

1-1 By: Pitts, Eiland (Senate Sponsor - Ogden) H.B. No. 4586
1-2 (In the Senate - Received from the House April 20, 2009;
1-3 April 21, 2009, read first time and referred to Committee on
1-4 Finance; May 25, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 13, Nays 0;
1-6 May 25, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4586 By: Ogden

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

1-10 relating to making supplemental appropriations and reductions in
1-11 appropriations and giving direction and adjustment authority and
1-12 prescribing limitations regarding appropriations.

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

1-14 SECTION 1. DEPARTMENT OF STATE HEALTH SERVICES: SWINE FLU.
1-15 In addition to amounts previously appropriated for the state fiscal
1-16 biennium ending August 31, 2009, the amount of \$11,796,415 is
1-17 appropriated out of the general revenue fund to the Department of
1-18 State Health Services for the two-year period beginning on the
1-19 effective date of this Act for the purpose of paying for costs
1-20 associated with the swine flu.

1-21 SECTION 2. CANCER PREVENTION AND RESEARCH INSTITUTE:
1-22 OPERATIONS. (a) In addition to amounts previously appropriated
1-23 for the state fiscal biennium ending August 31, 2009, the amount of
1-24 \$917,389 is appropriated out of the general revenue fund to the
1-25 Cancer Prevention and Research Institute for the two-year period
1-26 beginning on the effective date of this Act for the purpose of
1-27 providing for salaries and wages, travel, acquisition of
1-28 information technology, computers, furniture, legal counseling,
1-29 and contracts.

1-30 (b) In addition to the number of full-time equivalent
1-31 employees (FTEs) the Cancer Prevention and Research Institute is
1-32 authorized by other law to employ during the state fiscal year
1-33 ending August 31, 2009, the center may employ an additional 16.0
1-34 FTEs during that state fiscal year.

1-35 SECTION 3. TEXAS FACILITIES COMMISSION: UTILITY COSTS. (a)
1-36 In addition to amounts previously appropriated for the state fiscal
1-37 biennium ending August 31, 2009, the amount of \$2,396,612 is
1-38 appropriated out of the general revenue fund to the Texas
1-39 Facilities Commission under Strategy C.2.1, Facilities Operation,
1-40 for the two-year period beginning on the effective date of this Act
1-41 for the purpose of providing for payment of increased utility costs
1-42 as a result of an increase in utility rates.

1-43 (b) Notwithstanding Article IX, Section 14.01,
1-44 Appropriation Transfers, or similar provisions of Chapter 1428
1-45 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the
1-46 General Appropriations Act), funds appropriated by this section may
1-47 not be transferred by the commission to another appropriation item
1-48 or be used by the commission for a purpose other than payment of
1-49 utility expenses without the prior written approval of the
1-50 Legislative Budget Board.

1-51 SECTION 4. TEXAS ETHICS COMMISSION: *FREE MARKET ASSOCIATION*
1-52 *V. TEXAS ETHICS COMMISSION*. In addition to amounts previously
1-53 appropriated for the state fiscal biennium ending August 31, 2009,
1-54 the amount of \$188,349 is appropriated out of the general revenue
1-55 fund to the Texas Ethics Commission for the fiscal year ending
1-56 August 31, 2009, for the purpose of reimbursing the commission for
1-57 the payment of the judgment on October 2, 2008, in *Free Market*
1-58 *Association of Texas v. Texas Ethics Commission* in the United
1-59 States District Court for the Western District of Texas, Austin
1-60 Division.

1-61 SECTION 5. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION:
1-62 LORENZO DE ZAVALA BUILDING. In addition to amounts previously
1-63 appropriated for the state fiscal biennium ending August 31, 2009,

the amount of \$1,894,676 is appropriated out of the general revenue fund to the Texas State Library and Archives Commission for the two-year period beginning on the effective date of this Act for the purchase of furniture and shelving for the Lorenzo de Zavala Building.

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

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

(2) the Texas Historical Commission, if the 81st Legislature in regular session does not enact S.B. 2307 or similar legislation that becomes law that imposes responsibility on the State Preservation Board for the preservation and maintenance of the Governor's Mansion.

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

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

SECTION 9. TEXAS SOUTHERN UNIVERSITY: APPROPRIATION REPURPOSING. (a) The unencumbered appropriations from the general revenue fund appropriated to Texas Southern University for use during the state fiscal biennium ending August 31, 2009, by Article III, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), under Strategy B.1.2, Tuition Revenue Bond Retirement, are reduced by the amount 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: DEBT SERVICE. 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 debt service payments.

SECTION 11. HIGHER EDUCATION GROUP INSURANCE CONTRIBUTIONS. In addition to amounts previously appropriated for

3-1 the state fiscal biennium ending August 31, 2009, the following
 3-2 amounts are appropriated out of the general revenue fund for the
 3-3 two-year period beginning on the effective date of this Act to the
 3-4 following community and junior colleges for the purpose of
 3-5 restoring fiscal year 2009 proportional state contributions for
 3-6 health benefits and providing a transitional adjustment sufficient
 3-7 to set the restoration total for each institution at an amount equal
 3-8 to the amount of the fiscal year 2009 higher education group
 3-9 insurance contribution for each institution included in the line
 3-10 item veto for Chapter 1428 (H.B. 1), Acts of the 80th Legislature,
 3-11 Regular Session, 2007 (the General Appropriations Act):
 3-12 (1) \$12,185,357 is appropriated out of the general
 3-13 revenue fund to Alamo Community College;
 3-14 (2) \$1,574,860 is appropriated out of the general
 3-15 revenue fund to Alvin Community College;
 3-16 (3) \$3,758,285 is appropriated out of the general
 3-17 revenue fund to Amarillo College;
 3-18 (4) \$1,367,325 is appropriated out of the general
 3-19 revenue fund to Angelina College;
 3-20 (5) \$7,164,544 is appropriated out of the general
 3-21 revenue fund to Austin Community College;
 3-22 (6) \$3,054,600 is appropriated out of the general
 3-23 revenue fund to Blinn College;
 3-24 (7) \$1,373,650 is appropriated out of the general
 3-25 revenue fund to Brazosport College;
 3-26 (8) \$2,731,087 is appropriated out of the general
 3-27 revenue fund to Central Texas College;
 3-28 (9) \$990,189 is appropriated out of the general
 3-29 revenue fund to Cisco Junior College;
 3-30 (10) \$461,040 is appropriated out of the general
 3-31 revenue fund to Clarendon College;
 3-32 (11) \$1,497,422 is appropriated out of the general
 3-33 revenue fund to Coastal Bend College;
 3-34 (12) \$2,138,088 is appropriated out of the general
 3-35 revenue fund to the College of the Mainland;
 3-36 (13) \$3,784,295 is appropriated out of the general
 3-37 revenue fund to Collin County Community College;
 3-38 (14) \$15,758,341 is appropriated out of the general
 3-39 revenue fund to the Dallas County Community College District;
 3-40 (15) \$4,018,340 is appropriated out of the general
 3-41 revenue fund to Del Mar College;
 3-42 (16) \$6,182,391 is appropriated out of the general
 3-43 revenue fund to El Paso Community College;
 3-44 (17) \$585,527 is appropriated out of the general
 3-45 revenue fund to Frank Phillips College;
 3-46 (18) \$943,016 is appropriated out of the general
 3-47 revenue fund to Galveston College;
 3-48 (19) \$1,468,952 is appropriated out of the general
 3-49 revenue fund to Grayson County College;
 3-50 (20) \$954,181 is appropriated out of the general
 3-51 revenue fund to Hill College;
 3-52 (21) \$10,278,053 is appropriated out of the general
 3-53 revenue fund to Houston Community College;
 3-54 (22) \$1,813,685 is appropriated out of the general
 3-55 revenue fund to Howard College;
 3-56 (23) \$2,129,068 is appropriated out of the general
 3-57 revenue fund to Kilgore College;
 3-58 (24) \$3,342,228 is appropriated out of the general
 3-59 revenue fund to Laredo Community College;
 3-60 (25) \$2,119,681 is appropriated out of the general
 3-61 revenue fund to Lee College;
 3-62 (26) \$8,670,589 is appropriated out of the general
 3-63 revenue fund to the Lone Star College System;
 3-64 (27) \$2,724,160 is appropriated out of the general
 3-65 revenue fund to McLennan Community College;
 3-66 (28) \$2,065,163 is appropriated out of the general
 3-67 revenue fund to Midland College;
 3-68 (29) \$1,470,933 is appropriated out of the general
 3-69 revenue fund to Navarro College;

4-1 (30) \$1,418,908 is appropriated out of the general
 4-2 revenue fund to North Central Texas College;
 4-3 (31) \$874,764 is appropriated out of the general
 4-4 revenue fund to Northeast Texas Community College;
 4-5 (32) \$1,963,198 is appropriated out of the general
 4-6 revenue fund to Odessa College;
 4-7 (33) \$945,499 is appropriated out of the general
 4-8 revenue fund to Panola College;
 4-9 (34) \$1,278,367 is appropriated out of the general
 4-10 revenue fund to Paris Junior College;
 4-11 (35) \$474,991 is appropriated out of the general
 4-12 revenue fund to Ranger College;
 4-13 (36) \$6,628,666 is appropriated out of the general
 4-14 revenue fund to San Jacinto College;
 4-15 (37) \$3,338,955 is appropriated out of the general
 4-16 revenue fund to South Plains College;
 4-17 (38) \$3,985,978 is appropriated out of the general
 4-18 revenue fund to South Texas College;
 4-19 (39) \$1,666,736 is appropriated out of the general
 4-20 revenue fund to Southwest Texas Junior College;
 4-21 (40) \$9,207,978 is appropriated out of the general
 4-22 revenue fund to Tarrant County College;
 4-23 (41) \$1,330,783 is appropriated out of the general
 4-24 revenue fund to Temple College;
 4-25 (42) \$1,667,329 is appropriated out of the general
 4-26 revenue fund to Texarkana College;
 4-27 (43) \$1,706,940 is appropriated out of the general
 4-28 revenue fund to Trinity Valley Community College;
 4-29 (44) \$3,361,192 is appropriated out of the general
 4-30 revenue fund to Tyler Junior College;
 4-31 (45) \$1,120,729 is appropriated out of the general
 4-32 revenue fund to Vernon College;
 4-33 (46) \$1,519,013 is appropriated out of the general
 4-34 revenue fund to Victoria College;
 4-35 (47) \$1,397,289 is appropriated out of the general
 4-36 revenue fund to Weatherford College;
 4-37 (48) \$694,843 is appropriated out of the general
 4-38 revenue fund to Western Texas College; and
 4-39 (49) \$1,789,670 is appropriated out of the general
 4-40 revenue fund to Wharton County Junior College.

4-41 SECTION 12. TEXAS FOREST SERVICE: VOLUNTEER FIRE DEPARTMENT
 4-42 ASSISTANCE PROGRAM. In addition to amounts previously appropriated
 4-43 for the state fiscal biennium ending August 31, 2009, the amount of
 4-44 \$2,500,000 is appropriated out of general revenue fund dedicated
 4-45 account number 5064 to the Texas Forest Service for the two-year
 4-46 period beginning on the effective date of this Act for grants to
 4-47 volunteer fire departments for training and equipment through the
 4-48 Volunteer Fire Department Assistance Program.

4-49 SECTION 13. UNIVERSITY OF TEXAS MEDICAL BRANCH: HIGHER
 4-50 EDUCATION GROUP INSURANCE CONTRIBUTIONS. In addition to amounts
 4-51 previously appropriated for the state fiscal biennium ending August
 4-52 31, 2009, the amount of \$500,000 is appropriated out of the general
 4-53 revenue fund to The University of Texas Medical Branch at Galveston
 4-54 for the two-year period beginning on the effective date of this Act
 4-55 for additional contributions made to higher education group
 4-56 insurance made on behalf of 47 full-time equivalent positions
 4-57 transferred under a contract with the Texas Youth Commission from
 4-58 the Texas Tech University Health Sciences Center to The University
 4-59 of Texas Medical Branch.

4-60 SECTION 14. THE UNIVERSITY OF NORTH TEXAS SYSTEM:
 4-61 REIMBURSEMENT FOR PLANNING AND DESIGN. In addition to amounts
 4-62 previously appropriated for the state fiscal biennium ending August
 4-63 31, 2009, the amount of \$2,800,000 is appropriated out of the
 4-64 general revenue fund to the University of North Texas System for the
 4-65 two-year period beginning on the effective date of this Act for the
 4-66 purpose of reimbursing the cost of planning and design for
 4-67 construction of a second academic building at the Dallas campus.
 4-68 The legislature finds there is a demonstrated need for undertaking
 4-69 the planning and design process for this building.

SECTION 15. TEXAS DEPARTMENT OF CRIMINAL JUSTICE: OPERATIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$164,230,000 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 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. 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.

SECTION 17. WATER DEVELOPMENT BOARD: MEDINA LAKE DAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$4,000,000 is appropriated out of the general revenue fund to the Water Development Board for the two-year period beginning on the effective date of this Act to be transferred to the Water Assistance Fund to provide a grant to the Bexar-Medina Atascosa Water Control and Improvement District #1 for structural improvements to the Medina Lake Dam.

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

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

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

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

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

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

SECTION 22. THE UNIVERSITY OF HOUSTON: WIND ENERGY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$4,245,244 is

appropriated out of the general revenue fund to the University of Houston for the two-year period beginning on the effective date of this Act for the purpose of developing and constructing the National Large Wind Turbine Research and Testing Facility. The legislature finds there is a demonstrated need to develop and construct this facility.

SECTION 23. JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT: TRANSFERS. Notwithstanding the transfer limitations of Section 14.01, Article IX, or Rider 4 following the appropriations to the Judiciary Section, Comptroller's Department, in Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), the Judiciary Section, Comptroller's Department, may transfer appropriations among items of appropriations appropriated by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), in any amount during the state fiscal biennium ending August 31, 2009. The Judiciary Section, Comptroller's Department, may use any funds transferred under this section to pay for personnel expenses of the 435th District Court in Montgomery County.

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

SECTION 25. APPROPRIATION REDUCTION: TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER; HIGHER EDUCATION GROUP INSURANCE CONTRIBUTIONS. The unencumbered appropriations from the general revenue fund appropriated to the Texas Tech University Health Sciences Center for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), under the Article III appropriations for Higher Education Employees Group Insurance Contributions (Strategy C.1.22, Texas Tech University Health Sciences Center), are reduced by \$500,000 to reflect the transfer of 47 full-time equivalent employee positions (FTEs) from the Texas Tech University Health Sciences Center to The University of Texas Medical Branch at Galveston under a contract with the Texas Youth Commission.

SECTION 26. APPROPRIATION REDUCTION: TEXAS EDUCATION AGENCY. The unencumbered appropriations from the foundation school 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), under Strategy A.1.1, FSP-Equalized Operations, are reduced by \$500,000,000.

SECTION 27. HEALTH AND HUMAN SERVICES COMMISSION: RESTORATION OF TRANSFER AUTHORITY. (a) 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 Health and Human Services Commission for the fiscal year ending August 31, 2009, but subject to the limitations prescribed by Subsections (b)-(e) of this section, the Health and Human Services Commission may allocate the amount appropriated by Section 52(1) of this Act among the items of appropriation listed under Goal B, Medicaid.

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

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

(1) for the fiscal year with an unexpended balance:
 (A) an explanation of the causes for the unexpended balance;

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

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

(2) for the fiscal year receiving the funds:

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

(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 Technology; and

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

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

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

(b) A state agency or institution receiving federal ARRA funds appropriated by this Act shall notify the governor, comptroller, Legislative Budget Board, and state auditor's office whenever the federal government, including a federal agency, does not approve an application by the agency or institution to spend the federal ARRA funds in a particular manner. The notice may include a

proposed alternative use of the funds that the agency or institution considers to be consistent with the purposes, as identified by this Act, for which the funds may be used. Unless the 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 agency's chief executive and executive staff have knowledge of the American Recovery and Reinvestment Act law and of federal agency actions regarding that law and that those persons in their official capacity accept responsibility that the agency's or institution's use of federal ARRA funds appropriated by this Act comply with applicable federal law, state law, rules, regulations, and relevant guidance.

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

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

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

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

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

SECTION 32. AMERICAN RECOVERY AND REINVESTMENT ACT: INFORMATIONAL RIDER: REDUCTION IN GENERAL. The amounts of general

revenue reductions shown in certain agency appropriations in this Act are in accordance with Title V, State Fiscal Relief, American Recovery and Reinvestment Act.

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

SECTION 34. AMERICAN RECOVERY AND REINVESTMENT ACT: REPORTING REQUIREMENTS. (a) Each state agency and institution of higher education receiving appropriations under this Act or under Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), shall develop and submit a plan to the Legislative Budget Board and the governor providing details on the entity's intended use of appropriations received from money available under the American Recovery and Reinvestment Act (ARRA). The plan shall include a summary of any ARRA funds spent, allocated, or encumbered on or before August 31, 2009. The report shall be delivered not later than September 30, 2009. Unless the Legislative Budget Board and the governor issue a written disapproval of proposed expenditures under the plan within 15 business days after September 30, 2009, the agency or institution may expend the funds in accordance with the plan, subject to Section 30 of this Act.

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

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

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

SECTION 36. DEPARTMENT OF AGING AND DISABILITY SERVICES: LIMITATION ON CASELOADS. From amounts appropriated 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 Aging and Disability Services may not at any time during the period beginning on the effective date of this Act and ending August 31, 2009, exceed the following limitations on the total number of clients served under the following appropriation items:

(1) 26,087 clients under Strategy A.3.1, Community Based Alternatives (CBA);

(2) 15,516 clients under Strategy A.3.2, Home and Community-based Services (HCS);

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

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

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

10-1 (6) 160 clients under Strategy A.3.6, Consolidated
 10-2 Waiver Program;
 10-3 (7) 994 clients under Strategy A.3.7, Texas Home
 10-4 Living Waiver;
 10-5 (8) 39,005 clients under Strategy A.4.1, Non-Medicaid
 10-6 Services;
 10-7 (9) 13,109 clients under Strategy A.4.2, MR Community
 10-8 Services;
 10-9 (10) 4,590 clients under Strategy A.4.4, In-Home and
 10-10 Family Support;
 10-11 (11) 3,060 clients under Strategy A.4.5, Mental
 10-12 Retardation In-Home Services; and
 10-13 (12) 902 clients under Strategy A.5.1, Program of
 10-14 All-Inclusive Care for the Elderly (PACE).

10-15 SECTION 37. HEALTH AND HUMAN SERVICES COMMISSION: TRANSFER
 10-16 OF FUNDS APPROPRIATED FOR CHIP SERVICES. Notwithstanding any
 10-17 provision of another Act making appropriations to the contrary, the
 10-18 Health and Human Services Commission, without the necessity of
 10-19 prior approval by another office or entity, may transfer funds
 10-20 appropriated to the commission under Goal C, CHIP Services, or Goal
 10-21 B, Medicaid by Chapter 1428 (H.B. 1) Acts of the 80th Legislature,
 10-22 Regular Session, 2007 (the General Appropriations Act) between Goal
 10-23 C, CHIP Services and Goal B, Medicaid, for the fiscal year ending
 10-24 August 31, 2009.

10-25 SECTION 38. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE
 10-26 SERVICES: APPROPRIATION REDUCTION. The unencumbered
 10-27 appropriations made by Chapter 1428 (H.B. 1), Acts of the 80th
 10-28 Legislature, Regular Session, 2007 (the General Appropriations
 10-29 Act), from the general revenue fund for Vocational Rehabilitation
 10-30 (Fund 8007) to the Department of Assistive and Rehabilitative
 10-31 Services for use during the state fiscal biennium ending August 31,
 10-32 2009, under Strategy B.3.1, Vocational Rehabilitation-General, are
 10-33 reduced by \$2,931,371.

10-34 SECTION 39. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:
 10-35 APPROPRIATION REDUCTION AND RELATED TRANSFER AUTHORITY. (a) The
 10-36 unencumbered appropriations from the general revenue fund
 10-37 appropriated to the Department of Family and Protective Services
 10-38 for use during the state fiscal biennium ending August 31, 2009,
 10-39 made by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
 10-40 Session, 2007 (the General Appropriations Act), are reduced by the
 10-41 following amounts:

10-42 (1) \$3,961,399 under Strategy A.2.1, CPS Direct
 10-43 Delivery Staff;
 10-44 (2) \$1,769,065 under Strategy A.2.12, STAR Program;
 10-45 (3) \$1,100,000 under Strategy A.2.13, CYD Program; and
 10-46 (4) \$1,368,000 under Strategy A.2.16, Other At-Risk
 10-47 Prevention Programs.

10-48 (b) Notwithstanding any limitation on transfer among
 10-49 appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of
 10-50 the 80th Legislature, Regular Session, 2007 (the General
 10-51 Appropriations Act), for the fiscal year ending August 31, 2009,
 10-52 the Department of Family and Protective Services may transfer
 10-53 federal funds from the following items of appropriation to Strategy
 10-54 A.2.1, CPS Direct Delivery Staff:

10-55 (1) Strategy A.2.12, STAR Program;
 10-56 (2) Strategy A.2.13, CYD Program;
 10-57 (3) Strategy A.2.14, Texas Families Program; and
 10-58 (4) Strategy A.2.16, Other At-Risk Prevention
 10-59 Programs.

10-60 SECTION 40. HEALTH AND HUMAN SERVICES COMMISSION: TEMPORARY
 10-61 ASSISTANCE TO NEEDY FAMILIES GRANTS. Notwithstanding any provision
 10-62 of Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
 10-63 Session, 2007 (the General Appropriations Act), the Health and
 10-64 Human Services Commission may use current unexpended TANF balances
 10-65 for the purpose of funding an additional \$75 one-time grant for a
 10-66 total of \$105 in the state fiscal year ending August 31, 2009, for
 10-67 each TANF child in an effort to maximize funds received by this
 10-68 state under the American Recovery and Reinvestment Act of 2009.

10-69 SECTION 41. TEXAS YOUTH COMMISSION: RESTORATION OF TRANSFER

11-1 AUTHORITY. Notwithstanding any limitation on transfers among
 11-2 appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of
 11-3 the 80th Legislature, Regular Session, 2007 (the General
 11-4 Appropriations Act), the Texas Youth Commission may transfer an
 11-5 amount not to exceed \$5,589,975 from Strategy A.1.3, Contracted
 11-6 Capacity, to Strategy A.1.2, Institutional Services.

11-7 SECTION 42. DEPARTMENT OF AGING AND DISABILITY SERVICES:
 11-8 APPROPRIATION REDUCTION. As a result of savings created by the
 11-9 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5)
 11-10 providing a temporary exemption for the use of federal incentives
 11-11 to increase federal funds, the unencumbered appropriations from the
 11-12 general revenue fund appropriated to the Department of Aging and
 11-13 Disability Services for use during the state fiscal biennium ending
 11-14 August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th
 11-15 Legislature, Regular Session, 2007 (the General Appropriations
 11-16 Act) under Strategy A.6.1, Nursing Facility Payments, are reduced
 11-17 by \$473,774,915.

11-18 SECTION 43. DEPARTMENT OF AGING AND DISABILITY SERVICES:
 11-19 RESTORATION OF TRANSFER AUTHORITY. (a) Notwithstanding any
 11-20 limitation on transfer among appropriation items prescribed by
 11-21 Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
 11-22 Session, 2007 (the General Appropriations Act), the Department of
 11-23 Aging and Disability Services for the fiscal year ending August 31,
 11-24 2009, may allocate the reduction in appropriations under Section 42
 11-25 of this Act among the items of appropriation listed by Subsection
 11-26 (c) of this section.

11-27 (b) Notwithstanding any limitation on transfer among
 11-28 appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of
 11-29 the 80th Legislature, Regular Session, 2007 (the General
 11-30 Appropriations Act), the Department of Aging and Disability
 11-31 Services for the fiscal year ending August 31, 2009, may allocate
 11-32 the additional amount appropriated under Section 49 of this Act
 11-33 among the items of appropriation listed by Subsection (c) of this
 11-34 section.

11-35 (c) The Department of Aging and Disability Services may
 11-36 allocate the additional and reduced amounts appropriated as
 11-37 described by Subsections (a) and (b) of this section among the
 11-38 following items of appropriation:

- 11-39 (1) A.2.1, Primary Home Care;
- 11-40 (2) A.2.2, Community Attendant Services;
- 11-41 (3) A.2.3, Day Activity and Health Services (DAHS);
- 11-42 (4) A.3.1, Community-based Alternatives (CBA);
- 11-43 (5) A.3.2, Home and Community-based Services (HCS);
- 11-44 (6) A.3.3, Community Living Assistance and Support
 11-45 Services (CLASS);
- 11-46 (7) A.3.4, Deaf-blind Multiple Disabilities (DBMD);
- 11-47 (8) A.3.5, Medically Dependent Children Program
 11-48 (MDCP);
- 11-49 (9) A.3.6, Consolidated Waiver Program;
- 11-50 (10) A.3.7, Texas Home Living Waiver;
- 11-51 (11) A.5.1, Program of All-Inclusive Care for the
 11-52 Elderly (PACE);
- 11-53 (12) A.6.1, Nursing Facility Payments;
- 11-54 (13) A.6.2, Medicare Skilled Nursing Facility;
- 11-55 (14) A.6.3, Hospice;
- 11-56 (15) A.6.4, Promoting Independence by Providing
 11-57 Community-based Client Services;
- 11-58 (16) A.7.1, Intermediate Care Facilities - Mental
 11-59 Retardation (ICF/MR); and
- 11-60 (17) A.8.1, MR State Schools Services.

11-61 SECTION 44. DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL
 11-62 SECURITY EQUIPMENT. (a) In addition to amounts previously
 11-63 appropriated for the state fiscal biennium ending August 31, 2009,
 11-64 the amount of \$10,000,000 is appropriated out of the general
 11-65 revenue fund to the Texas Department of Criminal Justice for the
 11-66 two-year period beginning on the effective date of this Act for the
 11-67 purpose of purchasing correctional security equipment.

11-68 (b) In addition to the capital budget authority previously
 11-69 granted for the state fiscal biennium ending August 31, 2009, the

12-1 Department of Criminal Justice may use \$10,000,000 in capital
 12-2 budget authority for an additional capital budget item for the
 12-3 acquisition of capital equipment and items.

12-4 SECTION 45. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:
 12-5 APPROPRIATION REDUCTION. As a result of savings created by the
 12-6 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5)
 12-7 providing a temporary exemption for the use of federal incentives
 12-8 to increase federal funds, the unencumbered amounts appropriated
 12-9 from the general revenue fund to the Department of Family and
 12-10 Protective Services for use during the state fiscal biennium ending
 12-11 August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th
 12-12 Legislature, Regular Session, 2007 (the General Appropriations
 12-13 Act), are reduced by the following amounts:

12-14 (1) \$10,976,561 under Strategy A.2.10, Foster Care
 12-15 Payments; and

12-16 (2) \$7,565,224 under Strategy A.2.11, Adoption
 12-17 Subsidy Payments.

12-18 SECTION 46. HEALTH AND HUMAN SERVICES COMMISSION:
 12-19 APPROPRIATION REDUCTION. As a result of savings created by the
 12-20 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5)
 12-21 providing a temporary exemption for the use of federal incentives
 12-22 to increase federal funds, the unencumbered amounts appropriated
 12-23 from the general revenue fund to the Health and Human Services
 12-24 Commission for use during the state fiscal biennium ending August
 12-25 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature,
 12-26 Regular Session, 2007 (the General Appropriations Act), under
 12-27 Strategy B.1.4, Children and Medically Needy, are reduced by
 12-28 \$1,127,526,993.

12-29 SECTION 47. HEALTH AND HUMAN SERVICES COMMISSION:
 12-30 RESTORATION OF TRANSFER AUTHORITY. (a) Notwithstanding any
 12-31 limitation on transfer among appropriation items prescribed by
 12-32 Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
 12-33 Session, 2007 (the General Appropriations Act), the Health and
 12-34 Human Services Commission for the fiscal year ending August 31,
 12-35 2009, may allocate the reduction in appropriations under Section 46
 12-36 of this Act among the items of appropriation listed under Goal B,
 12-37 Medicaid.

12-38 (b) Notwithstanding any limitation on transfer among
 12-39 appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of
 12-40 the 80th Legislature, Regular Session, 2007 (the General
 12-41 Appropriations Act), the Health and Human Services Commission for
 12-42 the fiscal year ending August 31, 2009, may allocate the additional
 12-43 amount appropriated under Section 52(2) of this Act among the items
 12-44 of appropriation listed under Goal B, Medicaid.

12-45 SECTION 48. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:
 12-46 APPROPRIATION REDUCTION. The unencumbered amounts appropriated to
 12-47 the Department of Family and Protective Services for use during the
 12-48 state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B.
 12-49 1), Acts of the 80th Legislature, Regular Session, 2007 (the
 12-50 General Appropriations Act), under Strategy A.2.10, Foster Care
 12-51 Payments, are reduced by the following amounts:

12-52 (1) \$30,100,979 out of the general revenue fund
 12-53 appropriations for that strategy; and

12-54 (2) \$28,959,773 out of the federal funds (TANF)
 12-55 appropriations for that strategy.

12-56 SECTION 49. DEPARTMENT OF AGING AND DISABILITY SERVICES:
 12-57 ADDITIONAL APPROPRIATIONS. In addition to amounts previously
 12-58 appropriated for the state fiscal biennium ending August 31, 2009,
 12-59 the amount of \$62,351,306 is appropriated out of the general
 12-60 revenue fund to the Department of Aging and Disability Services
 12-61 under Strategy A.6.1, Nursing Facility Payments, for the fiscal
 12-62 year ending August 31, 2009.

12-63 SECTION 50. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:
 12-64 ADDITIONAL APPROPRIATIONS. In addition to amounts previously
 12-65 appropriated for the state fiscal biennium ending August 31, 2009,
 12-66 the Department of Family and Protective Services is appropriated
 12-67 for the fiscal year ending August 31, 2009, the following amounts
 12-68 for the following purposes:

12-69 (1) \$5,917,242 from the general revenue fund under

13-1 Strategy A.2.11, Adoption Subsidy Payments;
 13-2 (2) \$6,657,839 from the general revenue fund under
 13-3 Strategy C.1.1, CPS Reform Continued;
 13-4 (3) \$3,732,979 in federal funds (TANF) under Strategy
 13-5 C.1.1, CPS Reform Continued;
 13-6 (4) \$13,126,361 from the general revenue fund under
 13-7 Strategy A.3.1, APS Direct Delivery Staff, for the loss of Medicaid
 13-8 federal funds;
 13-9 (5) \$12,460,353 in federal funds (TANF) under Strategy
 13-10 A.2.1, CPS Direct Delivery Staff, for enterprise support services;
 13-11 and
 13-12 (6) \$5,280,315 from the general revenue fund under
 13-13 Strategy A.2.3, TWC Foster Day Care.

13-14 SECTION 51. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:
 13-15 RESTORATION OF TRANSFER AUTHORITY. (a) Notwithstanding any
 13-16 limitation on transfer among appropriation items prescribed by
 13-17 Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular
 13-18 Session, 2007 (the General Appropriations Act), for the fiscal year
 13-19 ending August 31, 2009, the Department of Family and Protective
 13-20 Services may allocate any amounts appropriated in Sections 50(4)
 13-21 and 50(5) of this Act among the following items of appropriation:

- 13-22 (1) Strategy A.1.1, Statewide Intake Services;
- 13-23 (2) Strategy A.2.1, CPS Direct Delivery Staff;
- 13-24 (3) Strategy A.2.2, CPS Program Support;
- 13-25 (4) Strategy A.3.1, APS Direct Delivery Staff;
- 13-26 (5) Strategy A.3.2, APS Program Support;
- 13-27 (6) Strategy A.3.3, MH and MR Investigations;
- 13-28 (7) Strategy A.4.1, Child Care Regulation;
- 13-29 (8) Strategy B.1.1, Central Administration;
- 13-30 (9) Strategy B.1.2, Other Support Services;
- 13-31 (10) Strategy B.1.3, Regional Administration; and
- 13-32 (11) Strategy B.1.4, IT Program Support.

13-33 (b) Notwithstanding any limitation on transfer among
 13-34 appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of
 13-35 the 80th Legislature, Regular Session, 2007 (the General
 13-36 Appropriations Act), the Department of Family and Protective
 13-37 Services for the fiscal year ending August 31, 2009, may transfer to
 13-38 Strategy A.2.4, TWC Protective Day Care, amounts appropriated by
 13-39 Section 50(6) of this Act to Strategy A.2.3, TWC Foster Day Care.

13-40 SECTION 52. HEALTH AND HUMAN SERVICES COMMISSION:
 13-41 ADDITIONAL APPROPRIATIONS. In addition to amounts previously
 13-42 appropriated for the state fiscal biennium ending August 31, 2009,
 13-43 the Health and Human Services Commission is appropriated for the
 13-44 fiscal year ending August 31, 2009, the following amounts for the
 13-45 following purposes:

- 13-46 (1) \$790,589,278 from the general revenue fund under
 13-47 Goal B, Medicaid; and
- 13-48 (2) \$323,850,650 from the general revenue fund under
 13-49 Strategy B.2.3, Medicare Federal Give Back.

13-50 SECTION 53. DEPARTMENT OF STATE HEALTH SERVICES: REMOVAL OF
 13-51 CERTAIN LIMITATIONS. (a) In order to meet an expected shortfall
 13-52 within the mental health hospital system, the limitations
 13-53 prescribed by the following provisions of Chapter 1428 (H.B. 1),
 13-54 Acts of the 80th Legislature, Regular Session, 2007 (the General
 13-55 Appropriations Act), do not limit appropriations made to the
 13-56 Department of State Health Services for the fiscal year ending
 13-57 August 31, 2009:

- 13-58 (1) Section 8.03(e), Article IX (Reimbursements and
 13-59 Payments);
- 13-60 (2) Section 14.01, Article IX (Appropriation
 13-61 Transfers);
- 13-62 (3) Section 49, Article II, Special Provisions,
 13-63 Contingent Appropriation of Medicare Part D Savings;
- 13-64 (4) Rider 46, State Owned Multicategorical Teaching
 13-65 Hospital Account (UTMB), following the appropriations to the
 13-66 Department of State Health Services; and
- 13-67 (5) Rider 55, County Indigent Health Care, following
 13-68 the appropriations to the Department of State Health Services.

13-69 (b) The Department of State Health Services shall report to

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

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

SECTION 55. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY NATURAL DISASTERS. (a) The following amounts are appropriated out of the general revenue fund to the following agencies and institutions of higher education 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 agencies or institutions associated with damages or disruptions caused by natural disasters that occurred before the effective date of this Act during the state fiscal biennium that began September 1, 2007:

- (1) UT Medical Branch at Galveston: \$150,000,000;
- (2) Brazosport College: \$120,111;
- (3) Parks and Wildlife Department: \$12,000,000;
- (4) UT M.D. Anderson Cancer Center: \$1,725,995;
- (5) Alvin College: \$2,358,771;
- (6) Texas A&M Galveston: \$5,700,000;
- (7) Texas Forest Service: \$385,091;
- (8) Houston Community College: \$1,507,670;
- (9) Commission on Environmental Quality: \$4,600,000;
- (10) San Jacinto College: \$3,045,820;
- (11) Galveston College: \$407,406;
- (12) Texas Engineering Extension Service: \$1,200,000;
- (13) Adjutant General's Department: \$1,244,007;
- (14) The University of Texas at Brownsville: \$1,200,000;
- (15) Lamar University: \$2,803,561;
- (16) Lamar Institute of Technology: \$2,007,758;
- (17) Lamar State College: Port Arthur: \$829,530;
- (18) Texas Southern University: \$9,720,192;
- (19) College of the Mainland: \$176,236;
- (20) The University of Texas Pan American: \$102,258;
- (21) The University of Texas Health Center at Tyler: \$1,461,557;
- (22) The University of Texas Health Science Center at Houston: \$1,000,000;
- (23) University of Houston System Administration: \$7,339,000;
- (24) Texas State Technical College: Harlingen: \$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 written approval of the Legislative Budget Board.

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

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

SECTION 56. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY WILDFIRES. The amount of \$31,478,218 is appropriated out of the general revenue fund to the Texas Forest Service 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 Texas Forest Service associated with wildfires that occurred before the effective date of this Act during the state fiscal biennium that began September 1, 2007.

SECTION 57. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY FLOODING. The amount of \$69,339 is appropriated out of the general revenue fund to the Texas Forest Service 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 forest service associated with flooding that occurred before the effective date of this Act during the state fiscal biennium that began September 1, 2007.

SECTION 58. CERTAIN APPROPRIATIONS FOR DISASTER RELIEF. (a) An amount not to exceed \$52 million is appropriated out of the general revenue fund for transfer to the disaster contingency fund and is appropriated for expenditure out of the disaster contingency fund to the Trusteed Programs within the Office of the Governor for the two-year period beginning on the effective date of this Act for the purpose of providing disaster relief in accordance with this section. Money may not be transferred out of the general revenue fund or expended from the disaster contingency fund under this section without the prior written approval of the Legislative Budget Board given in response to a request for that approval from the Office of the Governor.

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

(c) Out of amounts appropriated in Subsection (a) of this section, it is the intent of the legislature that \$1,508,450 be used to pay for air ambulance services in connection with emergency evacuation operations during Hurricane Rita conducted from September 21 through September 29, 2005.

SECTION 59. UNIVERSITY OF TEXAS AT AUSTIN: HOLD HARMLESS. (a) In addition to amounts previously appropriated for the state

fiscal biennium ending August 31, 2009, the amount of \$9,902,630 is appropriated out of the general revenue fund to The University of Texas at Austin for the two-year period beginning on the effective date of this Act for the purpose of providing The University of Texas the 2008-2009 biennium formula hold harmless amount.

(b) From appropriations made by Subsection (a) of this section, The University of Texas at Austin shall direct the amount of \$700,000 to the Marine Science Institute to support the National Estuarine Research Reserve.

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

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

SECTION 62. REIMBURSEMENT TO GENERAL REVENUE FUND. If any state agency or institution of higher education receives reimbursement from the federal government, an insurer, or another source for an expenditure paid for or reimbursed under Section 9, 15, 52, 55, 56, 57, 58, or 60 of this Act, the agency or institution shall reimburse the state in an amount equal to the general revenue funds expended for damages that is proportional to the total expenditures for damages described under Section 9, 15, 52, 55, 56, 57, 58, or 60 of this Act, and that amount shall be deposited to the credit of the general revenue fund within the state treasury.

SECTION 63. DEBT SERVICE PAYMENTS - NON-SELF SUPPORTING GENERAL OBLIGATION WATER BONDS: APPROPRIATION REDUCTION. The unencumbered appropriations from the general revenue fund appropriated to the Water Development Board for Debt Service Payments for Non-Self Supporting G.O. Water Bonds 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) \$15,820,198 from Strategy A.1.2, State Participation Debt Service;
- (2) \$15,231,801 from Strategy A.1.1, EDAP Debt 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 Ike and paid for with \$39 million in emergency funds transferred from the Texas Public Finance Authority are appropriated to the General Land Office for the period ending on May 30, 2011, for the purpose of funding coastal management programs of the land office, including debris and structure removal, derelict structure buyouts, shoreline stabilization, dune restoration, beach renourishment, coastal erosion mitigation, and other coastal projects authorized by statute.

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

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

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

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 \$22,648,532 out of the general revenue fund for the fiscal year ending August 31, 2010, 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 37.0 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 43.0 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.

SECTION 69. TEXAS STATE TECHNICAL COLLEGE SYSTEM ADMINISTRATION: RENOVATIONS AND CAPITAL EXPENDITURES. Contingent on the enactment of H.B. 2654 or similar legislation relating to imposition of the motor vehicle sales tax on motor vehicles transferred as the result of a gift by the 81st Legislature, Regular Session, 2009, and also contingent on the comptroller certifying that the estimated amount of additional general revenue produced by the enactment of H.B. 2654 or similar legislation relating to

18-1 imposition of the motor vehicle sales tax on motor vehicles
18-2 transferred as the result of a gift exceeds \$10,000,000, the Texas
18-3 State Technical College System Administration is appropriated the
18-4 amount of \$10,000,000 out of the general revenue fund for the fiscal
18-5 year ending August 31, 2010, for capital expenditures and
18-6 renovations for collaborative research projects. The legislature
18-7 finds a demonstrated need for these capital expenditures and
18-8 renovations.

18-9 SECTION 70. TEXAS SOUTHERN UNIVERSITY: MICKEY LELAND AND
18-10 BARBARA JORDAN PAPERS. In addition to amounts previously
18-11 appropriated for the state fiscal biennium ending August 31, 2009,
18-12 the amount of \$150,000 is appropriated out of the general revenue
18-13 fund to Texas Southern University for the two-year period beginning
18-14 on the effective date of this Act to ensure the proper preservation
18-15 and display of the Mickey Leland and Barbara Jordan papers
18-16 maintained by the university.

18-17 SECTION 71. TEXAS PARKS AND WILDLIFE DEPARTMENT: TEXAS
18-18 STATE RAILROAD. In addition to amounts previously appropriated for
18-19 the state fiscal biennium ending August 31, 2009, the amount of
18-20 \$1,000,000 is appropriated to the Texas Parks and Wildlife
18-21 Department out of the general revenue fund for the two-year period
18-22 beginning on the effective date of this Act for the purpose of
18-23 supporting the operations of the Texas State Railroad. The
18-24 comptroller shall release funds provided in this section contingent
18-25 on review and approval by the Legislative Budget Board of a signed
18-26 contract between the Texas State Railroad Authority and the
18-27 railroad operator describing loan terms and regular reporting to
18-28 the Legislative Budget Board on the revolving account.

18-29 SECTION 72. EFFECTIVE DATE. This Act takes effect
18-30 immediately.

18-31 * * * * *