavioral Health Waiver, NorthSTAR
11 managed care organization may expend an equivalent amount from
12 Strategy B.2.4, NorthSTAR Behavioral Health Waiver on direct
13 services to clients.

14 (b) In addition to amounts previously appropriated for the
15 state fiscal biennium ending August 31, 2009, the amount of
16 \$5,000,000 is appropriated out of the general revenue fund to the
17 Department of State Health Services under Strategy B.2.4, NorthSTAR
18 Behavioral Health Waiver to provide direct client services.

19 SECTION 89. APPROPRIATION FOR A SINGLE RETENTION PAYMENT
20 FOR WORK PERFORMED BY STATE EMPLOYEES. (a) As used in this
21 section, retention payment means a single employee compensation
22 payment in the amount of eight hundred dollars (\$800) authorized to
23 be paid to employees in August, 2009, by each agency of the State of
24 Texas through the payroll system, to each employee who was
25 continuously employed by the agency from March 31, 2009, through
26 August 1, 2009, for work performed by the state employees, but
27 subject to the exclusions and limitations under this section.

1 (b) The Comptroller of Public Accounts is appropriated an
2 amount estimated to be \$42,183,779 out of the General Revenue Fund,
3 an amount estimated to be \$3,915,109 out of General
4 Revenue-Dedicated, an amount estimated to be \$21,904,727 out of
5 federal funds, and an amount estimated to be \$20,260,422 out of
6 other funds and accounts, to fund a retention payment for work
7 performed by the state employees as described in Subsection (a) of
8 this section for employees of state agencies including employees of
9 the Higher Education Coordinating Board and employees of a Texas
10 A&M University System service agency.

11 (c) This section shall not apply to employees of
12 institutions of higher education (except for employees of a service
13 agency of The Texas A&M University System), statewide elected
14 officials, justices and judges of the appellate and district
15 courts, district attorneys, criminal district attorneys, county
16 attorneys performing the duties of a district attorney, or line
17 item exempt (non-classified) employees. Additionally, this
18 section shall not apply to the following employees:

19 (1) At the Texas Department of Criminal Justice:

20 (A) Correctional Officer series; and Ranking
21 Staff (including Sergeants, Lieutenants, Captains, Majors,
22 Assistant Wardens, and Wardens) otherwise provided a pay increase
23 under the General Appropriations Act for the 2010-11 Biennium;

24 (B) Laundry Managers otherwise provided a pay
25 increase under the General Appropriations Act for the 2010-11
26 Biennium;

27 (C) Food Service Managers otherwise provided a

1 pay increase under the General Appropriations Act for the 2010-11
2 Biennium;

3 (D) Parole Officer series otherwise provided a
4 pay increase under the General Appropriations Act for the 2010-11
5 Biennium; and

6 (E) Other unit staff otherwise provided a pay
7 increase under the General Appropriations Act for the 2010-11
8 Biennium;

9 (2) At the Texas Youth Commission:

10 (A) Juvenile Correctional Officers series
11 otherwise provided a pay increase under the General Appropriations
12 Act for the 2010-11 Biennium; and

13 (B) Other unit staff otherwise provided a pay
14 increase under the General Appropriations Act for the 2010-11
15 Biennium;

16 (3) Law Enforcement Employees classified under
17 Schedule C under Part 2, Article IX of the General Appropriations
18 Act for the 2010-11 Biennium otherwise provided a pay increase
19 under the General Appropriations Act for the 2010-11 Biennium;

20 (4) At the Parks and Wildlife Department, in the event
21 the Comptroller certifies the additional revenue of \$11,328,892
22 from the Game, Fish and Water Safety Account No. 9, the employees
23 provided pay raises from these amounts during the 2010-11
24 Biennium may not participate in the \$800 retention payment for
25 classified employees provided by this Act.

26 (5) In the Judicial branch of state government:

27 (A) At the Supreme Court and the Court of

1 Criminal Appeals:

2 (1) the staff attorneys;

3 (2) law clerks; and

4 (3) court administrative staff;

5 (B) At the 14 Appellate Courts:

6 (1) staff attorneys;

7 (2) law clerks; and

8 (3) employees whom a Court of Appeals
9 designates as receiving salary increases from the block grant
10 appropriated for the 14 Courts of Appeals in the 2010-11 Biennium;

11 (C) At the State Law Library, all positions; and

12 (D) At the State Commission on Judicial Conduct,
13 the General Counsel and attorney staff;

14 (6) At all agencies, financial examiners otherwise
15 provided a pay increase under the General Appropriations Act for
16 the 2010-11 Biennium; and

17 (7) At all agencies, employees who earned amounts
18 greater than \$100,000.00 per year calculated as may be prescribed
19 by rules adopted by the Comptroller in order to achieve the
20 legislative objective of excluding employees who earn salaries
21 greater than either \$8,334.00 per month or \$100,000.00 per year
22 from receiving the retention payment.

23 (d) For employees paid the retention payment authorized
24 under this section, any increase in employee benefits costs
25 associated with the retention payment as described above shall be
26 paid exclusively from appropriations made above in Subsection (b)
27 of this section except for county extension agents who may receive a

1 retention payment solely from appropriations made from the general
2 revenue fund.

3 (e) Provisions requiring salaries and benefits to be
4 proportional to the source of funds shall apply to all sums
5 allocated under this section for the payment of a retention payment
6 as if the retention payment was a part of the employee's regular
7 compensation, except as may otherwise be provided. Each agency
8 shall pay the retention payment from funds held in the state
9 treasury and from local funds in the same proportion as the
10 employee's regular compensation.

11 (f) The Comptroller shall adopt rules as necessary to
12 administer this section. Funds appropriated in this section shall
13 be allocated to each agency, and to the appropriate employee
14 benefit appropriation items, in accordance with such rules and may
15 be used only for the purpose of providing a retention payment and
16 paying associated employee benefit costs.

17 (g) This section does not authorize an increase of
18 classified salary rates above the rates listed in the classified
19 salary schedules A, B, and C (as applicable) under Part 2, Article
20 IX of the General Appropriations Act for the 2010-11 Biennium. This
21 section authorizes each agency to pay a retention payment to each
22 eligible employee of that agency from funds appropriated by this
23 Act.

24 (h) Agencies subject to a special provisions rider
25 "Appropriations Limited to Revenue Collections" of the General
26 Appropriations Act for the 2010-11 Biennium shall increase revenues
27 as necessary to cover the increased retention payment amounts

1 appropriated above. Revenues to general revenue and general revenue
2 dedicated funds due to the retention payment increase described
3 above are estimated to be at least \$3,400,000.

4 SECTION 90. DEPARTMENT OF PUBLIC SAFETY: APPROPRIATIONS FOR
5 CERTAIN SALARIES. (a) Notwithstanding the Position Classification
6 Plan, under Section 2.01, Article IX, Senate Bill 1, Acts of the
7 81st Legislature, Regular Session, 2009 (the General
8 Appropriations Act), the Department of Public Safety is
9 appropriated for the two-year period beginning on the effective
10 date of this Act the following amounts for the following purposes:

11 (1) \$3,369,476 out of general revenue dedicated fund
12 99 to fund the reclassification of positions for the police
13 communications operators and supervisors at the Bureau of Law
14 Enforcement Communications and Technology within the Department of
15 Public Safety; and

16 (2) \$350,000 out of the general revenue dedicated fund
17 99 to fund the reclassification of positions for the forensic
18 scientists in the Forensic Breath Laboratory Services within the
19 Department of Public Safety.

20 (b) The State Classification Officer shall review and
21 properly classify the positions affected by Subsection (a) of this
22 section pursuant to authority provided under Chapter 654,
23 Government Code.

24 SECTION 91. DEPARTMENT OF PUBLIC SAFETY: CERTAIN BORDER
25 SECURITY FUNDS. (a) Notwithstanding amounts appropriated under
26 Senate Bill 1, Acts of the 81st Legislature, Regular Session, 2009,
27 (the General Appropriations Act), in the appropriation to the

1 Department of Public Safety for the fiscal year ending August 31,
2 2010, the amount of general revenue dedicated account 99
3 appropriated to the Department of Public Safety under Strategy
4 D.1.1., Emergency Preparedness, is reduced by \$5,500,000.

5 (b) Subsection (a), Rider 54, of the bill pattern of the
6 Department of Public Safety, under Article V in Senate Bill 1, Acts
7 of the 81st Legislature, Regular Session, 2009 (the General
8 Appropriations Act), has no effect.

9 SECTION 92. TEXAS A&M INTERNATIONAL UNIVERSITY. OUTREACH
10 AND ENROLLMENT. Texas A&M International University is appropriated
11 \$1,000,000 out of the general revenue fund for the fiscal year
12 ending August 31, 2010, and \$1,000,000 out of the general revenue
13 fund for the period beginning on September 1, 2010, and ending on
14 the second anniversary of the effective date of this Act for
15 outreach, access, enrollment, advising, tutoring, and retention
16 support.

17 SECTION. 93. CONTINGENT APPROPRIATION FOR S.B. 2534.
18 Contingent on the enactment of S.B. 2534 or similar legislation
19 relating to the creation of an interagency task force on economic
20 growth and endangered species by the 81st Legislature, Regular
21 Session, 2009, \$250,000 is appropriated out of the general revenue
22 fund for the fiscal year ending August 31, 2010, to the Texas A&M
23 University System for the purpose of operating the Task Force on
24 Economic Growth and Endangered Species.

25 SECTION 94. TEXAS PUBLIC FINANCE AUTHORITY: DEBT SERVICE.
26 The Texas Public Finance Authority is appropriated \$3,200,000 from
27 the general revenue fund for the two-year period beginning on the

1 effective date of this Act to pay debt service on general obligation
2 bonds.

3 SECTION 95. CONTINGENCY APPROPRIATION FOR H.B. 1511. (a)
4 Contingent on enactment by the 81st Legislature, Regular Session,
5 2009, and becoming law of House Bill 1511, House Bill 2860, or
6 Senate Bill 1411, or similar legislation relating to financial
7 assistance programs in connection with certain children in the
8 conservatorship of the Department of Family and Protective
9 Services, the Department of Family and Protective Services is
10 appropriated \$2,250,638 out of the general revenue fund for the
11 fiscal year ending August 31, 2010, and \$1,980,067 out of the
12 general revenue fund for the period beginning on September 1, 2010,
13 and ending on the second anniversary of the effective date of this
14 Act, to implement the legislation.

15 (b) Also contingent on enactment by the 81st Legislature,
16 Regular Session, 2009, and becoming law of House Bill 1511, House
17 Bill 2860, or Senate Bill 1411, or similar legislation relating to
18 financial assistance programs in connection with certain children
19 in the conservatorship of the Department of Family and Protective
20 Services, the Department of Family and Protective Services, in
21 addition to the number of full-time equivalent employees (FTEs) the
22 Department of Family and Protective Services is authorized by other
23 law to employ during the state fiscal biennium ending August 31,
24 2011, is authorized to employ an additional 17.0 FTEs during that
25 state fiscal biennium.

26 SECTION 96. CONTINGENCY APPROPRIATION FOR S.B. 2323.
27 Contingent on enactment by the 81st Legislature, Regular Session,

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2009, and becoming law of Senate Bill 2323 or similar legislation relating to the functions of the Texas School Safety Center, Texas State University-San Marcos is appropriated out of the general revenue fund for Strategy C.1.3, School Safety Center, the amounts of \$308,612 in the fiscal year ending August 31, 2010, and \$308,612 for the period beginning on September 1, 2010, and ending on the second anniversary of the effective date of this Act and is authorized to employ an additional four FTEs in each year of the biennium to implement provisions of the legislation.

SECTION 97. CONTINGENCY APPROPRIATION FOR H.B. 1684. Contingent upon the enactment by the 81st Legislature, Regular Session, 2009, and becoming law of H.B. 1684 or similar legislation relating to the creation and administration of the rural veterinarian loan repayment program, the Office of Rural Community Affairs is appropriated \$500,000 out of the general revenue fund for the two-year period beginning on the effective date of this Act to implement provisions of the legislation.

SECTION 98. CONTINGENCY APPROPRIATION FOR S.B. 174. Contingent upon the enactment by the 81st Legislature, Regular Session, 2009, and becoming law of S.B. 174 or similar legislation relating to educator preparation programs, the Texas Education Agency is appropriated \$275,000 in State Board for Educator Certification fees for the two-year period beginning on the effective date of this Act to implement provisions of the legislation. The Texas Education Agency may employ an additional two full-time equivalents in each fiscal year during the fiscal biennium ending August 31, 2011.

SECTION 99. UNIVERSITY OF TEXAS AT TYLER: PALESTINE CAMPUS.

The University of Texas at Tyler is appropriated \$1,300,000 out of the general revenue fund for the two-year period beginning on the effective date of this Act for faculty salaries and facility operations at the Palestine campus.

SECTION 100. OFFICE OF THE GOVERNOR: RIDER 4. Rider 4 of

the bill pattern of the Office of the Governor in Senate Bill 1, Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), has no effect.

SECTION 101. CONTINGENCY APPROPRIATION FOR S.B. 1362.

Contingent upon the enactment by the 81st Legislature, Regular Session, 2009, and becoming law of Senate Bill 1362 or similar legislation relating to a Texas Youth Commission comprehensive plan to improve student reading skills and behavior, the Texas Education Agency is appropriated \$375,000 out of the general revenue fund for each fiscal year of the biennium beginning September 1, 2009. On a determination by the commissioner of education that the Texas Youth Commission has developed a comprehensive plan based on research that will improve the reading skills and behavior of students served by the commission, the commissioner of education shall transfer the funds to the Texas Youth Commission for use in implementing the comprehensive plan.

SECTION 102. CONTINGENCY APPROPRIATION FOR S.B. 1313.

Contingent on enactment by the 81st Legislature, Regular Session, 2009, and becoming law of Senate Bill 1313 or similar legislation relating to the quality and accessibility of public school career and technical training programs and to assistance to students

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1 concerning postsecondary education and training, the Texas
2 Education Agency is appropriated \$1,350,000 for the state fiscal
3 year ending August 31, 2011, out of the general revenue fund for
4 industry certification examinations to non-economically
5 disadvantaged students, \$540,000 in fiscal year 2011 out of the
6 general revenue fund for the State Board Education to conduct a
7 course review, and \$100,000 in fiscal year 2011 out of the general
8 revenue fund to expand the Best Practices Clearinghouse to include
9 career and technology education. The Texas Workforce Commission is
10 appropriated \$100,000 for the state fiscal year ending August 31,
11 2011, out of the general revenue fund to develop a list of
12 high-demand, high-wage, high-skill occupations that require
13 licensure, certification, an associate degree, or a bachelor's
14 degree. The Higher Education Coordinating Board is appropriated out
15 of the general revenue fund the amount of \$2,290,000 for the state
16 fiscal year ending August 31, 2011, for training and materials
17 dealing with the "College for Texans" program and the amount of
18 \$100,000 for the state fiscal year ending August 31, 2011, to
19 conduct an economic impact study to determine the economic impact
20 to the state of secondary and postsecondary education and training.
21 The "Number of Full-Time Equivalents" in the Higher Education
22 Coordinating Board bill pattern is increased by two FTEs in the
23 state fiscal year ending August 31, 2011.

24 SECTION 103. EFFECTIVE DATE. This Act takes effect
25 immediately.

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President of the Senate

Speaker of the House

I certify that H.B. No. 4586 was passed by the House on April 17, 2009, by the following vote: Yeas 143, Nays 4, 1 present, not voting; that the House concurred in Senate amendments to H.B. No. 4586 on May 29, 2009, by the following vote: Yeas 139, Nays 0, 1 present, not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Chief Clerk of the House

I certify that H.B. No. 4586 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Secretary of the Senate

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I certify that the amounts appropriated in the herein H.B. No. 4586, Regular Session of the 81st Legislature, are within amounts estimated to be available in the affected fund.

Certified_____

Comptroller of Public Accounts

APPROVED: _____

Date

Governor