By:  Nelson, et al. S.B. No. 8

(Bonnen)

Substitute the following for S.B. No. 8:

By:  Holland C.S.S.B. No. 8

A BILL TO BE ENTITLED

AN ACT

relating to making supplemental appropriations and giving direction regarding appropriations.

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

SECTION 1.  COMPTROLLER OF PUBLIC ACCOUNTS: UNEMPLOYMENT COMPENSATION FUND. The amount of $7,245,419,946 is appropriated to the comptroller of public accounts 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 use during the state fiscal year beginning September 1, 2021, for the purpose of immediately depositing that amount to the credit of the unemployment compensation fund under Section 203.021, Labor Code, to pay back outstanding advances received by this state under Section 1201, Social Security Act (42 U.S.C. Section 1321), and to return the unemployment compensation fund to the statutory floor computed under Section 204.061, Labor Code, on October 1, 2021, as reimbursement for payments made as a result of the coronavirus disease pandemic.

SECTION 2.  FISCAL PROGRAMS-COMPTROLLER OF PUBLIC ACCOUNTS: BROADBAND INFRASTRUCTURE. (a) The amount of $500,475,163 is appropriated to Fiscal Programs-Comptroller of Public Accounts from money received by this state from the Coronavirus Capital Projects Fund (42 U.S.C. Section 804) 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 broadband infrastructure in accordance with Section 490I.0108, Government Code, and other applicable state or federal law during the two-year period beginning on the effective date of this Act.

(b)  Out of money appropriated by Subsection (a) of this section, $75,000,000 may be used only for the Texas broadband pole replacement program.

SECTION 3.  TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR: VICTIMS OF CRIME. (a) The amount of $160,000,000 is appropriated to the Trusteed Programs within the Office of the Governor 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 grants for victims of crime during the two-year period beginning on the effective date of this Act.

(b)  It is the intent of the legislature that grants made for victims of crime during the state fiscal year beginning September 1, 2021, and the state fiscal year beginning September 1, 2022, equal grants made for victims of crime during the state fiscal year beginning September 1, 2020.

SECTION 4.  DEPARTMENT OF AGRICULTURE: FOOD BANKS. The amount of $100,000,000 is appropriated to the Department of Agriculture 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 supplemental funding to food banks in response to the coronavirus pandemic during the two-year period beginning on the effective date of this Act.

SECTION 5.  DEPARTMENT OF INFORMATION RESOURCES: CYBERSECURITY PROJECTS. (a) The amount of $200,000,000 is appropriated to the Department of Information Resources for deposit into the Technology Improvement and Modernization Fund No. 187 and for use during the two-year period beginning on the effective date of this Act for the purpose of cybersecurity projects 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. Before spending money appropriated under this subsection, the department must receive approval for the proposed cybersecurity projects from the Joint Oversight Committee on Investment in Information Technology Improvement and Modernization Projects established under Section 2054.578, Government Code.

(b)  The capital budget authority of the Department of Information Resources in Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), is increased by $200,000,000 for the appropriation made under Subsection (a) of this section.

SECTION 6.  TEXAS FACILITIES COMMISSION: PERMIAN BASIN BEHAVIORAL HEALTH CENTER. (a) The amount of $40,000,000 is appropriated to the Texas Facilities Commission 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 constructing a 100-bed comprehensive behavioral health center to serve the Permian Basin region during the two-year period beginning on the effective date of this Act.

(b)  Upon completion of the construction described by Subsection (a) of this section, ownership of the building shall transfer to the Permian Basin Behavioral Health Center controlled by the Ector County Hospital District and the Midland County Hospital District.

(c)  The appropriation under Subsection (a) of this section is contingent on the completion of a signed agreement between the Texas Facilities Commission and the Ector County Hospital District and the Midland County Hospital District guaranteeing the ongoing operations of the comprehensive behavioral health center described by Subsection (a) of this section by the Permian Basin Behavioral Health Center to ensure the continuing benefit to the residents of this state.

SECTION 7.  OFFICE OF THE ATTORNEY GENERAL: SEXUAL ASSAULT PROGRAM ACCOUNT. The amount of $52,277,114 is appropriated to the Office of the Attorney General for deposit into the Sexual Assault Program Account No. 5010 and for use by the office as authorized by other law during the two-year period beginning on the effective date of this Act 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.

SECTION 8.  OFFICE OF THE ATTORNEY GENERAL: CRIME VICTIMS COMPENSATION. The amount of $54,756,000 is appropriated to the Office of the Attorney General for deposit into the Compensation to Victims of Crime Account No. 469 and for use by the office during the two-year period beginning on the effective date of this Act for the purpose of compensating crime victims 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.

SECTION 9.  APPROPRIATIONS FOR SHORTFALL IN COURT FEES. (a) To address matters related to shortfalls in court fee collections, the following amounts are appropriated to the following entities 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 indicated purposes for the two-year period beginning on the effective date of this Act:

(1)  Comptroller of Public Accounts, Judiciary Section: $14,854,228 for the purpose of addressing the backlog in court cases, including to pay for visiting judges and support staff;

(2)  Office of Court Administration, Texas Judicial Council:

(A)  $10,338,158 for the purpose of addressing the backlog in court cases, including information technology support; and

(B)  for Strategy D.1.1., Texas Indigent Defense Commission, as listed in Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act):

(i)  $63,698,784 for the purpose of addressing the backlog in court cases, including to pay for public defenders; and

(ii)  $13,942,466 for deposit into the Fair Defense Account No. 5073 and for use by the office for the purpose of addressing the backlog in court cases, as authorized by other law;

(3)  Office of Capital and Forensic Writs: $200,000 for the purpose of addressing the backlog in court cases and paying costs related to the coronavirus disease pandemic; and

(4)  Texas Commission on Law Enforcement: $9,400,000 for deposit into the Texas Commission on Law Enforcement Account No. 116 and for use by the commission as authorized by other law.

(b)  During the two-year period beginning on the effective date of this Act, in addition to the number of full-time equivalent (FTE) employees other law authorizes the office to employ during that period, the Office of Court Administration, Texas Judicial Council may employ:

(1)  out of money appropriated by Subsection (a)(2)(A) of this section, eight full-time equivalent (FTE) employees; and

(2)  out of money appropriated by Subsection (a)(2)(B)(i) of this section, two full-time equivalent (FTE) employees.

(c)  During the two-year period beginning on the effective date of this Act, in addition to the number of full-time equivalent (FTE) employees other law authorizes the office to employ during that period, the Office of Capital and Forensic Writs may employ out of money appropriated by Subsection (a)(3) of this section one full-time equivalent (FTE) employee.

(d)  The capital budget authority of the Office of Court Administration, Texas Judicial Council, in Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), is increased by $1,330,680 for the appropriation made under Subsection (a)(2)(A) of this section.

SECTION 10.  COMMISSION ON STATE EMERGENCY COMMUNICATIONS: NEXT GENERATION 9-1-1 SERVICE FUND. (a) The amount of $150,000,000 is appropriated to the Commission on State Emergency Communications for deposit into the Next Generation 9-1-1 Service Fund No. 0195 and for use by the commission 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 effective date of this Act 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.

(b)  In accordance with Section 771.0713(f), Health and Safety Code, it is the intent of the legislature that all money appropriated under Subsection (a) of this section be distributed not later than December 31, 2022, and all money distributed under this subsection be spent not later than December 31, 2024, for the purpose described by Subsection (a) of this section.

SECTION 11.  DEPARTMENT OF TRANSPORTATION: PRESIDIO CUSTOMS INSPECTION STATION. The amount of $15,000,000 is appropriated to the Department of Transportation 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 a customs inspection station on the South Orient Rail Line in Presidio, Texas, during the two-year period beginning on the effective date of this Act.

SECTION 12.  LEGISLATIVE INTENT REGARDING APPROPRIATIONS. (a) It is the intent of the legislature that the appropriations made by this Act:

(1)  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; and

(2)  be used:

(A)  only for purposes authorized by state and federal law, including guidance issued by the United States Department of the Treasury in 86 Fed. Reg. 26786 (May 17, 2021); and

(B)  before all other methods of finance, if more than one method of finance is available for the applicable purpose.

(b)  It is the intent of the legislature that, if the United States Department of the Treasury or any other qualified state or federal authority determines that a purpose for which money is appropriated under this Act is an improper use of that money, the appropriated money not be spent and instead be retained in the treasury for later legislative appropriation.

SECTION 13.  APPROPRIATION AUTHORITY UNDER FEDERAL LAW. The appropriations made under Sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 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 14.  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 15.  EFFECTIVE DATE. This Act takes effect immediately.