

BILL ANALYSIS

Senate Research Center
79S30436 JJT-F

S.B. 16
By: Ogden
Finance
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 16 authorizes supplemental state appropriations for specified purposes at certain institutions and state agencies. Additionally, the legislation repeals several current General Appropriations Act Article II riders due to deferral reimbursements and proposes language to prevent an agency, institution, or other entity from obtaining double recovery or double reimbursement for certain hurricane-related costs or expenditures.

S.B.16 appropriates funds from various sources including: the general revenue fund, matching federal funds, the Foundation School Fund, and the Economic Stabilization Fund.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL PROGRAM EQUALIZED OPERATIONS. Provides that in addition to amounts previously appropriated to the Texas Education Agency (TEA) for the state fiscal biennium ending August 31, 2007, for Strategy A.1.1, Foundation School Program-Equalized Operations, the amount of \$294.5 million is appropriated out of the general revenue fund to TEA for that strategy for the state fiscal year ending August 31, 2006. Defines "Strategy A.1.1, Foundation School Program-Equalized Operations."

SECTION 2. HEALTH AND HUMAN SERVICES COMMISSION: INTEGRATED ELIGIBILITY AND ENROLLMENT; EMPLOYEES AUTHORIZED. (a) Provides that in addition to amounts previously appropriated for this purpose for the state fiscal year ending August 31, 2007, certain amounts are appropriated to the Health and Human Services Commission (HHSC) for the state fiscal year ending August 31, 2007, to operate the integrated eligibility and enrollment program during that state fiscal year.

(b) Authorizes HHSC to employ a certain number of additional full-time equivalent employees (FTEs) during certain fiscal periods, in addition to the number of FTEs HHSC is authorized by other law to employ during said fiscal periods.

SECTION 3. HEALTH AND HUMAN SERVICES COMMISSION: FEDERAL MATCH LESS FAVORABLE FOR CERTAIN DEPARTMENTS. (a) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$136.3 million is appropriated out of the general revenue fund to HHSC for that biennium for the purpose of supporting certain programs that are subject to a decreased federal medical assistance percentage (FMAP) or a decreased enhanced federal medical assistance percentage (EFMAP) for that biennium.

(b) Requires HHSC to distribute money appropriated under this section to the appropriate agencies and departments in proportion to each agency's or department's FMAP or EFMAP reduction.

(c) Requires HHSC to provide adequate directions to each agency or department that receives money under this section to ensure that the money is applied to the proper purposes.

SECTION 4. DEPARTMENT OF AGING AND DISABILITY SERVICES: NURSING HOME FACILITY REIMBURSEMENT. (a) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to the Department of Aging and Disability Services (DADS) for the state fiscal year ending August 31, 2006, to support a specified nursing facility reimbursement rate.

(b) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to DADS for the state fiscal year ending August 31, 2007, to support a specified nursing facility reimbursement rate.

SECTION 5. DEPARTMENT OF AGING AND DISABILITY SERVICES: PERSONAL NEEDS ALLOWANCES. (a) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to DADS for the state fiscal year ending August 31, 2006, to fund a specified increased personal needs allowance for certain persons.

(b) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to DADS for the state fiscal year ending August 31, 2007, to fund a specified increased personal needs allowance for certain persons.

SECTION 6. DEPARTMENT OF STATE HEALTH SERVICES: MENTAL HEALTH HOSPITAL CAPACITY. (a) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to the Department of State Health Services (DSHS) for the state fiscal year ending August 31, 2006, to increase state mental health hospital capacity.

(b) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to DSHS for the state fiscal year ending August 31, 2007, to increase state mental health hospital capacity.

SECTION 7. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES: VOCATIONAL REHABILITATION. (a) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to the Department of Assistive and Rehabilitative Services (DARS) for the state fiscal year ending August 31, 2006, for vocational rehabilitation programs for additional clients.

(b) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to DARS for the state fiscal year ending August 31, 2007, for vocational rehabilitation programs for additional clients.

SECTION 8. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: FOSTER CARE; ADOPTION SUBSIDIES; RELATIVE CAREGIVERS. (a) Provides that in addition to amounts previously appropriated for this purpose for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to the Department of Family and Protective Services (DFPS) for foster care payments.

(b) Provides that in addition to amounts previously appropriated for this purpose for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to the Department of Family and Protective Services (DFPS) for adoption subsidy payments.

(c) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated out of the general revenue fund to DFPS for relative caregiver payments.

SECTION 9. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: REAPPROPRIATION OF CERTAIN MONEY; CONTINGENCY. (a) Provides that the unexpended and unobligated balance of money appropriated to DFPS for the purpose of certain child protective services is reappropriated to DFPS for that purpose for the remainder of the state fiscal biennium ending August 31, 2007.

(b) Provides that to the extent that this section makes appropriations out of the Economic Stabilization Fund or makes appropriations of matching federal funds, the receipt of which is dependent on an appropriation out of the Economic Stabilization Fund, those appropriations take effect only if this Act receives the vote required by Section 49-g (Economic Stabilization Fund), Article III, Texas Constitution.

SECTION 10. TEXAS TECH HEALTH SCIENCES CENTER EL PASO SCHOOL OF MEDICINE: FACULTY AND STAFF. Provides that the amount of \$20.5 million is appropriated out of the general revenue fund to the Texas Tech University Health Sciences Center for the state fiscal year ending August 31, 2007, to pay the center's recruitment and employment of key faculty and staff for the center's El Paso School of Medicine.

SECTION 11. TEXAS COMMISSION ON THE ARTS: OPERATIONS. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$312,522 is appropriated out of the general revenue fund to the Texas Commission on the Arts for the state fiscal biennium ending August 31, 2007, for agency programs.

SECTION 12. ADJUTANT GENERAL DEPARTMENT: RESPONSIBILITIES OF TEXAS MILITARY FACILITIES COMMISSION. Provides that certain amounts are appropriated out of the general revenue fund to the Adjutant General's Department for a specific purpose.

SECTION 13. ATTORNEY GENERAL'S OFFICE: SEX OFFENDER APPREHENSION UNIT. (a) Provides that in addition to amounts previously appropriated for the state fiscal year ending August 31, 2007, the amount of \$3.4 million is appropriated out of the general revenue fund to the Office of the Attorney General for the state fiscal year ending August 31, 2007, to operate the Sex Offender Apprehension Unit.

(b) Authorizes the Office of Attorney General to employ an additional 56 FTEs during the state fiscal year ending August 31, 2007, in addition to the number of FTEs the office is authorized by other law to employ during said fiscal year.

SECTION 14. TEXAS A&M UNIVERSITY HEALTH SCIENCE CENTER: RANGEL COLLEGE OF PHARMACY. Provides that in addition to amounts previously appropriated for the state fiscal year ending August 31, 2007, the amount of \$5 million is appropriated out of the general revenue fund to the Texas A&M University Health Science Center for the state fiscal year ending August 31, 2007, to operate the Texas A&M University-Kingsville Irma Rangel College of Pharmacy.

SECTION 15. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL PROGRAM. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated out of General Revenue Account No. 193 (the Foundation School Fund) to TEA to be spent under the foundation school program to educate approximately 38,000 students displaced by Hurricane Katrina and enrolled in Texas public schools.

SECTION 16. TEXAS STATE UNIVERSITY SYSTEM: LAMAR UNIVERSITY - BEAUMONT, LAMAR INSTITUTE OF TECHNOLOGY, LAMAR UNIVERSITY - ORANGE. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$33.5 million is appropriated out of the general revenue fund to the board of regents of the Texas State University System for the state fiscal year ending August 31, 2006, to pay the costs of or reimburse expenditures for repairing or replacing buildings and equipment damaged by Hurricane Rita at Lamar University - Beaumont, the Lamar Institute of Technology, and Lamar University - Orange.

SECTION 17. HEALTH AND HUMAN SERVICES COMMISSION: ACUTE CARE. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to HHSC to provide acute care services under the state Medicaid program, including prescription drugs, to persons affected by Hurricane Katrina or Hurricane Rita who may receive services under the state Medicaid program.

SECTION 18. DEPARTMENT OF AGING AND DISABILITY SERVICES: LONG-TERM CARE SERVICES. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to DADS to provide long-term care services under the state Medicaid program to persons affected by Hurricane Katrina or Hurricane Rita who may receive long-term care services under the state Medicaid program.

SECTION 19. DEPARTMENT OF STATE HEALTH SERVICES: MENTAL HEALTH SERVICES. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$1.6 million is appropriated out of the general revenue fund and the amount of \$2.4 million in matching federal funds is appropriated to DSHS for the state fiscal year ending August 31, 2006, to provide mental health services under the state Medicaid program to persons affected by Hurricane Katrina or Hurricane Rita who may receive mental health services under the state Medicaid program.

SECTION 20. HEALTH AND HUMAN SERVICES COMMISSION: APPROPRIATION FOR MEDICAID MANAGED CARE. Provides that in addition to amounts previously appropriated for this purpose for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to HHSC under Strategy B.1.4, Children and Medically Needy, for the state fiscal year ending August 31, 2007.

SECTION 21. HEALTH AND HUMAN SERVICES COMMISSION: APPROPRIATION FOR CHILDREN'S HEALTH INSURANCE PROGRAM. Provides that in addition to amounts previously appropriated for this purpose for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to HHSC under Strategy C.1.1, CHIP, for the state fiscal year ending August 31, 2007.

SECTION 22. DEPARTMENT OF AGING AND DISABILITY SERVICES: APPROPRIATION FOR MENTAL RETARDATION COMMUNITY SERVICES. (a) Provides that in addition to amounts previously appropriated for this purpose for the state fiscal biennium ending August 31, 2007, the amount of \$5.3 million is appropriated to DADS under Strategy A.4.3, Mental Retardation Community Services, out of the general revenue fund for the state fiscal year ending August 31, 2007, for the purpose of providing payments to mental retardation community centers.

(b) Provides that in addition to amounts previously appropriated for this purpose for the state fiscal biennium ending August 31, 2007, the amount of \$200,000 is appropriated to DADS under Strategy A.4.4, Mental Retardation Community Services Residential, out of the general revenue fund for the state fiscal year ending August 31, 2007, for the purpose of providing payments to mental retardation community centers.

SECTION 23. DEPARTMENT OF AGING AND DISABILITY SERVICES: APPROPRIATION FOR VARIOUS SERVICES. Provides that in addition to amounts previously appropriated for these purposes for the state fiscal biennium ending August 31, 2007, the amount of \$140 million is appropriated to DADS out of the general revenue fund and the amount of \$359,953,852 in federal matching funds is appropriated to that agency. Provides that the appropriations made under this section are for the state fiscal year ending August 31, 2007, for the purpose of providing long-term care services under certain numbered strategies.

SECTION 24. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: FOSTER CARE PAYMENTS. Provides that in addition to amounts previously appropriated for this purpose for the state fiscal biennium ending August 31, 2007, certain amounts are appropriated to DFPS under Strategy A.2.10, Foster Care Payments, for the state fiscal year ending August 31, 2007, for a specific purpose.

SECTION 25. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL PROGRAM ENTITLEMENT PAYMENTS. (a) Provides that in addition to amounts previously appropriated for this purpose for the state fiscal biennium ending August 31, 2007, the amount of \$800,000 is appropriated out of General Revenue Account No. 193 (Foundation School Fund) to TEA for the state fiscal year ending August 31, 2007, for a specific purpose.

(b) Makes application of this section contingent upon passage of certain legislation by the 79th Legislature.

SECTION 26. REPEALER. Repeals certain riders to Chapter 1369, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act):

(1) Rider 66 (Health and Human Services Commission. Payment of August 2007 payments for Medicaid Managed Care and Children's Health Insurance Program (CHIP));

(2) Rider 21 (Department of Aging and Disability Services. Payment of August 2007 Payments for MR Community Services);

(3) Rider 48 (Department of Aging and Disability Services. Payment of August 2007 Payments); and

(4) Rider 25 (Department of Family and Protective Services. Payment of August 2007 Foster Care Payments).

SECTION 27. PREVENTION OF DOUBLE RECOVERY OR DOUBLE REIMBURSEMENT.

(a) Provides that the purpose of this section is to prevent double recovery by or double reimbursement to an agency, institution, or other entity for the same hurricane-related cost or expenditure. Provides that matching federal funds appropriated by this Act are not considered "reimbursement from the federal government" for purposes of this section.

(b) Provides that if a state agency, institution, or office receives reimbursement from the federal government for expenditures made by the state for a purpose described by a provision of this Act that makes an appropriation related to hurricane relief, the amounts received may not be spent without the prior approval of the governor and the Legislative Budget Board (LBB). Provides that a federal reimbursement of revenue appropriated by this Act for a purpose related to hurricane relief is considered to be undedicated general revenue of this state.

(c) Provides that it is the intent of the legislature that the governor and LBB consider the money described by Subsection (b) of this section to be available for budget execution transfers to the extent that the governor and LBB determine that the federal reimbursement covers the same costs or expenditures as those covered by an appropriation made by this Act out of the general revenue fund or an account in the general revenue fund related to hurricane relief.

SECTION 28. DEFINITION. Provides that a reference in this Act to a numbered strategy is a reference to the numbered strategy for the appropriate agency in Chapter 1369, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act).

SECTION 29. EFFECTIVE DATE. Effective date: upon passage or the 91st day after adjournment.