

## **BILL ANALYSIS**

C.S.S.B. 8  
By: Nelson  
Appropriations  
Committee Report (Substituted)

### **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 and the Coronavirus Capital Projects Fund, from which Texas was allocated billions of dollars. C.S.S.B. 8 makes appropriations of federal COVID-19 relief money received by the state from these two funds.

### **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**

C.S.S.B. 8 makes supplemental appropriations 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 and from the Coronavirus Capital Projects Fund, each of which were established under the federal American Rescue Plan Act of 2021. The bill also gives direction regarding certain of those appropriations. Unless otherwise noted, the appropriations described below come from money received from the Coronavirus State Fiscal Recovery Fund.

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

##### **Comptroller of Public Accounts**

###### *State Unemployment Compensation Fund*

C.S.S.B. 8 appropriates \$7,245,419,946 to the comptroller of public accounts for use during the 2022 state fiscal year for the purpose of immediately depositing that amount to the credit of the state's unemployment compensation fund to pay back outstanding advances received by the state under federal law and to return the fund to the statutory floor computed under applicable state law on October 1, 2021, as reimbursement for payments made as a result of the COVID-19 pandemic.

###### *Broadband Infrastructure*

C.S.S.B. 8 appropriates \$500,475,163 to Fiscal Programs-Comptroller of Public Accounts for the purpose of providing funding for broadband infrastructure in accordance with applicable

state and federal law during the two-year period beginning on the bill's effective date. Of that money, \$75,000,000 is restricted for use for the Texas broadband pole replacement program. This appropriation comes from money received from the Coronavirus Capital Projects Fund.

#### Trusted Programs Within the Governor's Office

C.S.S.B. 8 appropriates \$160,000,000 to the trusted programs within the governor's office for the purpose of providing funding for grants for crime victims during the two-year period beginning on the bill's effective date. The bill establishes that it is the legislature's intent that grants made for crime victims during the 2022 state fiscal year and the 2023 state fiscal year equal grants made for crime victims during the 2021 state fiscal year.

#### Department of Agriculture

C.S.S.B. 8 appropriates \$100,000,000 to the Department of Agriculture (TDA) for the purpose of providing supplemental funding to food banks in response to the COVID-19 pandemic during the two-year period beginning on the bill's effective date.

#### Department of Information Resources

C.S.S.B. 8 appropriates \$200,000,000 to the Department of Information Resources (DIR) for deposit into the technology improvement and modernization fund and for use during the two-year period beginning on the bill's effective date for the purpose of cybersecurity projects. Accordingly, the bill increases DIR's capital budget authority in Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), by the same amount for that appropriation. Before spending the appropriated money, DIR must receive approval for the proposed cybersecurity projects from the Joint Oversight Committee on Investment in Information Technology Improvement and Modernization Projects.

#### Texas Facilities Commission

C.S.S.B. 8 appropriates \$40,000,000 to the Texas Facilities Commission (TFC) for the purpose of constructing a 100-bed comprehensive behavioral health center to serve the Permian Basin region during the two-year period beginning on the bill's effective date, contingent on the completion of a signed agreement between the TFC and the Ector County Hospital District and the Midland County Hospital District guaranteeing the ongoing operations of the comprehensive behavioral health center by the Permian Basin Behavioral Health Center to ensure the continuing benefit to the residents of Texas. Upon completion of the construction, ownership of the building transfers to the Permian Basin Behavioral Health Center controlled by the Ector County and Midland County Hospital Districts.

#### Attorney General's Office

##### *Sexual Assault Program Account*

C.S.S.B. 8 appropriates \$52,277,114 to the attorney general's office for deposit into the sexual assault program account and for use by the office as authorized by other law during the two-year period beginning on the bill's effective date.

##### *Crime Victims Compensation*

C.S.S.B. 8 appropriates \$54,756,000 to the attorney general's office for deposit into the compensation to victims of crime account and for use by the office during the two-year period beginning on the bill's effective date for the purpose of compensating crime victims.

## Court Fee Shortfall

C.S.S.B. 8 appropriates the following amounts to the following entities for the indicated purposes for the two-year period beginning on the bill's effective date to address matters related to shortfalls in court fee collections:

- judiciary section of the comptroller's office: \$14,854,228 for the purpose of addressing the backlog in court cases, including to pay for visiting judges and support staff;
- Office of Court Administration (OCA), Texas Judicial Council:
  - \$10,338,158 for the purpose of addressing the backlog in court cases, including information technology support; and
  - for Strategy D.1.1., Texas Indigent Defense Commission (TIDC), as listed in the General Appropriations Act: \$63,698,784 for the purpose of addressing the backlog in court cases, including to pay for public defenders, and \$13,942,466 for deposit into the fair defense account and for use by OCA in addressing the backlog in court cases, as authorized by other law;
- Office of Capital and Forensic Writs (OCFW): \$200,000 for the purpose of addressing the backlog in court cases and paying costs related to the COVID-19 pandemic; and
- Texas Commission on Law Enforcement (TCOLE): \$9,400,000 for deposit into the Texas Commission on Law Enforcement account for use by TCOLE as authorized by other law.

The bill increases OCA's capital budget authority in the General Appropriations Act by \$1,330,680 and authorizes the employment of additional full-time equivalent employees (FTEs) during the two-year period beginning on the bill's effective date as follows:

- OCA may employ eight additional FTEs out of the \$10,338,158 appropriation and two additional FTEs out of the \$63,698,784 appropriation; and
- the OCFW may employ one additional FTE out of its appropriation.

## Commission on State Emergency Communications

C.S.S.B. 8 appropriates \$150,000,000 to the Commission on State Emergency Communications (CSEC) for deposit into the next generation 9-1-1 service fund and for use by the CSEC as authorized by other law for the deployment and reliable operation of next generation 9-1-1 service, including equipment and administration costs, during the two-year period beginning on the bill's effective date. The bill establishes that, in accordance with applicable state law, it is the legislature's intent that all money appropriated to the CSEC by the bill be distributed not later than December 31, 2022, and spent not later than December 31, 2024, for the authorized purposes.

## Department of Transportation

C.S.S.B. 8 appropriates \$15,000,000 to the Texas Department of Transportation (TxDOT) for the purpose of providing funding for a customs inspection station on the South Orient Rail Line in Presidio, Texas, during the two-year period beginning on the bill's effective date.

## **General Provisions**

C.S.S.B. 8 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 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 is available for the applicable purpose; and

- if a qualified state or federal authority determines that a purpose for which money is appropriated by the bill is an improper use of that money, the appropriated money not be spent and instead be retained in the treasury 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, in 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.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 8 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute omits the following appropriations, which were present in the engrossed version:

- \$180,000,000 to the trustee programs within the governor's office for tourism, travel, and hospitality recovery grants;
- \$1,200,000 to the trustee programs within the governor's office for information technology case management system improvements for children's advocacy centers;
- \$2,462,085,730 to the Department of State Health Services (DSHS) for certain COVID-19 services;
- \$5,000,000 to DSHS for the federally qualified health center incubator program;
- \$16,700,000 to DSHS to upgrade existing laboratory facilities in Starr County;
- \$2,729,912,000 to the Texas Department of Criminal Justice and \$806,836,021 to the Department of Public Safety for compensating agency employees;
- \$286,337,761 to the Teacher Retirement System of Texas for funding certain coronavirus-related claims in TRS-Care and TRS-ActiveCare;
- \$113,082,887 to the Texas Higher Education Coordinating Board (THECB) for supporting the operations and expansion of the Texas Child Mental Health Care Consortium;
- \$325,000,000 to the THECB for university construction;
- \$15,000,000 to the THECB for operating the Texas reskilling and upskilling through education (TRUE) program;
- \$20,000,000 to the THECB for performance-based funding for at-risk students at comprehensive regional universities;
- \$300,000,000 to the Texas Division of Emergency Management for the purpose of acquiring land for, and the construction of, a state operations center;
- \$237,800,000 to the Health and Human Services Commission (HHSC) to complete construction of a state hospital in Dallas;
- \$400,000,000 to HHSC to administer one-time grants related to critical staffing needs of frontline health care workers affected by COVID-19;

- \$75,000,000 to HHSC to fund grants to support rural hospitals that have been affected by the COVID-19 pandemic;
- \$20,000,000 to HHSC to fund the creation of a consolidated Internet portal for Medicaid and CHIP medical services provider data;
- \$5,000,000 to HHSC to fund technology updates to the Medicaid eligibility computer system;
- \$14,250 to HHSC for the Texas Civil Commitment Office;
- \$15,000,000 to HHSC for expanding the capacity of Sunrise Canyon Hospital;
- \$40,000,000 to The University of Texas Health Science Center at Houston for operating the Texas Epidemic Public Health Institute;
- \$5,000,000 to the TDA to fund home-delivered meals;
- \$35,000,000 to the General Land Office and the Veterans Land Board to fund HVAC upgrades, negative pressure COVID-19 wards, and mobile HEPA air filtration units for Texas state veterans homes; and
- \$20,000,000 to the Texas Historical Commission to fund the commission's capital plan project for the Washington-on-the-Brazos state historic site.

The substitute includes the following appropriations, which were absent in the engrossed version:

- \$40,000,000 to the TFC to fund construction of a 100-bed comprehensive behavioral health center to serve the Permian Basin region, contingent on completion of the requisite signed agreement;
- \$52,277,114 to the attorney general's office for deposit into the sexual assault program account;
- \$54,756,000 to the attorney general's office for deposit into the compensation to victims of crime account;
- for purposes of addressing matters related to shortfalls in court fee collections:
  - \$14,854,228 to the judiciary section of the comptroller's office;
  - \$87,979,408 to OCA, of which \$77,641,250 is for the TIDC strategy;
  - \$200,000 to the OCFW; and
  - \$9,400,000 to TCOLE;
- \$150,000,00 to the CSEC for deposit into the next generation 9-1-1 service fund; and
- \$15,000,000 to TxDOT to fund a customs inspection station on the South Orient Rail Line in Presidio.

The substitute increases the amount appropriated to the TDA for providing supplemental funding to food banks from \$95,000,000, as in the engrossed version, to \$100,000,000.

The substitute includes a provision not in the engrossed version requiring DIR to receive approval from the Joint Oversight Committee on Investment in Information Technology Improvement and Modernization Projects for proposed cybersecurity projects to be funded from appropriations made by the bill.

The substitute revises a procedural provision in the engrossed version regarding certain appropriation authority under federal law to reflect the changes in appropriations made by the substitute.