

BILL ANALYSIS

Senate Research Center

H.B. 4586
By: Pitts, Eiland (Ogden)
Finance
5/19/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This legislation provides for emergency and supplemental appropriations for the current biennium and addresses budget shortfalls that have arisen in this current biennium.

H.B. 4586 relates to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority and prescribing limitations regarding appropriations.

RULEMAKING AUTHORITY

Rulemaking authority is expressly prohibited in SECTION 36 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. DATA CENTER SERVICES. (a) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the following amounts are appropriated out of the general revenue fund for the two-year period beginning on the effective date of this Act to the following agencies for the purpose of providing funding for unanticipated increases in consumption related to data center services:

- (1) \$128,000 is appropriated out of the general revenue fund to the Texas Facilities Commission (TFC);
- (2) \$278,855 is appropriated out of the general revenue fund to the secretary of state;
- (3) \$6,730,000 is appropriated out of the general revenue fund to the Texas Department of Criminal Justice (TDCJ);
- (4) \$150,991 is appropriated out of the general revenue fund to the Texas Youth Commission (TYC);
- (5) \$42,089 is appropriated out of the general revenue fund to the Department of Agriculture (TDA);
- (6) \$1,094,830 is appropriated out of general revenue dedicated account number 550, \$121,648 is appropriated out of general revenue dedicated account number 549, \$64,706 is appropriated out of general revenue dedicated account number 153, and \$12,941 is appropriated out of general revenue dedicated account number 151 to the Texas Commission on Environmental Quality (TCEQ);
- (7) \$1,179,894 is appropriated out of the general revenue fund to the Parks and Wildlife Department (TPWD);
- (8) \$349,929 is appropriated out of the general revenue fund to the Railroad Commission (railroad commission);
- (9) \$135,999 is appropriated out of the general revenue fund to the Department of Licensing and Regulation (TDLR); and

(10) \$147,687 is appropriated out of the general revenue fund and \$265,313 is appropriated out of general revenue dedicated account number 36 to the Texas Department of Insurance (TDI).

(b) Authorizes the agencies listed in Subsection (a) of this section, in addition to the capital budget authority previously granted for the state fiscal biennium ending August 31, 2009, to use the additional amounts appropriated by this section for capital budget items in response to unanticipated increases in consumption related to data center services. Authorizes the Texas Department of Information Resources (DIR), if the amounts are transferred by interagency contract or otherwise to DIR, to also use the additional amounts appropriated by this section for capital budget items in response to unanticipated increases in consumption related to data center services.

SECTION 2. CANCER PREVENTION AND RESEARCH INSTITUTE: OPERATIONS. (a) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$917,389 is appropriated out of the general revenue fund to the Cancer Prevention and Research Institute (institute) for the two-year period beginning on the effective date of this Act for the purpose of providing for salaries and wages, travel, acquisition of information technology, computers, furniture, legal counseling, and contracts.

(b) Authorizes the institute, in addition to the number of full-time equivalent employees (FTEs) the institute is authorized by other law to employ during the state fiscal year ending August 31, 2009, to employ an additional 16.0 FTEs during that state fiscal year.

SECTION 3. TEXAS FACILITIES COMMISSION: UTILITY COSTS. (a) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$2,396,612 is appropriated out of the general revenue fund to TFC under Strategy B.2.1, Building Design and Construction, for the two-year period beginning on the effective date of this Act for the purpose of providing for payment of increased utility costs as a result of an increase in utility rates.

(b) Prohibits funds appropriated by this section, notwithstanding Article IX (General Provisions), Section 14.01, (Appropriation Transfers), or similar provisions of Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), from being transferred by TFC to another appropriation item or be used by TFC for a purpose other than payment of utility expenses without the prior written approval of the Legislative Budget Board (LBB).

SECTION 4. TEXAS ETHICS COMMISSION: *FREE MARKET ASSOCIATION V. TEXAS ETHICS COMMISSION*. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$188,349 is appropriated out of the general revenue fund to the Texas Ethics Commission (TEC) for the fiscal year ending August 31, 2009, for the purpose of reimbursing TEC for the payment of the judgment on October 2, 2008, in *Free Market Association of Texas v. Texas Ethics Commission* in the United States District Court for the Western District of Texas, Austin Division.

SECTION 5. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION: LORENZO DE ZAVALA BUILDING. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$1,894,676 is appropriated out of the general revenue fund to the Texas State Library and Archives Commission for the two-year period beginning on the effective date of this Act for the purchase of furniture and shelving for the Lorenzo de Zavala Building.

SECTION 6. HISTORICAL COMMISSION: RESTORATION OF THE GOVERNOR'S MANSION. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$8,289,680 is appropriated out of the general revenue fund to the Texas Historical Commission (THC) for the two-year period beginning on the effective date of this Act for costs associated with the restoration of the Governor's Mansion.

SECTION 7. HEALTH AND HUMAN SERVICES COMMISSION: RED LIGHT CAMERA TRAUMA FUND. Provides that in addition to amounts previously appropriated for the state

fiscal biennium ending August 31, 2009, all revenue deposited to the Regional Trauma Account 5137 (Red Light Camera Trauma Fund) (estimated to be \$6,712,284) is appropriated under Strategy A.1.1, Enterprise Oversight and Policy, to the Health and Human Services Commission (HHSC) for the state fiscal year ending August 31, 2009, to be used to reimburse uncompensated trauma care.

SECTION 8. TEXAS EDUCATION AGENCY: CRIMINAL HISTORY BACKGROUND CHECKS. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$2,630,206 is appropriated out of the general revenue fund to the Texas Education Agency (TEA) for the two-year period beginning on the effective date of this Act to conduct criminal history background checks pursuant to Chapter 1372 (S.B. 9), Acts of the 80th Legislature, Regular Session, 2007.

SECTION 9. APPROPRIATION FOR REBUILDING OF SCHOOL FACILITY DAMAGED BY HURRICANE. Provides that in addition to other amounts appropriated to TEA for the state fiscal year ending August 31, 2009, the amount of \$8,000,000 in general revenue is appropriated to TEA for the state fiscal year ending August 31, 2009, for distribution, as authorized by Section 51 (Grants of Public Money Prohibited; Exceptions), Article III (Legislative Department), Texas Constitution, to the Bridge City Independent School District to rebuild the elementary school that suffered extensive damage during Hurricane Ike.

SECTION 10. LAMAR STATE COLLEGE--ORANGE: APPROPRIATION FOR HURRICANE IKE DAMAGE. Provides that the amount of \$3,600,000 in general revenue is appropriated to Lamar State College--Orange for the two-year period beginning on the effective date of this Act for the purpose of paying or reimbursing costs incurred in connection with damages caused by Hurricane Ike.

SECTION 11. HIGHER EDUCATION GROUP INSURANCE CONTRIBUTIONS. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the following amounts are appropriated out of the general revenue fund for the two-year period beginning on the effective date of this Act to the following community and junior colleges for the purpose of restoring fiscal year 2009 proportional state contributions for health benefits and providing a transitional adjustment sufficient to set the restoration total for each institution at an amount equal to the amount of the fiscal year 2009 higher education group insurance contribution for each institution included in the line item veto for Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act):

- (1) \$12,185,357 is appropriated out of the general revenue fund to Alamo Community College;
- (2) \$1,574,860 is appropriated out of the general revenue fund to Alvin Community College;
- (3) \$3,758,285 is appropriated out of the general revenue fund to Amarillo College;
- (4) \$1,367,325 is appropriated out of the general revenue fund to Angelina College;
- (5) \$7,164,544 is appropriated out of the general revenue fund to Austin Community College;
- (6) \$3,054,600 is appropriated out of the general revenue fund to Blinn College;
- (7) \$1,373,650 is appropriated out of the general revenue fund to Brazosport College;
- (8) \$2,731,087 is appropriated out of the general revenue fund to Central Texas College;
- (9) \$990,189 is appropriated out of the general revenue fund to Cisco Junior College;
- (10) \$461,040 is appropriated out of the general revenue fund to Clarendon College;
- (11) \$1,497,422 is appropriated out of the general revenue fund to Coastal Bend College;

- (12) \$2,138,088 is appropriated out of the general revenue fund to the College of the Mainland;
- (13) \$3,784,295 is appropriated out of the general revenue fund to Collin County Community College;
- (14) \$15,758,341 is appropriated out of the general revenue fund to the Dallas County Community College District;
- (15) \$4,018,340 is appropriated out of the general revenue fund to Del Mar College;
- (16) \$6,182,391 is appropriated out of the general revenue fund to El Paso Community College;
- (17) \$585,527 is appropriated out of the general revenue fund to Frank Phillips College;
- (18) \$943,016 is appropriated out of the general revenue fund to Galveston College;
- (19) \$1,468,952 is appropriated out of the general revenue fund to Grayson County College;
- (20) \$954,181 is appropriated out of the general revenue fund to Hill College;
- (21) \$10,278,053 is appropriated out of the general revenue fund to Houston Community College;
- (22) \$1,813,685 is appropriated out of the general revenue fund to Howard College;
- (23) \$2,129,068 is appropriated out of the general revenue fund to Kilgore College;
- (24) \$3,342,228 is appropriated out of the general revenue fund to Laredo Community College;
- (25) \$2,119,681 is appropriated out of the general revenue fund to Lee College;
- (26) \$8,670,589 is appropriated out of the general revenue fund to the Lone Star College System;
- (27) \$2,724,160 is appropriated out of the general revenue fund to McLennan Community College;
- (28) \$2,065,163 is appropriated out of the general revenue fund to Midland College;
- (29) \$1,470,933 is appropriated out of the general revenue fund to Navarro College;
- (30) \$1,418,908 is appropriated out of the general revenue fund to North Central Texas College;
- (31) \$874,764 is appropriated out of the general revenue fund to Northeast Texas Community College;
- (32) \$1,963,198 is appropriated out of the general revenue fund to Odessa College;
- (33) \$945,499 is appropriated out of the general revenue fund to Panola College;
- (34) \$1,278,367 is appropriated out of the general revenue fund to Paris Junior College;
- (35) \$474,991 is appropriated out of the general revenue fund to Ranger College;
- (36) \$6,628,666 is appropriated out of the general revenue fund to San Jacinto College;

- (37) \$3,338,955 is appropriated out of the general revenue fund to South Plains College;
- (38) \$3,985,978 is appropriated out of the general revenue fund to South Texas College;
- (39) \$1,666,736 is appropriated out of the general revenue fund to Southwest Texas Junior College;
- (40) \$9,207,978 is appropriated out of the general revenue fund to Tarrant County College;
- (41) \$1,330,783 is appropriated out of the general revenue fund to Temple College;
- (42) \$1,667,329 is appropriated out of the general revenue fund to Texarkana College;
- (43) \$1,706,940 is appropriated out of the general revenue fund to Trinity Valley Community College;
- (44) \$3,361,192 is appropriated out of the general revenue fund to Tyler Junior College;
- (45) \$1,120,729 is appropriated out of the general revenue fund to Vernon College;
- (46) \$1,519,013 is appropriated out of the general revenue fund to Victoria College;
- (47) \$1,397,289 is appropriated out of the general revenue fund to Weatherford College;
- (48) \$694,843 is appropriated out of the general revenue fund to Western Texas College;
and
- (49) \$1,789,670 is appropriated out of the general revenue fund to Wharton County Junior College.

SECTION 12. TEXAS FOREST SERVICE: VOLUNTEER FIRE DEPARTMENT ASSISTANCE PROGRAM. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$2,500,000 is appropriated out of general revenue fund dedicated account number 5064 to the Texas Forest Service (TFS) for the two-year period beginning on the effective date of this Act for grants to volunteer fire departments for training and equipment through the Volunteer Fire Department Assistance Program.

SECTION 13. UNIVERSITY OF TEXAS MEDICAL BRANCH: HIGHER EDUCATION GROUP INSURANCE CONTRIBUTIONS. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$500,000 is appropriated out of the general revenue fund to The University of Texas Medical Branch at Galveston for the two-year period beginning on the effective date of this Act for additional contributions made to higher education group insurance made on behalf of 47 full-time equivalent positions transferred under a contract with TYC from the Texas Tech University Health Sciences Center to The University of Texas Medical Branch.

SECTION 14. THE UNIVERSITY OF NORTH TEXAS SYSTEM: REIMBURSEMENT FOR PLANNING AND DESIGN. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$2,800,000 is appropriated out of the general revenue fund to the University of North Texas System for the two-year period beginning on the effective date of this Act for the purpose of reimbursing the cost of planning and design for construction of a second academic building at the Dallas campus. Provides that the legislature finds there is a demonstrated need for undertaking the planning and design process for this building.

SECTION 15. TEXAS DEPARTMENT OF CRIMINAL JUSTICE: OPERATIONS. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$125,112,392 is appropriated out of the general revenue fund to TDCJ

for the two-year period beginning on the effective date of this Act for the purpose of providing for salaries and wages, hazardous duty and longevity pay, overtime pay, food for wards of the state, contracted temporary capacity, utilities, and fuel.

SECTION 16. TEXAS DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL MANAGED HEALTH CARE. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$38,955,518 is appropriated out of the general revenue fund to TDCJ for the two-year period beginning on the effective date of this Act for the purpose of providing for correctional managed health care.

SECTION 17. WATER DEVELOPMENT BOARD: MEDINA LAKE DAM. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$4,000,000 is appropriated out of the general revenue fund to the Texas Water Development Board (TWDB) for the two-year period beginning on the effective date of this Act to be transferred to the Water Assistance Fund to provide a grant to the Bexar-Medina Atascosa Water Control and Improvement District #1 for structural improvements to the Medina Lake Dam.

SECTION 18. SOIL AND WATER CONSERVATION BOARD: MILEAGE REIMBURSEMENT. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$54,664 is appropriated out of the general revenue fund to the Soil and Water Conservation Board (SWCB) for the two-year period beginning on the effective date of this Act to provide mileage reimbursement for soil and water conservation district directors.

SECTION 19. TEXAS DEPARTMENT OF TRANSPORTATION: HIGHWAY AND BRIDGE CONSTRUCTION. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$662,200,000 is appropriated out of funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) to the Texas Department of Transportation (TxDOT) for the two-year period beginning on the effective date of this Act for the purpose of highway and bridge construction.

SECTION 20. RACING COMMISSION: REVENUE SHORTFALL. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$178,525 is appropriated out of the general revenue fund to the Racing Commission for the two-year period beginning on the effective date of this Act for the purpose of providing for current operations as a result of a revenue shortfall.

SECTION 21. APPROPRIATION REDUCTION: THE UNIVERSITY OF HOUSTON. Provides that the unencumbered appropriations from the general revenue fund appropriated to the University of Houston for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), by the Section 55 special item appropriation for the University of Houston - Wind Energy under the Special Provisions of Article III of that Act are reduced by \$4,245,244.

SECTION 22. THE UNIVERSITY OF HOUSTON: WIND ENERGY. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$4,245,244 is appropriated out of the general revenue fund to the University of Houston for the two-year period beginning on the effective date of this Act for the purpose of developing and constructing the National Large Wind Turbine Research and Testing Facility. Provides that the legislature finds there is a demonstrated need to develop and construct this facility.

SECTION 23. JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT: TRANSFERS. Authorizes the Judiciary Section, Comptroller's Department, notwithstanding the transfer limitations of Section 14.01, Article IX, or Rider 4 following the appropriations to the Judiciary Section, Comptroller's Department, in Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), to transfer appropriations among items of appropriations appropriated by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), in any amount during the state fiscal biennium ending August 31, 2009.

SECTION 24. APPROPRIATION REDUCTION: OFFICE OF ATTORNEY GENERAL. Provides that as a result of savings created by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) in providing a temporary exemption for the use of federal incentives to increase federal funds, the unencumbered appropriations from the general revenue fund appropriated to the Office of the Attorney General (OAG) for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), under Strategy B.1.1, Child Support Enforcement, are reduced by \$27,300,000.

SECTION 25. APPROPRIATION REDUCTION: TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER. Provides that the unencumbered appropriations from the general revenue fund appropriated to the Texas Tech University Health Sciences Center for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), under Strategy C.1.22, Texas Tech University Health Sciences Center, are reduced by \$500,000.

SECTION 26. APPROPRIATION REDUCTION: TEXAS EDUCATION AGENCY. Provides that the unencumbered appropriations from the foundation school fund appropriated to TEA for use during the state fiscal biennium ending August 31, 2009, made by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), under Strategy A.1.1, FSP-Equalized Operations, are reduced by \$500,000,000.

SECTION 27. UNEXPENDED BALANCE APPROPRIATION: HEALTH AND HUMAN SERVICES COMMISSION. Provides that the unexpended balance of the appropriations from the general revenue fund to HHSC for use during the state fiscal biennium ending August 31, 2009, made by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), under Goal B, Medicaid, in the amount of \$117,054,148, for the purpose of funding the Frew Strategic Initiative is appropriated from the general revenue fund to HHSC for the purposes of funding the Frew Strategic Initiative during the state fiscal year ending August 31, 2010.

SECTION 28. TEXAS EDUCATION AGENCY: ADDITIONAL APPROPRIATION FOR TEXTBOOKS. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$758,084,423 is appropriated out of funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) to TEA for the two-year period beginning on the effective date of this Act for the purpose of providing formula distributions to school districts and charter schools for the purchase, in cooperation with TEA, of textbooks under Proclamation 2010 and continuing contracts related to instructional materials.

SECTION 29. OFFICE OF ATTORNEY GENERAL: ADDITIONAL APPROPRIATION. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$27,300,000 is appropriated out of funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) to OAG for the two-year period beginning on the effective date of this Act for the purpose of providing child support enforcement.

SECTION 30. APPROPRIATION REDUCTION/RESTORATION AND REPORTS AND LIMITS ON THE USE OF APPROPRIATED OR TRANSFERRED FUNDS: TEXAS A&M UNIVERSITY SYSTEM, TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR. (a) Provides that the appropriations, from any fund, appropriated to Texas A&M University or The Texas A&M University System or an affiliated entity or to the Trusteed Programs within the Office of the Governor for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), that are used or proposed to be used for a project described by Subsection (b) of this section are reduced entirely by this section and reappropriated in their entirety by this section subject to the restrictions prescribed by this section.

(b) Provides that this section applies to all appropriated funds used by or for the benefit of, or used in furtherance of, a project or undertaking of The Texas A&M University

System's National Center for Therapeutics Manufacturing (Center), the Institute for Advanced Therapeutics, the Texas Institute for Genomic Medicine, the Texas Institute for Pre-Clinical Studies, or any similar institute (Institutes) in connection with a partnership or joint venture for research or manufacturing or a related activity with The Texas A&M University System (System) or an entity affiliated with the System, including the Texas A&M Health Science Center (A&M).

(c) Provides that this section applies to all unexpended funds described by Subsection (b) appropriated or transferred by or under this Act or by or under a previous Act of the legislature, specifically including but not limited to all appropriated funds transferred from the governor, the Office of the Governor, or the Trusteed Programs within the Office of the Governor (governor) to the System, A&M, the Center, or the Institutes. Provides that funds to which this section applies are restricted funds for purposes of this section.

(d) Prohibits all restricted funds under this section from being expended or obligated without the written prior approval of LBB as provided by Section 69 (Prior Approval of Expenditure or Emergency Transfer of Appropriated Funds), Article XVI (General Provisions), Texas Constitution. Prohibits the System, A&M, the Center, the Institutes, and the comptroller of public accounts (comptroller) from releasing any restricted funds appropriated or transferred for the use or expenditure of the System, A&M, the Center, or the Institutes until the release of the restricted funds has been approved in writing by LBB. Prohibits the comptroller from making any transfers of restricted funds to, for, or on behalf of the System, A&M, the Center, or the Institutes without the written approval of LBB.

(e) Requires the System, not later than the 10th calendar day after the date this Act takes effect, to provide LBB with an initial report related to restricted funds used directly or indirectly in support of the Center or the Institutes, including the \$50 million transferred from the Emerging Technology Fund to the System as announced by the governor on March 23, 2009, and approved by letter dated January 2, 2009, including the following:

- (1) a detailed accounting;
- (2) an accounting for consulting contracts paid by A&M or the System in support of the Center or the Institutes and by the Center or the Institutes;
- (3) an accounting of staff salaries paid by A&M or the System in support of the Center or the Institutes and by the Center or the Institutes;
- (4) an accounting of construction-related expenses for the Center and the Institutes accompanied by a narrative description of the progress of any construction that has occurred or that is planned;
- (5) a timeline for completion of the construction and operation of the Center and the Institutes; and
- (6) such other information as LBB may require.

(f) Authorizes LBB to approve of the release of restricted funds under this section after receiving adequate reports from the System demonstrating the proper use of the restricted funds. Requires specifically the System to provide LBB with the following information on a monthly basis:

- (1) an accounting for restricted funds used directly or indirectly in support of the Center or the Institutes;
- (2) an accounting of staff salaries paid by A&M or the System in support of the Center or the Institutes and by the Center or the Institutes;

- (3) an accounting of construction-related expenses accompanied by a narrative description of the progress of any construction;
- (4) an update of a timeline for completion of the construction and operation of the Center and the Institutes;
- (5) an update of any new information that could make more complete or accurate the report required under Subsection (e) of this section;
- (6) an accounting for consulting contracts paid by A&M or the System in support of the Center or the Institutes and by the Center or the Institutes; and
- (7) such other information as LBB may require.

SECTION 31. TRANSFER AUTHORITY SUBJECT TO APPROVAL. Prohibits the governor, Office of the Governor, and Trusteed Programs within the Office of the Governor, notwithstanding other provisions in Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), from, without the written prior approval of LBB, expending or transferring amounts deposited or appropriated to the Emerging Technology Fund Account No. 5124 or deposited or appropriated to the Texas Enterprise Fund Account No. 5107 and prohibits the governor, Office of the Governor, and Trusteed Programs within the Office of the Governor from assigning or transferring appropriations and the corresponding FTEs for Trusteed Programs within the Office of the Governor to other agencies without the written prior approval of LBB.

SECTION 32. TRANSFER AUTHORITY. Provides that notwithstanding limitations on or grants of appropriation transfers contained in Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), the Office of the Governor is not authorized, without the prior written approval of LBB, to direct agency resources or to transfer appropriated amounts between appropriations items listed under the bill pattern of the Office of the Governor. Prohibits the governor, without the prior written approval of LBB, from transferring appropriations and FTEs under the bill pattern of the Trusteed Programs within the Office of the Governor, and prohibits the governor from, without the prior written approval of LBB, assigning appropriations and the corresponding FTEs for Trusteed Programs within the Office of the Governor to other agencies.

SECTION 33. REPORTING REQUIREMENTS; AMERICAN RECOVERY AND REINVESTMENT ACT. (a) Requires each state agency and institution of higher education receiving appropriations in this Act out of funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) to develop and submit a plan to LBB and the governor providing details on the entity's intended use of appropriations made by this Act out of funds received under the American Recovery and Reinvestment Act of 2009. Requires that the plan include a summary of any American Recovery and Reinvestment Act of 2009 funds spent, allocated, or encumbered prior to August 31, 2009. Requires that the report be delivered not later than September 30, 2009.

(b) Requires each of the agencies receiving appropriations under this Act out of funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) to submit quarterly reports, in a form determined by LBB, on expenditure of those funds. Requires that reports be submitted not later than the following dates each year: December 31, March 31, June 30, and September 30. Requires that the reports be submitted to the governor, LBB, state auditor's office, and the comptroller.

SECTION 34. INFORMATIONAL SECTION: REDUCTION IN GENERAL. Provides that the amounts of general revenue reductions shown in this Act are in accordance with Title V of the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5). Provides that all of the general revenue reductions identified in previous provisions of this Act are offset by an equal or greater amount of funds made available to this state under the American Recovery and Reinvestment Act of 2009.

SECTION 35. FMAP ALLOCATIONS. Requires that appropriations made in this Act to HHSC for Medicaid Enhanced federal medical assistance percentage (FMAP) be allocated by HHSC to affected agencies. Requires HHSC to submit a plan for that allocation to LBB and the governor not later than September 30, 2009.

SECTION 36. PROHIBITION OF EXPANSION OF STATE GOVERNMENT. Provides that it is the intent of the legislature that to the extent allowed by federal and state law with regard to funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5), an agency appropriated funds under this Act is prohibited from adopting a plan, policy, procedure, strategy, or rule to facilitate expenditure of American Recovery and Reinvestment Act of 2009 funding during this or a future biennium for expansion of a program, strategy, policy, expense, or employment that:

(1) cannot be reasonably and proportionately reduced or eliminated after American Recovery and Reinvestment Act of 2009 funding is reduced or eliminated, or

(2) creates liability on behalf of the State of Texas to make repayment to the United States treasury ("clawback") in the event of a future discontinuation of payments to the direct or indirect beneficiaries from those American Recovery and Reinvestment Act of 2009 funds already expended or payments to direct or indirect beneficiaries of a program or strategy in excess of those funds actually received by the State of Texas from the United States treasury.

SECTION 37. DISCONTINUED FUNDING PLAN. Requires each agency receiving funds under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) that are appropriated by this Act to prepare a written Discontinued Funding Plan (plan) that addresses the fact that American Recovery and Reinvestment Act of 2009 funding is temporary in nature and that programs authorized and federal funds provided under the American Recovery and Reinvestment Act of 2009 will be eliminated or reduced or might reasonably be viewed as likely to be eliminated or reduced during this or a future biennium. Requires that the plan, in accordance with requirements prescribed by LBB and the governor:

(1) identify funds received under the American Recovery and Reinvestment Act of 2009;

(2) forecast the amount of reduction of American Recovery and Reinvestment Act of 2009 funds in future budgets compared to the current budget of the agency;

(3) be filed initially with LBB and the governor not later than September 30, 2009;

(4) be updated quarterly;

(5) be supplemented as requested by LBB or the governor;

(6) indicate how services or benefits will be provided by the agency after elimination or reduction of American Recovery and Reinvestment Act of 2009 funding;

(7) state how a reduction in force employed by the agency will be executed;

(8) state whether staff hired by an agency as a result of American Recovery and Reinvestment Act of 2009 funding were notified that the positions of employment are temporary because they are funded by money received under the American Recovery and Reinvestment Act of 2009;

(9) state the manner in which the agency will reduce services and benefits when American Recovery and Reinvestment Act of 2009 funding is eliminated or reduced;

(10) provide other information required from the agency by LBB or the governor;

(11) provide for avoiding liability for or any commitment by the State of Texas to future financial obligations or responsibilities not approved by the 81st Legislature; and

(12) be available for public inspection and review.

SECTION 38. EXCEPTIONS PROVIDED FOR USE OF APPROPRIATIONS. Provides that as a specific exception to the requirement of Section 8.02 (Regulatory), Article IX, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), all federal funds appropriated by that Act be deposited to and expended from an appropriation item identified by that Act and not be expended for a purpose other than for a purpose reviewed by the 80th Legislature and authorized by specific language in that Act or encompassed by an agency's budget structure as established by that Act, all American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) funds appropriated by this Act may be expended for other items and purposes with the prior written approval of LBB and the governor.

SECTION 39. DISCONTINUANCE OF POSITION ASSOCIATED WITH AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. Provides that it is the intent of the legislature to require that a position of employment created as a result of the receipt of American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) funding be eliminated by an agency on exhaustion or discontinued availability of the American Recovery and Reinvestment Act of 2009 funding for that position.

SECTION 40. MAXIMIZATION OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDS. Authorizes that state funds from any source used by a state agency to provide services or benefits, in order to maximize the amount of American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) funds that might become available to the State of Texas, be counted in any manner consistent with then existing law towards any required state matching contribution for receiving American Recovery and Reinvestment Act funds, notwithstanding any requirement to the contrary in Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act).

SECTION 41. TEXAS EDUCATION AGENCY: ADDITIONAL APPROPRIATION FOR TECHNOLOGY. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$220,915,577 is appropriated out of funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) to TEA for the two-year period beginning on the effective date of this Act for the purpose of providing additional technology and instructional materials through the Technology Allotment under Strategy B.2.1, Technology/Instructional Materials.

SECTION 42. DEPARTMENT OF AGING AND DISABILITY SERVICES: APPROPRIATION REDUCTION. Provides that as a result of savings created by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) providing a temporary exemption for the use of federal incentives to increase federal funds, the unencumbered appropriations from the general revenue fund appropriated to the Department of Aging and Disability Services (DADS) for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), under Strategy A.6.1, Nursing Facility Payments, are reduced by \$414,556,053.

SECTION 43. DEPARTMENT OF AGING AND DISABILITY SERVICES: RESTORATION OF TRANSFER AUTHORITY. Authorizes DADS for the fiscal year ending August 31, 2009, notwithstanding any limitation on transfer among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), to transfer any amounts among the following items of appropriation:

- (1) A.2.1, Primary Home Care;
- (2) A.2.2, Community Attendant Services;
- (3) A.2.3, Day Activity and Health Services (DAHS);
- (4) A.3.1, Community-based Alternatives (CBA);
- (5) A.3.2, Home and Community-based Services (HCS);

- (6) A.3.3, Community Living Assistance and Support Services (CLASS);
- (7) A.3.4, Deaf-blind Multiple Disabilities (DBMD);
- (8) A.3.5, Medically Dependent Children Program (MDCP);
- (9) A.3.6, Consolidated Waiver Program;
- (10) A.3.7, Texas Home Living Waiver;
- (11) A.5.1, Program of All-Inclusive Care for the Elderly (PACE);
- (12) A.6.1, Nursing Facility Payments;
- (13) A.6.2, Medicare Skilled Nursing Facility;
- (14) A.6.3, Hospice;
- (15) A.6.4, Promoting Independence by Providing Community-based Client Services;
- (16) A.7.1, Intermediate Care Facilities - Mental Retardation (ICF/MR); and
- (17) A.8.1, MR State Schools Services.

SECTION 44. DEPARTMENT OF AGING AND DISABILITY SERVICES: GENERATORS FOR NURSING FACILITIES. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$47,668,044 is appropriated out of the general revenue fund to DADS for the two-year period beginning on the effective date of this Act for the purposes of:

- (1) surveying the need for emergency back-up generators and fire sprinkler systems in Texas nursing facilities;
- (2) establishing a priority list of nursing facilities if the need exceeds the funds available; and
- (3) allocating the funds for the purchase and installation of back-up generators and fire sprinkler systems to nursing facilities.

SECTION 45. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: APPROPRIATION REDUCTION. Provides that as a result of savings created by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) providing a temporary exemption for the use of federal incentives to increase federal funds, the unencumbered amounts appropriated from the general revenue fund to the Department of Family and Protective Services (DFPS) for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), are reduced by the following amounts:

- (1) \$11,609,096 under Strategy A.2.10, Foster Care Payments; and
- (2) \$7,483,772 under Strategy A.2.11, Adoption Subsidy Payments.

SECTION 46. HEALTH AND HUMAN SERVICES COMMISSION: APPROPRIATION REDUCTION. Provides that as a result of savings created by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) providing a temporary exemption for the use of federal incentives to increase federal funds, the unencumbered amounts appropriated from the general revenue fund to HHSC for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), under Strategy B.1.4, Children and Medically Needy, are reduced by \$1,206,507,722.

SECTION 47. HEALTH AND HUMAN SERVICES COMMISSION: RESTORATION OF TRANSFER AUTHORITY. Authorizes HHSC for the fiscal year ending August 31, 2009, notwithstanding any limitation on transfer among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), to transfer any amounts among the following items of appropriation:

- (1) Strategy B.1.4, Children and Medically Needy;
- (2) Strategy B.2.4, Medical Transportation;
- (3) Strategy B.3.1, Health Steps (EPSDT) Medical;
- (4) Strategy B.3.2, Health Steps (EPSDT) Dental; and
- (5) Strategy B.3.3, EPSDT Comprehensive Care Program.

SECTION 48. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: APPROPRIATION REDUCTION. Provides that the unencumbered amounts appropriated to DFPS for use during the state fiscal biennium ending August 31, 2009, by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), under Strategy A.2.10, Foster Care Payments, are reduced by the following amounts:

- (1) \$24,492,233 out of the general revenue fund appropriations for that strategy; and
- (2) \$26,719,977 out of the federal funds (TANF) appropriations for that strategy.

SECTION 49. DEPARTMENT OF AGING AND DISABILITY SERVICES: ADDITIONAL APPROPRIATIONS. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$62,351,306 is appropriated out of the general revenue fund to DADS under Strategy A.6.1, Nursing Facility Payments, for the fiscal year ending August 31, 2009.

SECTION 50. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: ADDITIONAL APPROPRIATIONS. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, DFPS is appropriated for the fiscal year ending August 31, 2009, the following amounts for the following purposes:

- (1) \$5,174,830 from the general revenue fund under Strategy A.2.11, Adoption Subsidy Payments;
- (2) \$6,191,042 from the general revenue fund under Strategy C.1.1, CPS Reform Continued;
- (3) \$4,199,776 in federal funds (TANF) under Strategy C.1.1, CPS Reform Continued;
- (4) \$13,126,361 from the general revenue fund under Strategy A.3.1, APS Direct Delivery Staff; and
- (5) \$12,460,353 in federal funds (TANF) under Strategy A.2.1, CPS Direct Delivery Staff.

SECTION 51. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: RESTORATION OF TRANSFER AUTHORITY. Authorizes DFPS for the fiscal year ending August 31, 2009, notwithstanding any limitation on transfer among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), to transfer any amounts among the following items of appropriation:

- (1) Strategy A.1.1, Statewide Intake Services;
- (2) Strategy A.2.1, CPS Direct Delivery Staff;

- (3) Strategy A.2.2, CPS Program Support;
- (4) Strategy A.3.1, APS Direct Delivery Staff;
- (5) Strategy A.3.2, APS Program Support;
- (6) Strategy A.3.3, MH and MR Investigations; and
- (7) Strategy A.4.1, Child Care Regulation.

SECTION 52. HEALTH AND HUMAN SERVICES COMMISSION: ADDITIONAL APPROPRIATIONS. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, HHSC is appropriated for the fiscal year ending August 31, 2009, the following amounts for the following purposes:

- (1) \$357,839,421 from the general revenue fund under Goal B, Medicaid; and
- (2) \$322,378,835 from the general revenue fund under Strategy B.2.3, Medicare Federal Give Back.

SECTION 53. DEPARTMENT OF STATE HEALTH SERVICES: REMOVAL OF CERTAIN LIMITATIONS. (a) Provides that in order to meet an expected shortfall within the mental health hospital system, the limitations prescribed by the following provisions of Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), do not limit appropriations made to DSHS for the fiscal year ending August 31, 2009:

- (1) Section 8.03(e) (relating to certain reimbursements being credited by the comptroller to the agency's current appropriations items or accounts), Article IX (Reimbursements and Payments);
- (2) Section 14.01, Article IX (Appropriation Transfers);
- (3) Section 49, Article II, Special Provisions, Contingent Appropriation of Medicare Part D Savings;
- (4) Rider 46, State Owned Multicategorical Teaching Hospital Account (UTMB), following the appropriations to DSHS; and
- (5) Rider 55, County Indigent Health Care, following the appropriations to DSHS.

(b) Requires DSHS to report to LBB not later than October 1, 2009, regarding each instance in which DSHS transferred funds to meet the shortfall within the mental health hospital system. Requires that the report include at a minimum the items of appropriation from which the funds were transferred, the items of appropriation to which the funds were transferred, the amount and method of finance of funds used in each transfer, and any other information requested by LBB.

SECTION 54. HEALTH AND HUMAN SERVICES COMMISSION: ADDITIONAL FEDERAL MEDICAID FUNDING. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$1,640,156,643 is appropriated out of funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) to HHSC for the two-year period beginning on the effective date of this Act for the purpose of increased federal Medicaid funding.

SECTION 55. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY NATURAL DISASTERS. (a) Provides that the following amounts are appropriated out of the general revenue fund to the following agencies and institutions of higher education for the two-year period beginning on the effective date of this Act for the purpose of paying for, or reimbursing payments made for, costs incurred by the agencies or institutions associated with damages or

disruptions caused by natural disasters that occurred before the effective date of this Act during the state fiscal biennium that began September 1, 2007:

- (1) UT Medical Branch at Galveston: \$300,000,000;
- (2) Brazosport College: \$120,111;
- (3) TPWD: \$60,849,794;
- (4) HHSC: \$47,416,821;
- (5) UT M.D. Anderson Cancer Center: \$1,725,995;
- (6) Alvin College: \$12,043,688;
- (7) Texas A&M Galveston: \$10,700,000;
- (8) TFS: \$385,091;
- (9) Houston Community College: \$6,030,680;
- (10) TDCJ: \$32,387,608;
- (11) TCEQ: \$4,598,100;
- (12) San Jacinto College: \$3,700,000;
- (13) Galveston College: \$491,844;
- (14) Texas Engineering Extension Service: \$1,190,794;
- (15) Adjutant General's Department: \$1,244,007;
- (16) The University of Texas at Brownsville: \$1,178,189;
- (17) Lamar University: \$2,803,561;
- (18) Lamar Institute of Technology: \$2,007,758;
- (19) Lamar State College: Port Arthur: \$1,082,754;
- (20) Texas Southern University: \$17,884,439;
- (21) College of the Mainland: \$704,945;
- (22) The University of Texas Pan American: \$102,258;
- (23) Texas AgriLife Research: \$281,428;
- (24) General Land Office and Veterans' Land Board: \$30,220,100;
- (25) Angelina College: \$142,245;
- (26) Texas A&M Corpus Christi: \$59,145;
- (27) Texas AgriLife Extension Service: \$143,378;
- (28) The University of Texas Health Center at Tyler: \$2,898,557;
- (29) The University of Texas Health Science Center at Houston: \$8,520,839;

- (30) University of Houston System Administration: \$7,339,000;
- (31) Texas State Technical College: Harlingen: \$904,558;
- (32) Lamar State College: Orange: \$693,691;
- (33) Prairie View A&M University: \$488,864;
- (34) Stephen F. Austin State University: \$434,075;
- (35) Tyler Junior College: \$215,688;
- (36) Sam Houston State University: \$118,841;
- (37) The University of Texas Health Science Center at San Antonio: \$89,436;
- (38) Texas A&M University--Commerce: \$39,694;
- (39) Lee College: \$137,554; and
- (40) TDA: \$20,000,000.

(b) Requires the comptroller, for each appropriation made to an entity by this section in an amount that exceeds \$5,000,000, to separately account for expenditures from that item of appropriation and for reimbursements to the general revenue fund made in connection with that item of appropriation in accordance with Section 62 of this Act by creating, for accounting purposes, a separate account within the general revenue fund. Requires that expenditures from each item of appropriation subject to this section be made from the separate account created for that item and reimbursements to the general revenue fund made in connection with that item of appropriation in accordance with Section 62 of this Act be deposited to that separate account. Provides that it is the intent of the 81st Legislature that the 82nd Legislature appropriate for further recovery efforts from the natural disaster that are still being made or paid for by the entity that received the appropriation any money received as reimbursements to the general revenue fund in connection with the appropriation to that entity and separately accounted for in accordance with this subsection.

(c) Authorizes that out of the amounts appropriated by this section to UT Medical Branch at Galveston, \$150,000,000 of that amount be spent only to provide matching funds for the Federal Emergency Management Agency (FEMA) qualifying projects, except that if that amount cannot be prudently and effectively spent in that manner, the remainder of that \$150,000,000 be spent only with the prior written approval of LBB.

SECTION 56. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY WILDFIRES. Provides that the amount of \$9,384,231 is appropriated out of the general revenue fund to TFS for the two-year period beginning on the effective date of this Act for the purpose of paying for, or reimbursing payments made for, costs incurred by TFS associated with wildfires that occurred before the effective date of this Act during the state fiscal biennium that began September 1, 2007.

SECTION 57. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY FLOODING. Provides that the following amounts are appropriated out of the general revenue fund to the following agencies and institutions of higher education for the two-year period beginning on the effective date of this Act for the purpose of paying for, or reimbursing payments made for, costs incurred by the agencies or institutions associated with flooding that occurred before the effective date of this Act during the state fiscal biennium that began September 1, 2007:

- (1) TFS: \$69,339; and
- (2) Texas Engineering Extension Service: \$2,106,560.

SECTION 58. CERTAIN APPROPRIATIONS FOR DISASTER RELIEF. (a) Provides that an amount not to exceed \$100 million is appropriated out of the general revenue fund for transfer to the disaster contingency fund and is appropriated for expenditure out of the disaster contingency fund to the Trusteed Programs within the Office of the Governor for the two-year period beginning on the effective date of this Act for the purpose of providing disaster relief in accordance with this section. Prohibits money from being transferred out of the general revenue fund or expended from the disaster contingency fund under this section without the prior written approval of LBB given in response to a request for that approval from the Office of the Governor.

(b) Authorizes that the amounts appropriated by Subsection (a) of this section be transferred to the disaster contingency fund and expended out of the disaster contingency fund only serially as conditions warrant. Prohibits LBB from approving at any one time a transfer or expenditure under this section in an amount that exceeds \$25 million, but authorizes LBB to concurrently approve under this section the transfer of an amount out of the general revenue fund and the expenditure of all or part of that amount out of the disaster contingency fund.

(c) Requires that the first priority for the expenditure of funds appropriated by this section be to provide to units of local government that are suffering financial hardship as a result of declared disasters, including wildfires, flooding, and other natural disasters, funds for the purpose of:

(1) providing local matching funds for FEMA qualifying projects; or

(2) preventing default on outstanding bonds or meeting other financial requirements.

SECTION 59. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$2,000,000 is appropriated out of the general revenue fund to TCEQ for the two-year period beginning on the effective date of this Act for conducting hazardous substance removal and disposal activities at Ballard Pits, a state superfund site in Nueces County.

SECTION 60. CERTAIN REIMBURSEMENTS FROM FEDERAL GOVERNMENT, AN INSURER, OR ANOTHER SOURCE. Requires the agency or institution, if any state agency or institution of higher education receives reimbursement from the federal government, an insurer, or another source for an expenditure paid for or reimbursed with money appropriated under Section 58 of this Act, to reimburse the disaster contingency fund in an amount equal to the amount expended from the disaster contingency account that is proportional to the total expenditures for damages described by Section 58 of this Act, and requires that amount to be deposited to the credit of the disaster contingency fund within the state treasury.

SECTION 61. CONTINGENT APPROPRIATION: WEALTH PER STUDENT LIMITATION. Provides that contingent on the enactment of legislation relating to an exception to the wealth per student limitation for school districts that, as a result of natural disasters, are suffering financial hardship and also contingent on a declaration of a state or national emergency, an amount not to exceed \$30 million is appropriated out of the general revenue fund to TEA for the two-year period beginning on the effective date of this Act for the purpose of allowing certain school districts to retain recapture payments in order to respond to a disaster.

SECTION 62. REIMBURSEMENT TO GENERAL REVENUE FUND. Requires the agency or institution, if any state agency or institution of higher education receives reimbursement from the federal government, an insurer, or another source for an expenditure paid for or reimbursed under Section 55, 56, 57, or 63 of this Act, to reimburse the state in an amount equal to the general revenue funds expended for damages that is proportional to the total expenditures for damages described under Section 55, 56, 57, or 63 of this Act, and requires that amount be deposited to the credit of the general revenue fund within the state treasury.

SECTION 63. TEXAS DEPARTMENT OF TRANSPORTATION: FM 170 REPAIRS. Provides that an amount not to exceed \$1 million is appropriated out of the general revenue fund

to TxDOT for the two-year period beginning on the effective date of this Act for the purpose of repairing the damage caused by flooding to Farm-to-Market Road 170 in Brewster and Presidio Counties. Provides that it is the intent of the legislature that this work be completed not later than December 31, 2009.

SECTION 64. STATE AUDITOR AUTHORITY: DISASTER RELIEF APPROPRIATIONS. Provides that an entity receiving funds under this Act appropriated for disaster relief, including an entity receiving funds appropriated in response to a natural disaster and a unit of local government receiving funds appropriated for transfer to and expenditure out of the disaster contingency fund, is subject to audit by the state auditor based on a risk assessment made by the state auditor in developing the annual audit plan under Chapter 321 (State Auditor), Government Code. Authorizes the state auditor, as part of the risk assessment of an entity, including a unit of local government, to consider:

- (1) the amount of money directly appropriated to an entity by this Act or received by a unit of local government out of money appropriated for transfer to and expenditure out of the disaster contingency fund by this Act;
- (2) the amount of money reimbursed under a provision of this Act requiring that the general revenue fund or disaster contingency fund be reimbursed under certain circumstances; and
- (3) the methodology used by an entity, including a unit of local government, to estimate a loss caused by a disaster.

SECTION 65. GENERAL LAND OFFICE: FEMA REIMBURSEMENTS. Provides that reimbursements received from FEMA (an estimated amount of \$39 million) for expenses incurred by the General Land Office in removing debris caused by Hurricane Ike and paid for with \$39 million in emergency funds transferred from the Texas Public Finance Authority are appropriated to the General Land Office for the two-year period beginning on the effective date of this Act for the purpose of funding coastal management programs of the land office, including debris and structure removal, derelict structure buyouts, shoreline stabilization, dune restoration, beach renourishment, coastal erosion mitigation, and other coastal projects authorized by statute.

SECTION 66. PAYMENT TO PHI, INC., FOR EMERGENCY EVACUATION OPERATIONS. Requires that the amount of \$1,508,450, out of amounts appropriated to HHSC by Section 55(a)(4) of this Act, be transferred to DSHS and requires DSHS to use that amount to pay PHI, Inc., for services rendered in connection with emergency evacuation operations conducted from September 21 through September 29, 2005. Requires DSHS to supply all necessary information required by the comptroller to approve and pay this claim by PHI, Inc., and prohibits the claim from being paid unless the comptroller gives the necessary approvals.

SECTION 67. Amends Section 8.02, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007, by amending Subsection (a) and adding Subsection (i), as follows:

- (a) Provides that all funds received from the United States government, except as provided in Subsection (i), by a state agency or institution named in this Act are hereby appropriated to the agency for the purposes for which the federal grant, allocation, aid, payment, or reimbursement was made subject to the provisions of this section. Makes a nonsubstantive change.
- (i) Requires an agency or institution of higher education, prior to obligating or expending funds received from the United States government under the American Recovery and Reinvestment Act (Pub. L. No. 111-5), to provide the following information to LBB, the Governor's Office, and each member of the legislature:

- (1) the amount of money awarded or received;
- (2) the purposes for which the funds may be spent;
- (3) specific performance measures tied to each expenditure;

- (4) the estimated number of jobs to be created or retained;
- (5) the number of any new full-time equivalent positions;
- (6) a list of all capital items to be purchased with the funds; and
- (7) for each contract to be funded in whole or part with the funds received: the principal place of business of the entity receiving the contract; the geographic location of the office or offices from which the entity will administer the contract; a statement regarding the race, ethnicity, and gender of the sole proprietor, if the entity receiving the contract is a sole proprietor, or each partner, if the entity receiving the contract is a partnership; and if the entity receiving the contract is a corporation, information regarding whether the corporation is registered as a majority-owned corporation or a minority-owned corporation under a federal program or is registered as or considered to be a historically underutilized business or similar entity under a state or local program.

SECTION 68. APPROPRIATIONS ALLOCATED TO APPROPRIATE GENERAL APPROPRIATIONS ACT STRATEGIES. Requires the agencies and institutions receiving appropriations made by this Act, except as otherwise provided by this Act, to allocate the appropriations to the appropriate General Appropriations Act strategies.

SECTION 69. EFFECTIVE DATE. Provides that this Act is effective immediately.