

## **BILL ANALYSIS**

H.B. 160  
By: Wilson  
Appropriations  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The federal American Rescue Plan Act of 2021 provided fiscal relief to states aimed at mitigating the continuing effects of the COVID-19 pandemic. In part, the legislation established the Coronavirus State Fiscal Recovery Fund, from which Texas was allocated billions of dollars. H.B. 160 makes appropriations relating to education initiatives, institutions, and related agencies from federal COVID-19 relief money received by the state from this fund.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 160 makes supplemental appropriations relating to education initiatives, institutions, and related agencies from money received by the state and deposited to the credit of the state's coronavirus relief fund from the Coronavirus State Fiscal Recovery Fund established under the federal American Rescue Plan Act of 2021. The bill also gives direction regarding certain of those appropriations.

#### **Appropriation of Federal COVID-19 Relief Funds**

##### **Teacher Retirement System of Texas**

###### *COVID-19 Services*

H.B. 160 appropriates \$286,337,761 to the Teacher Retirement System of Texas for the purpose of providing funding for coronavirus-related claims in TRS-Care and TRS-ActiveCare incurred before September 1, 2021, during the two-year period beginning on the bill's effective date. The bill establishes that it is the legislature's intent that premiums for TRS-Care and TRS-ActiveCare insurance policies not increase as a result of coronavirus-related claims incurred before September 1, 2021.

##### **Texas Higher Education Coordinating Board**

###### *Texas Child Mental Health Care Consortium*

H.B. 160 appropriates \$113,082,887 to the Texas Higher Education Coordinating Board (THECB) for the purpose of supporting the operations and expansion of the Texas Child Mental

Health Care Consortium to expand mental health initiatives for children during the two-year period beginning on the bill's effective date. At the consortium's direction, the THECB must transfer appropriations through interagency contracts with health-related institutions of higher education in the following amounts and for the following purposes:

- \$20,578,442 for enhancements and expansion of the Child Psychiatry Access Network;
- \$56,218,976 for enhancements and expansion of the Texas Child Access Through Telemedicine program;
- \$32,991,791 for expansion of the child and adolescent mental health workforce; and
- \$3,293,676 for administrative expenses.

The bill requires the THECB, not later than December 1, 2021, to transfer \$3,293,676 to an institution of higher education designated by the consortium for oversight and evaluation of the outlined initiatives by means of interagency agreements or any other necessary contracts. The bill authorizes the consortium to transfer up to 10 percent of money appropriated for purposes of the Child Psychiatry Access Network, the Texas Child Access Through Telemedicine program, or workforce expansion to any other of those purposes. The consortium may transfer more than 10 percent of funds for those purposes only with the prior approval for the transfer and expenditure from the Legislative Budget Board (LBB). A request for approval of the transfer and expenditure by the consortium is considered approved unless the LBB issues a written disapproval within 10 business days of the receipt and review of the request by the LBB.

### *University Construction*

Contingent on legislation by the 87th Legislature, 3rd Called Session, 2021, relating to the issuance of tuition revenue bonds becoming law, H.B. 160 appropriates \$325,000,000 to the THECB for the purpose of university construction during the two-year period beginning on the bill's effective date.

### Texas Division of Emergency Management

H.B. 160 appropriates \$300,000,000 to the Texas Division of Emergency Management (TDEM) for the purpose of the acquisition of land for, and construction of, a state operations center during the two-year period beginning on the bill's effective date. Accordingly, the bill increases TDEM's capital budget authority by the same amount for that appropriation.

### National Research University Fund

H.B. 160 appropriates \$1,000,000,000 to the national research university fund to be used to increase the fund's corpus. The bill establishes that it is the legislature's intent that the methodology used to determine the total distribution from the fund be reset to reflect this additional appropriation.

### **Other Provisions**

H.B. 160 establishes the following:

- it is the legislature's intent that:
  - the appropriations made by the bill are one-time appropriations made for the purpose of addressing the state's needs for the two-year period beginning on the bill's effective date;
  - the appropriations made by the bill be used only for purposes authorized by state and federal law, including guidance issued by the U.S. Department of the Treasury as part of the interim final rules published in 86 Fed. Reg. 26786 (May 17, 2021);
  - the appropriations made by the bill be used before all other methods of finance if more than one method of finance has been appropriated by this and a prior act of the legislature for use during a state fiscal year; and

- if the purpose of an appropriation, for any reason, is determined by a qualified state or federal authority to have been made for an improper use, the appropriated money not be spent and instead be retained in the treasury and available for later legislative appropriation;
- certain of the appropriations made by the bill, as specified therein, are made in accordance with 42 U.S.C. Section 802(c)(1)(C), which allows money from the federal Coronavirus State Fiscal Recovery Fund to be used to provide government services to the extent of a reduction in the revenue of a state government caused by the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the state government that ended before that emergency; and
- the transfer provisions of Part 14, Article IX, Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), and the transfer provisions of Section 65, Chapter 995 (H.B. 2), Acts of the 87th Legislature, Regular Session, 2021 (the Supplemental Appropriations Act), apply to the appropriations made by this bill to allow appropriate transfer of appropriations made by this bill as if the appropriations made by the General Appropriations Act, the Supplemental Appropriations Act, and this bill were all a part of the same bill, to the extent permitted by federal law.

**EFFECTIVE DATE**

On passage.