By:  Wilson H.B. No. 160

A BILL TO BE ENTITLED

AN ACT

relating to making supplemental appropriations for education initiatives, institutions, and related agencies and giving direction regarding appropriations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  TEACHER RETIREMENT SYSTEM: TRS-CARE AND TRS-ACTIVECARE. (a) The amount of $286,337,761 is appropriated to the Teacher Retirement System from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 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 effective date of this Act.

(b)  It is the intent of the legislature that premiums for TRS-Care and TRS-ActiveCare insurance policies not increase as a result of coronavirus-related claims incurred before September 1, 2021.

SECTION 2.  HIGHER EDUCATION COORDINATING BOARD: TEXAS CHILD MENTAL HEALTH CARE CONSORTIUM. (a) The amount of $113,082,887 is appropriated to the Higher Education Coordinating Board from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 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 effective date of this Act. At the direction of the Texas Child Mental Health Care Consortium, the Higher Education Coordinating Board shall transfer appropriations through interagency contracts with health-related institutions of higher education for the following purposes:

(1)  $20,578,442 for enhancements and expansion of the Child Psychiatry Access Network;

(2)  $56,218,976 for enhancements and expansion of the Texas Child Access Through Telemedicine program;

(3)  $32,991,791 for expansion of the child and adolescent mental health workforce; and

(4)  $3,293,676 for administrative expenses.

(b)  Not later than December 1, 2021, out of money appropriated by Subsection (a) of this section, the Higher Education Coordinating Board shall transfer $3,293,676 to an institution of higher education designated by the Texas Child Mental Health Care Consortium for oversight and evaluation of the outlined initiatives by means of interagency agreements or any other necessary contracts.

(c)  The Texas Child Mental Health Care Consortium may transfer up to 10 percent of money appropriated for the purposes described by Subsection (a)(1), (2), or (3) of this section to any of the other purposes described by those provisions. The Texas Child Mental Health Care 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. A request for approval of the transfer and expenditure by the consortium is considered approved unless the Legislative Budget Board issues a written disapproval within 10 business days of the receipt and review of the request by the Legislative Budget Board.

SECTION 3.  TEXAS DIVISION OF EMERGENCY MANAGEMENT: STATE OPERATIONS CENTER. (a) The amount of $300,000,000 is appropriated to the Texas Division of Emergency Management from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the purpose of the acquisition of land for, and construction of, a state operations center during the two-year period beginning on the effective date of this Act.

(b)  The capital budget authority of the Texas Division of Emergency Management is increased by $300,000,000 for the appropriation made under Subsection (a) of this section.

SECTION 4.  HIGHER EDUCATION COORDINATING BOARD: UNIVERSITY CONSTRUCTION. Contingent on legislation by the 87th Legislature, 3rd Called Session, 2021, relating to the issuance of tuition revenue bonds, becoming law, the amount of $325,000,000 is appropriated to the Higher Education Coordinating Board from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the purpose of university construction during the two-year period beginning on the effective date of this Act.

SECTION 5.  NATIONAL RESEARCH UNIVERSITY FUND. The amount of $1,000,000,000 is appropriated to the National Research University Fund from the money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 to be used to increase the corpus of the fund. It is the intent of the Legislature that the methodology used to determine the total distribution from the fund be reset to reflect this additional appropriation.

SECTION 6.  LEGISLATIVE INTENT REGARDING APPROPRIATIONS. (a) It is the intent of the legislature that the appropriations made by this Act are one-time appropriations made for the purpose of addressing the needs of this state for the two-year period beginning on the effective date of this Act.

(b)  It is the intent of the legislature that the appropriations made by this Act be used only for purposes authorized by state and federal law, including guidance issued by the United States Department of the Treasury as part of the interim final rules published in 86 Fed. Reg. 26786 (May 17, 2021).

(c)  It is the intent of the legislature that the appropriations made by this Act 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.

(d)  It is the intent of the legislature that if the purpose of an appropriation, for any reason, is determined by the United States Department of the Treasury or any other 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.

SECTION 7.  APPROPRIATION AUTHORITY UNDER FEDERAL LAW. The appropriations made under Sections 2, 3, 4, and 5 of this Act using money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) are made in accordance with 42 U.S.C. Section 802(c)(1)(C), which allows money from the 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.

SECTION 8.  APPLICABILITY OF TRANSFER PROVISIONS OF OTHER LAW. 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 Act to allow appropriate transfer of appropriations made by this Act as if the appropriations made by the General Appropriations Act, the Supplemental Appropriations Act, and this Act were all a part of the same Act, to the extent permitted by federal law.

SECTION 9.  EFFECTIVE DATE. This Act takes effect immediately.