

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

- (1) \$128,000 is appropriated out of the general revenue fund to the Texas Facilities Commission;
- (2) \$278,855 is appropriated out of the general revenue fund to the secretary of state;
- (3) \$6,730,000 is appropriated out of the general revenue fund to the Texas Department of Criminal Justice;
- (4) \$150,991 is appropriated out of the general revenue fund to the Texas Youth Commission;
- (5) \$42,089 is appropriated out of the general revenue fund to the Department of Agriculture;
- (6) \$1,094,830 is appropriated out of general revenue dedicated account number 550, \$121,648 is appropriated out of general revenue dedicated account number 549, \$64,706 is appropriated out of general revenue dedicated account number 153, and \$12,941 is appropriated out of general revenue dedicated account number 151 to the Texas Commission on Environmental Quality;
- (7) \$1,179,894 is appropriated out of the general revenue fund to the Parks and Wildlife Department;
- (8) \$349,929 is appropriated out of the general revenue fund to the Railroad Commission;

SENATE VERSION

No equivalent provision.

[However, on the Parks and Wildlife Department, see Subdivision (2) of unnumbered SECTION — immediately below.]

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(9) \$135,999 is appropriated out of the general revenue fund to the Department of Licensing and Regulation; and
(10) \$147,687 is appropriated out of the general revenue fund and \$265,313 is appropriated out of general revenue dedicated account number 36 to the Texas Department of Insurance.

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

No equivalent provision.

[However, on Subdivision (2) of the Senate version, see the Parks and Wildlife Department Appropriation in SECTION 1 immediately above.]

SENATE VERSION

SECTION __. TEXAS PARKS AND WILDLIFE DEPARTMENT: VARIOUS FUNCTIONS. The Texas Parks and Wildlife Department is appropriated from the general revenue fund for the two year period beginning on the effective date of this Act the following amounts:
(1)\$2,000,000 to repair hurricane–related damages to the Sea Rim State Park ;and
(2)\$1,000,000 for information technology services.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

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

SENATE VERSION

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. Same as House version.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

SECTION 4. TEXAS ETHICS COMMISSION: FREE MARKET ASSOCIATION V. TEXAS ETHICS COMMISSION. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$188,349 is appropriated out of the general revenue fund to the Texas Ethics Commission for the fiscal year ending August 31, 2009, for the purpose of reimbursing the commission for the payment

SENATE VERSION

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

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

SECTION 4. Same as House version.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

of the judgment on October 2, 2008, in Free Market Association of Texas v. Texas Ethics Commission in the United States District Court for the Western District of Texas, Austin Division.

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

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

SENATE VERSION

SECTION 5. Same as House version.

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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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 7. Same as House version.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

SENATE VERSION

SECTION 8. Same as House version.

No equivalent provision.

No equivalent provision.

[However, see also SECTION 55.]

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

No equivalent provision.

[However, with respect to (b), SECTION 55 of the House version appropriates \$17,884,439 out of the general revenue fund to Texas Southern University for the two-year period beginning on the effective date of the Act for the purpose of paying for, or reimbursing payments made for, costs incurred associated with damages or disruptions caused by natural disasters that occurred before the effective date of the Act during the state fiscal biennium that began September 1, 2007. SECTION 55 of the Senate version only appropriates \$9,720,247 for that purpose.]

SENATE VERSION

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.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

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

SENATE VERSION

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. Same as House version.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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;
(13) \$3,784,295 is appropriated out of the general revenue fund to Collin County Community College;
(14) \$15,758,341 is appropriated out of the general revenue fund to the Dallas County Community College District;
(15) \$4,018,340 is appropriated out of the general revenue fund to Del Mar College;
(16) \$6,182,391 is appropriated out of the general

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

revenue fund to El Paso Community College;
(17) \$585,527 is appropriated out of the general revenue fund to Frank Phillips College;
(18) \$943,016 is appropriated out of the general revenue fund to Galveston College;
(19) \$1,468,952 is appropriated out of the general revenue fund to Grayson County College;
(20) \$954,181 is appropriated out of the general revenue fund to Hill College;
(21) \$10,278,053 is appropriated out of the general revenue fund to Houston Community College;
(22) \$1,813,685 is appropriated out of the general revenue fund to Howard College;
(23) \$2,129,068 is appropriated out of the general revenue fund to Kilgore College;
(24) \$3,342,228 is appropriated out of the general revenue fund to Laredo Community College;
(25) \$2,119,681 is appropriated out of the general revenue fund to Lee College;
(26) \$8,670,589 is appropriated out of the general revenue fund to the Lone Star College System;
(27) \$2,724,160 is appropriated out of the general revenue fund to McLennan Community College;
(28) \$2,065,163 is appropriated out of the general revenue fund to Midland College;
(29) \$1,470,933 is appropriated out of the general revenue fund to Navarro College;
(30) \$1,418,908 is appropriated out of the general revenue fund to North Central Texas College;

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (31) \$874,764 is appropriated out of the general revenue fund to Northeast Texas Community College;
- (32) \$1,963,198 is appropriated out of the general revenue fund to Odessa College;
- (33) \$945,499 is appropriated out of the general revenue fund to Panola College;
- (34) \$1,278,367 is appropriated out of the general revenue fund to Paris Junior College;
- (35) \$474,991 is appropriated out of the general revenue fund to Ranger College;
- (36) \$6,628,666 is appropriated out of the general revenue fund to San Jacinto College;
- (37) \$3,338,955 is appropriated out of the general revenue fund to South Plains College;
- (38) \$3,985,978 is appropriated out of the general revenue fund to South Texas College;
- (39) \$1,666,736 is appropriated out of the general revenue fund to Southwest Texas Junior College;
- (40) \$9,207,978 is appropriated out of the general revenue fund to Tarrant County College;
- (41) \$1,330,783 is appropriated out of the general revenue fund to Temple College;
- (42) \$1,667,329 is appropriated out of the general revenue fund to Texarkana College;
- (43) \$1,706,940 is appropriated out of the general revenue fund to Trinity Valley Community College;
- (44) \$3,361,192 is appropriated out of the general revenue fund to Tyler Junior College;
- (45) \$1,120,729 is appropriated out of the general

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

revenue fund to Vernon College;
(46) \$1,519,013 is appropriated out of the general revenue fund to Victoria College;
(47) \$1,397,289 is appropriated out of the general revenue fund to Weatherford College;
(48) \$694,843 is appropriated out of the general revenue fund to Western Texas College; and
(49) \$1,789,670 is appropriated out of the general revenue fund to Wharton County Junior College.

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

SECTION 12. Same as House version.

SECTION 13. UNIVERSITY OF TEXAS MEDICAL BRANCH: HIGHER EDUCATION GROUP INSURANCE CONTRIBUTIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of

SECTION 13. Same as House version.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

\$500,000 is appropriated out of the general revenue fund to The University of Texas Medical Branch at Galveston for the two-year period beginning on the effective date of this Act for additional contributions made to higher education group insurance made on behalf of 47 full-time equivalent positions transferred under a contract with the Texas Youth Commission from the Texas Tech University Health Sciences Center to The University of Texas Medical Branch.

SECTION 14. THE UNIVERSITY OF NORTH TEXAS SYSTEM: REIMBURSEMENT FOR PLANNING AND DESIGN. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$2,800,000 is appropriated out of the general revenue fund to the University of North Texas System for the two-year period beginning on the effective date of this Act for the purpose of reimbursing the cost of planning and design for construction of a second academic building at the Dallas campus. The legislature finds there is a demonstrated need for undertaking 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 \$125,112,392 is

SENATE VERSION

SECTION 14. Same as House version.

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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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, contracted temporary capacity, utilities, 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 \$38,955,518 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 care.

SENATE VERSION

\$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. (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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 amount of \$54,664 is appropriated out of the general revenue fund 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

SENATE VERSION

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 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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

district directors.

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.

SENATE VERSION

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. Same as House version.

SECTION 20. RACING COMMISSION: REVENUE SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$348,525 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.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

SENATE VERSION

SECTION 21. Same as House version.

SECTION 22. Same as House version.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

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,

SENATE VERSION

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. Same as House version.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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. 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 Strategy C.1.22, Texas Tech University Health Sciences Center, are reduced by \$500,000.

SECTION 26. APPROPRIATION REDUCTION: TEXAS EDUCATION AGENCY. The unencumbered appropriations from the foundation school fund appropriated to the Texas Education Agency for use

SENATE VERSION

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. Same as House version.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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. UNEXPENDED BALANCE APPROPRIATION: HEALTH AND HUMAN SERVICES COMMISSION. The unexpended balance of the appropriations from the general revenue fund to the Health and Human Services Commission 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 Goal B, Medicaid, in the amount of \$117,054,148, for the purpose of funding the Frew Strategic Initiative is appropriated from the general revenue fund to the Health and Human Services Commission for the purposes of funding the Frew Strategic Initiative during the state fiscal year ending August 31, 2010.

No equivalent provision.

SENATE VERSION

No equivalent provision.

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),

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

No equivalent provision.

SENATE VERSION

No equivalent provision.

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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(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 29. Same as House version.

SECTION 30. APPROPRIATION REDUCTION/RESTORATION AND REPORTS AND LIMITS ON THE USE OF APPROPRIATED OR TRANSFERRED FUNDS: TEXAS A&M UNIVERSITY SYSTEM, TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR. (a) The appropriations, from any fund, appropriated to Texas A&M University or The Texas A&M University System or an affiliated entity or to the Trusteed Programs within the Office of the Governor 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), that are used or proposed to be used for a project described by Subsection

No equivalent provision.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(b) of this section are reduced entirely by this section and reappropriated in their entirety by this section subject to the restrictions prescribed by this section.

(b) This section applies to all appropriated funds used by or for the benefit of, or used in furtherance of, a project or undertaking of The Texas A&M University System's National Center for Therapeutics Manufacturing (the "Center"), the Institute for Advanced Therapeutics, the Texas Institute for Genomic Medicine, the Texas Institute for Pre-Clinical Studies, or any similar institute (collectively referred to as the "Institutes") in connection with a partnership or joint venture for research or manufacturing or a related activity with The Texas A&M University System ("System") or an entity affiliated with the System, including the Texas A&M Health Science Center (collectively referred to as "A&M").

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

(d) All restricted funds under this section may not be expended or obligated without the written prior approval of the Legislative Budget Board as provided by Section

SENATE VERSION

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

69, Article XVI, Texas Constitution. The System, A&M, the Center, the Institutes, and the comptroller may not release any restricted funds appropriated or transferred for the use or expenditure of the System, A&M, the Center, or the Institutes until the release of the restricted funds has been approved in writing by the Legislative Budget Board. The comptroller may not make any transfers of restricted funds to, for, or on behalf of the System, A&M, the Center, or the Institutes without the written approval of the Legislative Budget Board.

(e) Not later than the 10th calendar day after the date this Act takes effect, the System shall provide the Legislative Budget Board with an initial report related to restricted funds used directly or indirectly in support of the Center or the Institutes, including the \$50 million transferred from the Emerging Technology Fund to the System as announced by the governor on March 23, 2009, and approved by letter dated January 2, 2009, including the following:

- (1) a detailed accounting;
- (2) an accounting for consulting contracts paid by:
 - (A) A&M or the System in support of the Center or the Institutes; and
 - (B) the Center or the Institutes;
- (3) an accounting of staff salaries paid by:
 - (A) A&M or the System in support of the Center or the Institutes; and
 - (B) the Center or the Institutes;
- (4) an accounting of construction-related expenses for

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

the Center and the Institutes accompanied by a narrative description of the progress of any construction that has occurred or that is planned;

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

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

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

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

(2) an accounting of staff salaries paid by:

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

(B) the Center or the Institutes;

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

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

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

SENATE VERSION

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(6) an accounting for consulting contracts paid by:
(A) A&M or the System in support of the Center or the Institutes; and
(B) the Center or the Institutes; and
(7) such other information as the Legislative Budget Board may require.

SECTION 31. TRANSFER AUTHORITY SUBJECT TO APPROVAL. Notwithstanding other provisions in Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), the governor, Office of the Governor, and Trusteed Programs within the Office of the Governor may not, without the written prior approval of the Legislative Budget Board, expend or transfer amounts deposited or appropriated to the Emerging Technology Fund Account No. 5124 or deposited or appropriated to the Texas Enterprise Fund Account No. 5107 and may not assign or transfer appropriations and the corresponding FTEs for Trusteed Programs within the Office of the Governor to other agencies without the written prior approval of the Legislative Budget Board.

No equivalent provision.

SECTION 32. TRANSFER AUTHORITY. Notwithstanding limitations on or grants of appropriation transfers contained in Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General

No equivalent provision.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Appropriations Act), the Office of the Governor is not authorized, without the prior written approval of the Legislative Budget Board, to direct agency resources or to transfer appropriated amounts between appropriations items listed under the bill pattern of the Office of the Governor. Without the prior written approval of the Legislative Budget Board, the governor may not transfer appropriations and FTEs under the bill pattern of the Trusteed Programs within the Office of the Governor, and may not, without the prior written approval of the Legislative Budget Board, assign appropriations and the corresponding FTEs for Trusteed Programs within the Office of the Governor to other agencies.

No equivalent provision.

SENATE VERSION

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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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-

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

year period. Each state agency receiving federal ARRA funds under this Act must comply with reporting requirements prescribed by the comptroller and state auditor.

No equivalent provision.

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.

[SECTIONS 32 and 33 of the Senate version are out of numerical order. See below, opposite SECTIONS 34 and 35, respectively, of the House version.]

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 33. **REPORTING REQUIREMENTS; AMERICAN RECOVERY AND REINVESTMENT ACT.** (a) Each state agency and institution of higher education receiving appropriations in this Act out of funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) shall develop and submit a plan to the Legislative Budget Board and the governor providing details on the entity's intended use of appropriations made by this Act out of funds received under the American Recovery and Reinvestment Act of 2009. The plan shall include a summary of any American Recovery and Reinvestment Act of 2009 funds spent, allocated, or encumbered prior to August 31, 2009. The report shall be delivered not later than September 30, 2009.

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

SENATE VERSION

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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Board, state auditor's office, and the comptroller.

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

SECTION 35. FMAP ALLOCATIONS. Appropriations made in this Act to the Health and Human Services Commission for Medicaid Enhanced FMAP shall be

SENATE VERSION

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 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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 **September 30, 2009**.

No equivalent provision.

SECTION 36. PROHIBITION OF EXPANSION OF STATE GOVERNMENT. It is the intent of the legislature that to the extent allowed by federal and state law with regard to funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5), an agency appropriated funds under this Act may not adopt a plan, policy, procedure, strategy, or rule to facilitate expenditure of American Recovery and Reinvestment Act of 2009 funding during this or a future biennium for expansion of a program, strategy, policy, expense, or employment that:

(1) cannot be reasonably and proportionately reduced or

SENATE VERSION

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 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.

No equivalent provision.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

eliminated after American Recovery and Reinvestment Act of 2009 funding is reduced or eliminated; or
(2) creates liability on behalf of the State of Texas to make:
(A) repayment to the United States treasury ("clawback") in the event of a future discontinuation of payments to the direct or indirect beneficiaries from those American Recovery and Reinvestment Act of 2009 funds already expended; or
(B) payments to direct or indirect beneficiaries of a program or strategy in excess of those funds actually received by the State of Texas from the United States treasury.

SECTION 37. DISCONTINUED FUNDING PLAN.
Each agency receiving funds under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) that are appropriated by this Act shall prepare a written Discontinued Funding Plan ("plan") that addresses the fact that American Recovery and Reinvestment Act of 2009 funding is temporary in nature and that programs authorized and federal funds provided under the American Recovery and Reinvestment Act of 2009 will be eliminated or reduced or might reasonably be viewed as likely to be eliminated or reduced during this or a future biennium. In accordance with requirements prescribed by the Legislative Budget Board and the governor the plan must:

SENATE VERSION

No equivalent provision.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) identify funds received under the American Recovery and Reinvestment Act of 2009;
- (2) forecast the amount of reduction of American Recovery and Reinvestment Act of 2009 funds in future budgets compared to the current budget of the agency;
- (3) be filed initially with the Legislative Budget Board and the governor not later than September 30, 2009;
- (4) be updated quarterly;
- (5) be supplemented as requested by the Legislative Budget Board or the governor;
- (6) indicate how services or benefits will be provided by the agency after elimination or reduction of American Recovery and Reinvestment Act of 2009 funding;
- (7) state how a reduction in force employed by the agency will be executed;
- (8) state whether staff hired by an agency as a result of American Recovery and Reinvestment Act of 2009 funding were notified that the positions of employment are temporary because they are funded by money received under the American Recovery and Reinvestment Act of 2009;
- (9) state the manner in which the agency will reduce services and benefits when American Recovery and Reinvestment Act of 2009 funding is eliminated or reduced;
- (10) provide other information required from the agency by the Legislative Budget Board or the governor;
- (11) provide for avoiding liability for or any commitment by the State of Texas to future financial

SENATE VERSION

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

obligations or responsibilities not approved by the 81st Legislature; and
(12) be available for public inspection and review.

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

No equivalent provision.

SECTION 39. DISCONTINUANCE OF POSITION ASSOCIATED WITH AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. It is the intent of the legislature that a position of employment created as a result of the receipt of American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) funding

No equivalent provision.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

shall be eliminated by an agency on exhaustion or discontinued availability of the American Recovery and Reinvestment Act of 2009 funding for that position.

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

No equivalent provision.

SECTION 41. TEXAS EDUCATION AGENCY: ADDITIONAL APPROPRIATION FOR TECHNOLOGY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$220,915,577 is appropriated out of funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) to the Texas Education Agency for the two-year period beginning on the effective date of this Act for the purpose

No equivalent provision.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

of providing additional technology and instructional materials through the Technology Allotment under Strategy B.2.1, Technology/Instructional Materials.

No equivalent provision.

SENATE VERSION

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) 26,400 clients under Strategy A.3.1, Community Based Alternatives (CBA);
- (2) 15,629 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);
- (6) 160 clients under Strategy A.3.6, Consolidated Waiver Program;
- (7) 994 clients under Strategy A.3.7, Texas Home

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Living Waiver;
(8) 39,005 clients under Strategy A.4.1, Non-Medicaid Services;
(9) 13,109 clients under Strategy A.4.2, MR Community Services;
(10) 5,442 clients under Strategy A.4.4, In-Home and Family Support;
(11) 3,060 clients under Strategy A.4.5, Mental Retardation In-Home Services; and
(12) 902 clients under Strategy A.5.1, Program of All-Inclusive Care for the Elderly (PACE).

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

SECTION 38. DEPARTMENT OF ASSISTIVE AND

No equivalent provision.

No equivalent provision.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

No equivalent provision.

SECTION 39. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: APPROPRIATION REDUCTION AND RELATED TRANSFER AUTHORITY. (a) The unencumbered appropriations from the general revenue fund appropriated to the Department of Family and Protective Services 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) \$3,961,399 under Strategy A.2.1, CPS Direct Delivery Staff;
- (2) \$1,769,065 under Strategy A.2.12, STAR Program;
- (3) \$1,100,000 under Strategy A.2.13, CYD Program;
- and
- (4) \$1,368,000 under Strategy A.2.16, Other At-Risk

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Prevention Programs.

(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), for the fiscal year ending August 31, 2009, the Department of Family and Protective Services may transfer federal funds from the following items of appropriation to Strategy A.2.1, CPS Direct Delivery Staff:

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

No equivalent provision.

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

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SECTION 42. DEPARTMENT OF AGING AND DISABILITY SERVICES: APPROPRIATION REDUCTION. As a result of savings created by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) 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 Department of Aging and Disability Services for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act) under Strategy A.6.1, Nursing Facility Payments, are reduced by \$414,556,053.

SECTION 43. DEPARTMENT OF AGING AND DISABILITY SERVICES: RESTORATION OF

SENATE VERSION

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

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

SECTION 43. DEPARTMENT OF AGING AND DISABILITY SERVICES: RESTORATION OF

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

TRANSFER AUTHORITY. Notwithstanding any limitation on transfer among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), the Department of Aging and Disability Services for the fiscal year ending August 31, 2009, may transfer any amounts among the following items of appropriation:

- (1) A.2.1, Primary Home Care;
- (2) A.2.2, Community Attendant Services;
- (3) A.2.3, Day Activity and Health Services (DAHS);
- (4) A.3.1, Community-based Alternatives (CBA);
- (5) A.3.2, Home and Community-based Services (HCS);
- (6) A.3.3, Community Living Assistance and Support

SENATE VERSION

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 Department of Aging and Disability Services for the fiscal year ending August 31, 2009, may allocate the reduction in appropriations under Section 42 of this Act among the items of appropriation listed by Subsection (c) of this section.

(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 Aging and Disability Services for the fiscal year ending August 31, 2009, may allocate the additional amount appropriated under Section 49 of this Act among the items of appropriation listed by Subsection (c) of this section.

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

- (1) A.2.1, Primary Home Care;
- (2) A.2.2, Community Attendant Services;
- (3) A.2.3, Day Activity and Health Services (DAHS);
- (4) A.3.1, Community-based Alternatives (CBA);
- (5) A.3.2, Home and Community-based Services (HCS);
- (6) A.3.3, Community Living Assistance and Support

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

SECTION 44. DEPARTMENT OF AGING AND DISABILITY SERVICES: GENERATORS FOR NURSING FACILITIES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$47,668,044 is appropriated out of the general revenue fund to the Department of Aging and Disability Services for the two-year period beginning on the effective date of this Act for the purposes of: 1) surveying the need for emergency back-up generators and fire sprinkler systems in Texas nursing facilities; 2) establishing a priority list of nursing

SENATE VERSION

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

No equivalent provision.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

facilities if the need exceeds the funds available; and 3) allocating the funds for the purchase and installation of back-up generators and fire sprinkler systems to nursing facilities.

No equivalent provision.

SECTION 45. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: APPROPRIATION REDUCTION. As a result of savings created by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) providing a temporary exemption for the use of federal incentives to increase federal funds, the

SENATE VERSION

SECTION 44. DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL SECURITY EQUIPMENT. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$10,000,000 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 purchasing correctional security equipment. (b) In addition to the capital budget authority previously granted for the state fiscal biennium ending August 31, 2009, the Department of Criminal Justice may use \$10,000,000 in capital budget authority for an additional capital budget item for the acquisition of capital equipment and items.

SECTION 45. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: APPROPRIATION REDUCTION. As a result of savings created by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5), the unencumbered amounts appropriated from the general revenue fund to the

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

unencumbered amounts appropriated from the general revenue fund to the Department of Family and Protective Services for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), are reduced by the following amounts:

- (1) \$11,609,096 under Strategy A.2.10, Foster Care Payments; and
- (2) \$7,483,772 under Strategy A.2.11, Adoption Subsidy Payments.

SECTION 46. HEALTH AND HUMAN SERVICES COMMISSION: APPROPRIATION REDUCTION. As a result of savings created by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) providing a temporary exemption for the use of federal incentives to increase federal funds, the unencumbered amounts appropriated from the general revenue fund to the Health and Human Services Commission 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.1.4, Children and Medically Needy, are reduced by \$1,206,507,722.

SENATE VERSION

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

- (1) \$10,976,561 under Strategy A.2.10, Foster Care Payments; and
- (2) \$7,565,224 under Strategy A.2.11, Adoption Subsidy Payments.

SECTION 46. HEALTH AND HUMAN SERVICES COMMISSION: APPROPRIATION REDUCTION. As a result of savings created by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5), the unencumbered amounts appropriated from the general revenue fund to the Health and Human Services Commission 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.1.4, Children and Medically Needy, are reduced by \$1,127,526,993.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

- (1) Strategy B.1.4, Children and Medically Needy;
- (2) Strategy B.2.4, Medical Transportation;
- (3) Strategy B.3.1, Health Steps (EPSDT) Medical;
- (4) Strategy B.3.2, Health Steps (EPSDT) Dental; and
- (5) Strategy B.3.3, EPSDT Comprehensive Care Program.

SECTION 48. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: APPROPRIATION REDUCTION. The unencumbered amounts appropriated to the Department of Family and Protective Services for

SENATE VERSION

SECTION 47. 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, may allocate the reduction in appropriations under Section 46 of this Act among the items of appropriation listed under Goal B, Medicaid.

(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 Health and Human Services Commission for the fiscal year ending August 31, 2009, may allocate the additional amount appropriated under Section 52(2) of this Act among the items of appropriation listed under Goal B, Medicaid.

SECTION 48. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: APPROPRIATION REDUCTION. The unencumbered amounts appropriated to the Department of Family and Protective

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), under Strategy A.2.10, Foster Care Payments, are reduced by the following amounts:

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

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

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

SENATE VERSION

Services for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), under Strategy A.2.10, Foster Care Payments, are reduced by the following amounts:

- (1) \$24,041,141 out of the general revenue fund appropriations for that strategy; and
- (2) \$25,534,391 out of the federal funds (TANF) appropriations for that strategy.

SECTION 49. DEPARTMENT OF AGING AND DISABILITY SERVICES: ADDITIONAL APPROPRIATIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$74,351,306 is appropriated out of the general revenue fund to the Department of Aging and Disability Services under Strategy A.6.1, Nursing Facility Payments, for the fiscal year ending August 31, 2009.

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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

purposes:

- (1) \$5,174,830 from the general revenue fund under Strategy A.2.11, Adoption Subsidy Payments;
- (2) \$6,191,042 from the general revenue fund under Strategy C.1.1, CPS Reform Continued;
- (3) \$4,199,776 in federal funds (TANF) under Strategy C.1.1, CPS Reform Continued;
- (4) \$13,126,361 from the general revenue fund under Strategy A.3.1, APS Direct Delivery Staff; and
- (5) \$12,460,353 in federal funds (TANF) under Strategy A.2.1, CPS Direct Delivery Staff.

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

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

SENATE VERSION

following purposes:

- (1) \$7,211,846 from the general revenue fund under Strategy A.2.11, Adoption Subsidy Payments;
- (2) \$6,657,839 from the general revenue fund under Strategy C.1.1, CPS Reform Continued;
- (3) \$3,732,979 in federal funds (TANF) under Strategy C.1.1, CPS Reform Continued;
- (4) \$14,248,456 from the general revenue fund under Strategy A.3.1, APS Direct Delivery Staff, for the loss of Medicaid federal funds;
- (5) \$18,620,948 in federal funds (TANF) under Strategy A.2.1, CPS Direct Delivery Staff, for enterprise support services; and
- (6) \$6,693,100 from the general revenue fund under Strategy A.2.3, TWC Foster Day Care.

SECTION 51. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: 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), 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;

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (2) Strategy A.2.1, CPS Direct Delivery Staff;
- (3) Strategy A.2.2, CPS Program Support;
- (4) Strategy A.3.1, APS Direct Delivery Staff;
- (5) Strategy A.3.2, APS Program Support;
- (6) Strategy A.3.3, MH and MR Investigations; and
- (7) Strategy A.4.1, Child Care Regulation.

SENATE VERSION

- (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.⁸⁹

CONFERENCE

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

- (1) \$357,839,421 from the general revenue fund under

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

- (1) \$759,113,979 from the general revenue fund under

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Goal B, Medicaid; and

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

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

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

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

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

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

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

(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

SENATE VERSION

Goal B, Medicaid; and

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

SECTION 53. Same as House version.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 \$1,640,156,643 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 Medicaid funding.

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

SENATE VERSION

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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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: \$300,000,000;
- (2) Brazosport College: \$120,111;
- (3) Parks and Wildlife Department: \$60,849,794;
- (4) Health and Human Services Commission: \$47,416,821;
- (5) UT M.D. Anderson Cancer Center: \$1,725,995;
- (6) Alvin College: \$12,043,688;
- (7) Texas A&M Galveston: \$10,700,000;
- (8) Texas Forest Service: \$385,091;
- (9) Houston Community College: \$6,030,680;
- (10) Department of Criminal Justice: \$32,387,608;
- (11) Commission on Environmental Quality: \$4,598,100;
- (12) San Jacinto College: \$3,700,000;
- (13) Galveston College: \$491,844;
- (14) Texas Engineering Extension Service: \$1,190,794;
- (15) Adjutant General's Department: \$1,244,007;
- (16) The University of Texas at Brownsville: \$1,178,189;
- (17) Lamar University: \$2,803,561;
- (18) Lamar Institute of Technology: \$2,007,758;
- (19) Lamar State College: Port Arthur: \$1,082,754;
- (20) Texas Southern University: \$17,884,439;
- (21) College of the Mainland: \$704,945;

SENATE VERSION

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: \$6,200,000;
- (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;

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(22) The University of Texas Pan American: \$102,258;
(23) Texas AgriLife Research: \$281,428;
(24) General Land Office and Veterans' Land Board: \$30,220,100;
(25) Angelina College: \$142,245;
(26) Texas A&M Corpus Christi: \$59,145;
(27) Texas AgriLife Extension Service: \$143,378;
(28) The University of Texas Health Center at Tyler: \$2,898,557;
(29) The University of Texas Health Science Center at Houston: \$8,520,839;
(30) University of Houston System Administration: \$7,339,000;
(31) Texas State Technical College: Harlingen: \$904,558;
(32) Lamar State College: Orange: \$693,691;
(33) Prairie View A&M University: \$488,864;
(34) Stephen F. Austin State University: \$434,075;
(35) Tyler Junior College: \$215,688;
(36) Sam Houston State University: \$118,841;
(37) The University of Texas Health Science Center at San Antonio: \$89,436;
(38) Texas A&M University--Commerce: \$39,694;
(39) Lee College: \$137,554; and
(40) 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

SENATE VERSION

(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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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) **Out of the amounts** appropriated by this section to UT Medical Branch at Galveston, **\$150,000,000 of that amount** 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 **that** \$150,000,000 may be spent only with the prior written approval of the Legislative Budget Board.

SENATE VERSION

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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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 \$9,384,231 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 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.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 57. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY FLOODING. 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 flooding that occurred before the effective date of this Act during the state fiscal biennium that began September 1, 2007:

- (1) Texas Forest Service: \$69,339; and
- (2) Texas Engineering Extension Service: \$2,106,560.

SECTION 58. CERTAIN APPROPRIATIONS FOR DISASTER RELIEF. (a) An amount not to exceed \$100 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.

SENATE VERSION

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) The amount of \$62 million is appropriated out of the general revenue 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. The prior approval of the Legislative Budget Board given or considered to be given as provided by this subsection is required to expend funds for the purpose of providing reimbursements for post disaster recovery expenditures. The Governor's Division of Emergency Management shall provide information regarding proposed expenditures of funds for this purpose to the Legislative Budget Board in a format provided by the board. If the

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

- (1) providing local matching funds for FEMA qualifying projects; or
- (2) preventing default on outstanding bonds or meeting other financial requirements.

SENATE VERSION

Legislative Budget Board does not disapprove a proposed reimbursement for post disaster recovery expenditures within 10 days of receiving the required information, the proposed expenditure is considered automatically approved.

(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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

during Hurricane Rita conducted from September 21 through September 29, 2005.

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

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

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

SECTION 59. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$2,000,000 is appropriated out of the general revenue fund to the Texas Commission on Environmental Quality for the two-year period beginning on the effective date of this Act for conducting hazardous substance removal and disposal

SECTION __. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$2,000,000 is appropriated out of the general revenue dedicated account number 550 to the Texas Commission on Environmental Quality for the two-year period beginning on the effective date of this Act for

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

activities at Ballard Pits, a state superfund site in Nueces County.

SECTION 60. CERTAIN REIMBURSEMENTS FROM FEDERAL GOVERNMENT, AN INSURER, OR ANOTHER SOURCE. 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 with money appropriated under Section 58 of this Act, the agency or institution shall reimburse the disaster contingency fund in an amount equal to the amount expended from the disaster contingency account that is proportional to the total expenditures for damages described by Section 58 of this Act, and that amount shall be deposited to the credit of the disaster contingency fund within the state treasury.

SECTION 61. CONTINGENT APPROPRIATION: WEALTH PER STUDENT LIMITATION. Contingent on the enactment of legislation relating to an exception to the wealth per student limitation for school districts that, as a result of natural disasters, are suffering financial hardship and also contingent on a declaration of a state or national emergency, an amount not to exceed \$30 million is appropriated out of the general revenue fund to the Texas Education Agency for the two-year period

SENATE VERSION

conducting hazardous substance removal and disposal activities at Ballard Pits, a state superfund site in Nueces County.

No equivalent provision.

No equivalent provision.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

beginning on the effective date of this Act for the purpose of allowing certain school districts to retain recapture payments in order to respond to a disaster.

No equivalent provision.

No equivalent provision.

SENATE VERSION

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 Trusteed 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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

remove debris from Harris County, Jefferson County, Chambers County, Brazoria County, Galveston County, and the City of Houston.

No equivalent provision.

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 55, 56, 57, or 63 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 55, 56, 57, or 63 of this Act, and that amount

SECTION 62. REIMBURSEMENT TO GENERAL REVENUE FUND. (a) 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 Sections 9, 15, 52, 55, 56, or 57 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 Sections 9, 15, 52, 55, 56, or 57 of this

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

shall be deposited to the credit of the general revenue fund within the state treasury.

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

No equivalent provision.

SENATE VERSION

Act, and that amount shall be deposited to the credit of the general revenue fund.

(b) 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 58 or 60 of this Act, the agency or institution shall reimburse the state by depositing the amount of the reimbursement to the credit of the Trusteed Programs within the Office of the Governor. Amounts deposited under this subsection are reappropriated to the Trusteed Programs within the Office of the Governor for disaster preparedness and recovery costs for the two-year period beginning on the effective date of this Act.

No equivalent provision.

SECTION 63. DEBT SERVICE PAYMENTS - NON-

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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.

Same as House version.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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. 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 two-year period beginning on the effective date of this Act 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,

SENATE VERSION

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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

coastal erosion mitigation, and other coastal projects authorized by statute.

SECTION 66. PAYMENT TO PHI, INC., FOR EMERGENCY EVACUATION OPERATIONS. Out of amounts appropriated to the Health and Human Services Commission by Section 55(a)(4) of this Act, the amount of \$1,508,450 shall be transferred to the Department of State Health Services and the department shall use that amount to pay PHI, Inc., for services rendered in connection with emergency evacuation operations conducted from September 21 through September 29, 2005. The Department of State Health Services shall supply all necessary information required by the comptroller of public accounts to approve and pay this claim by PHI, Inc., and the claim may not be paid unless the comptroller gives the necessary approvals.

SECTION 67. Section 8.02, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007, is amended by amending Subsection (a) and adding

SENATE VERSION

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.

No equivalent provision.

No equivalent provision.

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Subsection (i) to read as follows:

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

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

(1) the amount of money awarded or received;

(2) the purposes for which the funds may be spent;

(3) specific performance measures tied to each expenditure;

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

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

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

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

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

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

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

SECTION 68. 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.

No equivalent provision.

SENATE VERSION

SECTION 66. Same as House version.

SECTION 67. (a) 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

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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.

(b) Out of the funds appropriated in this section, the 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.

No equivalent provision.

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

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(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.

No equivalent provision.

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 imposition of the motor vehicle sales tax on motor vehicles transferred as the result of a gift exceeds \$10,000,000, the Texas State Technical

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

College System Administration is appropriated the amount of \$10,000,000 out of the general revenue fund for the fiscal year ending August 31, 2010, for capital expenditures and renovations for collaborative research projects. The legislature finds a demonstrated need for these capital expenditures and renovations.

No equivalent provision.

SECTION 70. TEXAS SOUTHERN UNIVERSITY: MICKEY LELAND AND BARBARA JORDAN PAPERS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$150,000 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 to ensure the proper preservation and display of the Mickey Leland and Barbara Jordan papers maintained by the university.

No equivalent provision.

SECTION 71. TEXAS PARKS AND WILDLIFE DEPARTMENT: TEXAS STATE RAILROAD. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$1,000,000 is appropriated to the Texas Parks and Wildlife Department out of the general revenue fund for the two-year period beginning on the effective date of this Act for the purpose of supporting the operations of the Texas State Railroad. The comptroller shall release

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

funds provided in this section contingent on review and approval by the Legislative Budget Board of a signed contract between the Texas State Railroad Authority and the railroad operator describing loan terms and regular reporting to the Legislative Budget Board on the revolving account.

No equivalent provision.

SECTION __. DEPARTMENT OF AGING AND DISABILITY SERVICES:
CONTINGENCY FOR SENATE BILL 643. (a) Contingent on the enactment by the 81st Legislature, Regular Session, 2009, and becoming law of Senate Bill 643 or similar legislation relating to the protection and care of persons with mental retardation, the Department of Aging and Disability Services is appropriated, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$19,000,000 from the general revenue fund and \$19,000,000 from federal funds for the two-year period beginning on the effective date of this Act to fully implement the provisions of the legislation; to install video surveillance equipment in areas defined as nonprivate space for residents of state developmental centers and the ICF/MR component of the Rio Grande State Center; and to monitor video across shifts to detect and prevent abuse and exploitation of residents and clients.
(b) In addition to the number of full-time equivalent

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

employees (FTEs) the Department of Aging and Disability Services is authorized by other law to employ during the state fiscal biennium ending August 31, 2011, the department may employ an additional 186.0 FTEs during that state fiscal biennium.

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

No equivalent provision.

SECTION __. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY: TEXAS EMISSIONS REDUCTION PLAN ACCOUNT. The Texas Commission on Environmental Quality is appropriated the amount of \$37,000,000 out of the Texas Emissions Reduction Plan Account No. 5071 for the two year period beginning on the effective date of this Act for the implementation of activities under Subsection (a) of

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

386.252 of the Health and Safety Code.

No equivalent provision.

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

No equivalent provision.

SECTION __. TEXAS WORKFORCE COMMISSION: FEDERALLY FUNDED BENEFITS. To minimize the impact on state funds appropriated in this Act or in

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Senate Bill 1, Acts of the 81st Legislature, Regular Session, 2009, (the General Appropriations Act) for the fiscal biennium ending August 31, 2011, for unemployment benefits, the Texas Workforce Commission may adjust unemployment eligibility periods as necessary to maximize receipt of any 100 percent federally funded benefit. This provision does not appropriate state funds, nor may additional state funds be appropriated as a result of this authorization. Additional federal funds received by the State of Texas resulting from the authorized adjustment are appropriated as necessary to comply with Section 2005 of Public Law No. 111-5.

No equivalent provision.

SECTION __. EMPLOYEES RETIREMENT SYSTEM: PILOT PROGRAM TO TEST ALTERNATIVE PAYMENT SYSTEMS. Out of funds appropriated to the Employees Retirement System in Senate Bill 1, Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), for the fiscal biennium ending August 31, 2011, the Employees Retirement System is authorized to establish a pilot program under which physicians and health care providers who provide health care services to employees and retirees participating in the group benefits program are compensated under a payment system designed to test alternatives to traditional fee-for-service payments. To the extent practicable, the program must be based on

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

nationally recognized quality of care standards and evidence-based best practices, and must include policies designed to promote provider collaboration and other policies and practices as necessary to ensure high-quality and effective health care services.

No equivalent provision.

SECTION __. TEXAS PARKS AND WILDLIFE DEPARTMENT: LOCAL PARK RESTORATION. Contingent on enactment by the 81st Legislature, Regular Session, 2009, and becoming law of H.B. 3391, S.B. 1010, or similar legislation relating to the continuation and functions of the Parks and Wildlife Department, out of funds appropriated to the Texas Parks and Wildlife Department in Strategy B.2.1, Local Parks Grants in Senate Bill 1, Acts of the 81st Legislature, Regular Session, 2009, (the General Appropriations Act) for the fiscal biennium ending August 31, 2011, it is the intent of the legislature that an amount not to exceed \$1,500,000 be provided as matching grants to the City of Waco as follows:

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

(2)\$1,127,000 shall be allocated for a two-to-one matching grant for the purpose of restoring, upgrading, or replacing the existing public skate park to provide a

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

safe, family recreational skating facility.

No equivalent provision.

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

No equivalent provision.

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

No equivalent provision.

SECTION __. UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER: UNCOMPENSATED CARE FOR HURRICANE IKE PATIENTS. The University of Texas M.D. Anderson Cancer Center is appropriated \$2,000,000 from the

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
	general revenue fund for the two year period beginning on the effective date of this Act to provide reimbursements for uncompensated care for Hurricane Ike patients.	
No equivalent provision.	SECTION __. UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH: TRAUMA CARE. The University of North Texas Health Science Center at Fort Worth is appropriated \$2,000,000 from the general revenue fund for the two year period beginning on the effective date of this Act to provide reimbursements for uncompensated care.	
No equivalent provision.	SECTION __. NAVARRO COLLEGE: REIMBURSEMENTS. Navarro College is appropriated \$1,500,000 from the general revenue fund for the two year period beginning on the effective date of this Act to reimburse the Higher Education Coordinating Board for new campus funding.	
No equivalent provision.	SECTION __. TEXAS DEPARTMENT OF LICENSING AND REGULATION: OPERATIONS. The Texas Department of Licensing and Regulation is appropriated \$956,000 from the general revenue fund for the two year period beginning on the effective date of this Act for operations.	

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION __. CANCER PREVENTION AND RESEARCH INSTITUTE: CERTAIN SALARIES. (a) Notwithstanding any limitation on salary rates prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), the Executive Director of the Cancer Prevention and Research Institute shall be compensated at a rate not to exceed \$214,000 per fiscal year for the fiscal year ending August 31, 2009, and the Chief Scientific Officer of the institute may be compensated at a rate not to exceed \$212,000 per year for the fiscal year ending August 31, 2009. (b) In addition to the rates provided in Subsection (a) of this section, the Executive Director may receive a salary supplement not to exceed \$86,000 for a total combined salary of \$300,000 out of state and foundation funds for the fiscal year ending August 31, 2009. In addition to the rates provided in Subsection (a) of this section, the Chief Scientific Officer may receive a salary supplement not to exceed \$488,000 for a total combined salary of \$700,000 out of state and foundation funds for the fiscal year ending August 31, 2009. The respective salaries paid out of appropriated state funds and foundation funds for each fiscal year of the biennium to the Executive Director and the Chief Scientific Officer of the Institute may not exceed the highest salary paid to a chancellor of a public university system.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION __. GENERAL LAND OFFICE: DISASTER MITIGATION BUYOUTS. The General Land Office is appropriated \$10,000,000 from the general revenue fund for the two year period beginning on the effective date of this Act for structure buyouts as authorized by Chapter 33, Natural Resources Code.

No equivalent provision.

SECTION __. DEPARTMENT OF STATE HEALTH SERVICES: NORTHSTAR BEHAVIORAL HEALTH WAIVER. (a) Notwithstanding any limitations 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, to the extent that the NorthSTAR managed care organization is able to obtain cost savings associated with state-approved purchasing arrangements for the purchase of new generation medications under Department of State Health Services Strategy B.2.4, NorthSTAR Behavioral Health Waiver, NorthSTAR managed care organization may expend an equivalent amount from Strategy B.2.4, NorthSTAR Behavioral Health Waiver on direct services to clients. (b) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$5,000,000 is appropriated out of the general revenue fund to the Department of State Health Services

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

under Strategy B.2.4, NorthSTAR Behavioral Health Waiver to provide direct client services.

No equivalent provision.

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

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

(c) This section shall not apply to employees of

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

(1) At the Texas Department of Criminal Justice:

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

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

(C) Food Service Managers otherwise provided a pay increase under the General Appropriations Act for the 2010-11 Biennium;

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

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

(2) At the Texas Youth Commission:

(A) Juvenile Correctional Officers series otherwise provided a pay increase under the General

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Appropriations Act for the 2010-11 Biennium; and
(B) Other unit staff otherwise provided a pay increase under the General Appropriations Act for the 2010-11 Biennium;
(3) Law Enforcement Employees classified under Schedule C under Part 2, Article IX of the General Appropriations Act for the 2010-11 Biennium otherwise provided a pay increase under the General Appropriations Act for the 2010-11 Biennium;
(4) At the Parks and Wildlife Department, in the event the Comptroller certifies the additional revenue of \$11,328,892 from the Game, Fish and Water Safety Account No. 9, the employees provided pay raises from these amounts during the 2010-11 Biennium may not participate in the \$800 retention payment for classified employees provided by this Act.
(5) In the Judicial branch of state government:
(A) At the Supreme Court and the Court of Criminal Appeals:
(1) the staff attorneys;
(2) law clerks; and
(3) court administrative staff;
(B) At the 14 Appellate Courts:
(1) staff attorneys;
(2) law clerks; and
(3) employees whom a Court of Appeals designates as receiving salary increases from the block grant appropriated for the 14 Courts of Appeals in the 2010-11 Biennium;

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(C) At the State Law Library, all positions; and
(D) At the State Commission on Judicial Conduct, the General Counsel and attorney staff;
(6) At all agencies, financial examiners otherwise provided a pay increase under the General Appropriations Act for the 2010-11 Biennium; and
(7) At all agencies, employees who earned amounts greater than \$100,000.00 per year calculated as may be prescribed by rules adopted by the Comptroller in order to achieve the legislative objective of excluding employees who earn salaries greater than either \$8,334.00 per month or \$100,000.00 per year from receiving the retention payment.
(d) For employees paid the retention payment authorized under this section, any increase in employee benefits costs associated with the retention payment as described above shall be paid exclusively from appropriations made above in Subsection (b) of this section except for county extension agents who may receive a retention payment solely from appropriations made from the general revenue fund.
(e) Provisions requiring salaries and benefits to be proportional to the source of funds shall apply to all sums allocated under this section for the payment of a retention payment as if the retention payment was a part of the employee's regular compensation, except as may otherwise be provided. Each agency shall pay the retention payment from funds held in the state treasury and from local funds in the same proportion as the

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

employee's regular compensation.

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

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

(h) Agencies subject to a special provisions rider "Appropriations Limited to Revenue Collections" of the General Appropriations Act for the 2010-11 Biennium shall increase revenues as necessary to cover the increased retention payment amounts appropriated above. Revenues to general revenue and general revenue dedicated funds due to the retention payment increase described above are estimated to be at least \$3,400,000.

No equivalent provision.

SECTION __. DEPARTMENT OF PUBLIC SAFETY:
APPROPRIATIONS FOR CERTAIN SALARIES. (a)
Notwithstanding the Position Classification Plan, under

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Section 2.01, Article IX, Senate Bill 1, Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), the Department of Public Safety is appropriated for the two year period beginning on the effective date of this Act the following amounts for the following purposes:

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

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

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

No equivalent provision.

SECTION __. DEPARTMENT OF PUBLIC SAFETY: CERTAIN BORDER SECURITY FUNDS. (a) Notwithstanding amounts appropriated under Senate Bill 1, Acts of the 81st Legislature, Regular Session, 2009, (the General Appropriations Act), in the appropriation to the Department of Public Safety for the fiscal year ending August 31, 2010, the amount of general revenue dedicated account 99 appropriated to the Department of

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Public Safety under Strategy D.1.1., Emergency Preparedness, is reduced by \$5,500,000.

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

No equivalent provision.

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

No equivalent provision.

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

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Growth and Endangered Species.

No equivalent provision.

SECTION __. TEXAS PUBLIC FINANCE
AUTHORITY: DEBT SERVICE. The Texas Public
Finance Authority is appropriated \$3,200,000 from the
general revenue fund for the two year period beginning
on the effective date of this Act to pay debt service on
general obligation bonds.

No equivalent provision.

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

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

programs in connection with certain children in the conservatorship of the Department of Family and Protective Services, the Department of Family and Protective Services, 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 biennium ending August 31, 2011, is authorized to employ an additional 17.0 FTEs during that state fiscal biennium.

No equivalent provision.

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

No equivalent provision.

SECTION __. CONTINGENCY APPROPRIATION FOR H.B. 1684. Contingent upon the enactment by the

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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.

No equivalent provision.

SECTION __. 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.

No equivalent provision.

SECTION __. 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

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

operations at the Palestine campus.

No equivalent provision.

SECTION __. 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.

No equivalent provision.

SECTION __. 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.

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

SECTION __. 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 concerning postsecondary education and training, the Texas Education Agency is appropriated \$1,350,000 for the state fiscal year ending August 31, 2011, out of the general revenue fund for industry certification examinations to non-economically disadvantaged students, \$540,000 in fiscal year 2011 out of the general revenue fund for the State Board Education to conduct a course review, and \$100,000 in fiscal year 2011 out of the general revenue fund to expand the Best Practices Clearinghouse to include career and technology education. The Texas Workforce Commission is appropriated \$100,000 for the state fiscal year ending August 31, 2011, out of the general revenue fund to develop a list of high-demand, high-wage, high-skill occupations that require licensure, certification, an associate degree, or a bachelor's degree. The Higher Education Coordinating Board is appropriated out of the general revenue fund the amount of \$2,290,000 for the state fiscal year ending August 31, 2011, for training and materials dealing with the "College for Texans" program and the amount of \$100,000 for the state fiscal year ending August 31, 2011, to conduct an economic impact study to determine the economic impact to the state of

CONFERENCE

House Bill 4586
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

secondary and post-secondary training and education.
The "Number of Full-Time Equivalents" in the Higher Education Coordinating Board bill pattern is increased by two FTEs in the state fiscal year ending August 31, 2011.

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

SECTION 72. Same as House version.