

BILL ANALYSIS

Senate Research Center
81R37032-E

C.S.H.B. 4586
Pitts, Eiland (Ogden)
Finance
5/25/2009
Committee Report (Substituted)

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.

C.S.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. DEPARTMENT OF STATE HEALTH SERVICES: SWINE FLU. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$11,796,415 is appropriated out of the general revenue fund to the Department of State Health Services (DSHS) for the two-year period beginning on the effective date of this Act for the purpose of paying for costs associated with the swine flu.

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 the Texas Facilities Commission (TFC) under Strategy C.2.1, Facilities Operation, 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. PRESERVATION BOARD OR HISTORICAL COMMISSION: RESTORATION OF THE GOVERNOR'S MANSION. Provides that out of reimbursements received from the Federal Emergency Management Agency (FEMA) for expenditures that were paid for with funds transferred from the Health and Human Services Commission (HHSC) to the Department of Public Safety (DPS) during the state fiscal year ending August 31, 2009, an amount not to exceed \$11,000,000 is appropriated for the two-year period beginning on the effective date of this Act, in addition to other amounts appropriated for the state fiscal biennium ending August 31, 2009, for costs associated with the restoration of the Governor's Mansion. Provides that the appropriation is to:

- (1) the State Preservation Board (SPB), contingent on the enactment and becoming law of S.B. 2307 or similar legislation by the 81st Legislature in Regular Session that imposes responsibility on SPB for the preservation and maintenance of the Governor's Mansion; or
- (2) the Texas Historical Commission (THC), if the 81st Legislature in regular session does not enact S.B. 2307 or similar legislation that becomes law that imposes responsibility on SPB for the preservation and maintenance 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. TEXAS SOUTHERN UNIVERSITY: APPROPRIATION REPURPOSING. (a) Provides that the unencumbered appropriations from the general revenue fund appropriated to Texas Southern University for use during the state fiscal biennium ending August 31, 2009, by Article III, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), under Strategy B.1.2, Tuition Revenue Bond Retirement, are reduced by the amount of \$3,729,808.

- (b) Provides that notwithstanding any limitation made by Article III, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act), under Section 6(9) of the Special Provisions Relating Only to State Agencies of Higher Education, the amount of \$3,729,808 is appropriated out of the general revenue fund to Texas Southern University 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 university associated with damages caused by natural disasters that occurred before the effective date of this Act during the state fiscal biennium that begins September 1, 2007.

SECTION 10. TEXAS SOUTHERN UNIVERSITY: DEBT SERVICE. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$2,350,000 is appropriated out of the general revenue fund to Texas Southern University for the two-year period beginning on the effective date of this Act for debt service payments.

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 \$164,230,000 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, costs of damages resulting from natural disasters, contracted temporary capacity, utilities, information technology services, 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 \$48,144,918 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 and psychiatric care, the use of infirmary beds at The University of Texas Health Science Center at Tyler, outpatient cancer treatment, and the rental of a CT scanner.

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 following the amounts are appropriated 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: \$54,664 is appropriated out of the general revenue fund; and the unexpended and unencumbered balance of the amounts appropriated by Section 19.63, Article IX, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (General Appropriations Act).

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. Authorizes the Judiciary Section, Comptroller's Department, to use any funds transferred under this section to pay for personnel expenses of the 435th District Court in Montgomery County.

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; HIGHER EDUCATION GROUP INSURANCE CONTRIBUTIONS. 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 Article III appropriations for Higher Education Employees Group Insurance Contributions (Strategy C.1.22, Texas Tech University Health Sciences Center) are reduced by \$500,000 to reflect the transfer of 47 full-time equivalent employee positions (FTEs) from the Texas Tech University Health Science Center to The University of Texas Medical Branch at Galveston under a contract with the Texas Youth Commission.

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. HEALTH AND HUMAN SERVICES COMMISSION: RESTORATION OF TRANSFER AUTHORITY. (a) Authorizes HHSC, notwithstanding any limitation on transfer among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), HHSC for the fiscal year ending August 31, 2009, but subject to the limitations prescribed by Subsections (b)-(e) of this section, to allocate the amount appropriated by Section 52(1) of this Act among the items of appropriation listed under Goal B, Medicaid.

(b) Provides that any unexpected balances of general revenue funds appropriated by Section 52(1) of this Act for the state fiscal year ending August 31, 2009 (estimated to be \$0), are appropriated to HHSC for the fiscal year beginning September 1, 2009, for the purposes of Goal B, Medicaid, but the amounts are authorized to be spent only with the prior approval of the Legislative Budget Board (LBB) and the governor obtained as prescribed by this section.

(c) Requires HHSC to submit a written request for prior approval to LBB and the governor and concurrently provide a copy of the request to the comptroller. Requires that the request for prior approval be organized by fiscal year as provided by this subsection. Requires HHSC to provide the following information:

(1) for the fiscal year with an unexpected balance an explanation of the causes for the unexpected balance, the amount of the unexpected balance by strategy, and the associated incremental change in service levels compared to applicable performance targets for that fiscal year; and

(2) for the fiscal year receiving the funds: an explanation of the purposes for which the unexpected balances will be used and whether the expenditures will be one-time or ongoing, the amount of the expenditures by strategy, the incremental change in service levels compared to applicable performance targets for that fiscal year, and the capital budget impact.

(d) Requires that the request made under Subsection (c) of this section is considered to be approved unless LBB or the governor issues a written disapproval on or before the 15th business day after the date on which the staff of LBB concludes its review of the proposal to expand the funds and forwards its review of the proposal to expend the funds and forwards its review to the chair of the House Appropriations Committee, chair of the Senate Finance Committee, the speaker of the house of representatives, and lieutenant governor.

(e) Prohibits the comptroller from allowing the use of unexpended balance amounts appropriated by this section if LBB provides notification to the comptroller that the requirements of this section have not been satisfied.

SECTION 28. TEXAS EDUCATION AGENCY: APPROPRIATION REDUCTION. Provides that the unencumbered appropriations from the general revenue 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 (the General Appropriations Act), are

reduced by the following amounts: \$19,251,340 from Strategy A.2.1, Student Success; \$1,037,973 from Strategy A.2.4, School Improvement and Support Programs; \$108,007 from Strategy B.2.1, Educational Technology; and \$1,300,434 from Strategy B.2.2, Safe Schools.

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. AMERICAN RECOVERY AND REINVESTMENT ACT: LIMITATION ON THE USE OF FUNDS. (a) Provides that none of the federal funds made available under the American Recovery and Reinvestment Act (ARRA) and appropriated by this Act are authorized to be expended for any purpose other than those identified by this Act without prior approval of the governor and LBB obtained in accordance with this section and Section 34 of this Act.

(b) Requires a state agency or institution receiving federal ARRA funds appropriated by this Act to notify the governor, comptroller, LBB, and state auditor's office whenever the federal government, including a federal agency, does not approve an application by the agency or institution to spend the federal ARRA funds in a particular manner. Authorizes the notice to include a proposed alternative use of the funds that the agency or institution considers to be consistent with the purposes, as identified by this Act, for which the funds may be used. Authorizes the agency or institution, unless the governor and LBB issue a written disapproval of a proposed alternative use within 15 business days after receiving the notification of federal disapproval that contains the proposed alternative use, to expend the funds in accordance with the proposed alternative use. Authorizes the governor and LBB, if the governor and LBB issue a written disapproval of the proposed alternative use, to approve expenditure of the funds in accordance with a modified alternative use identified by the governor and LBB.

(c) Requires each agency or institution, before expending any federal ARRA funds appropriated by this Act, to notify LBB, the governor, and the comptroller of any changes in federal law, rules, or regulations related to programs that receive appropriations under this Act that could create a future fiscal obligation to the state beyond the state fiscal year beginning September 1, 2010. Authorizes the agency or institution, if after the 15th business day after notification from the agency or institution the Legislative Budget Board and the governor have not both issued a written disapproval of the expenditure, to expend the funds.

(d) Requires each state agency or institution that receives federal ARRA funds appropriated by this Act to certify to LBB, the governor, and the comptroller how the use of the funds or the programs receiving the funds comply with applicable state law, federal law, rules, regulations, and other relevant guidance, including any changes in guidance or interpretation and any changes in information reported under this section. Requires that the certification include a statement that the agency's chief executive and executive staff have knowledge of the American Recovery and Reinvestment Act law and of federal agency actions regarding that law and that those persons in their official capacity accept responsibility that the agency's or institution's use of federal ARRA funds appropriated by this Act comply with applicable federal law, state law, rules, regulations, and relevant guidance.

(e) Authorizes the comptroller, in cooperation with the state auditor, to prescribe and implement any payment and post-payment audit procedures considered necessary to ensure compliance with this section. Authorizes the comptroller to provide consultation and training for agencies and institutions prior to obligation or expenditure of funds, and requires the comptroller to provide technical assistance with these matters as needed during the two-year period beginning with the effective date of this Act. Requires the comptroller to coordinate with the state auditor to ensure appropriate use of the funds throughout the two-year period. Requires each state agency receiving federal ARRA

funds under this Act to comply with reporting requirements prescribed by the comptroller and state auditor.

SECTION 31. AMERICAN RECOVERY AND REINVESTMENT ACT: PRIORITY OF FUNDING. (a) Requires agencies and institutions, to the extent allowed under the ARRA, from funds appropriated in this Act, to give priority to expenditures that do not recur beyond the two-year period that begins on the effective date of this Act.

(b) Prohibits an agency or institution, to the extent allowed under ARRA, from creating a liability that will cause the state to make repayment to the United States treasury ("clawback") of ARRA funds already expended in the event of a future discontinuation of payments to the direct or indirect beneficiaries of a program or strategy; or payments to direct or indirect beneficiaries of a program or strategy in an amount that exceeds the amount of ARRA funds actually received by the state from the United States treasury.

SECTION 32. AMERICAN RECOVERY AND REINVESTMENT ACT: INFORMATIONAL RIDER: REDUCTION IN GENERAL. Provides that the amounts of general revenue reductions shown in certain agency appropriations in this Act are in accordance with Title V, State Fiscal Relief, American Recovery and Reinvestment Act.

SECTION 33. AMERICAN RECOVERY AND REINVESTMENT ACT: FMAP ALLOCATIONS. Requires that appropriations made by this Act to HHSC for Medicaid Enhanced FMAP be allocated by the commission to affected agencies. Requires HHSC to submit a plan for that allocation to LBB and the governor not later than the 30th day after the effective date of this Act.

SECTION 34. AMERICAN RECOVERY AND REINVESTMENT ACT: REPORTING REQUIREMENTS. (a) Requires each state agency and institution of higher education receiving appropriations under this Act or under Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), to develop and submit a plan to LBB and the governor providing details on the entity's intended use of appropriations received from money available under the American Recovery and Reinvestment Act (ARRA). Requires that the plan include a summary of any ARRA funds spent, allocated, or encumbered on or before August 31, 2009. Requires that the report be delivered not later than September 30, 2009. Authorizes the agency or institution, unless LBB and the governor issue a written disapproval of proposed expenditures under the plan within 15 business days after September 30, 2009, to expend the funds in accordance with the plan, subject to Section 30 of this Act.

(b) Requires each of the agencies and institutions receiving appropriations under this Act to submit quarterly reports on the expenditure of funds received from money available under ARRA. Requires that the report be in the format prescribed by LBB and include the estimated number of jobs that will be created or retained in this state and the number of full-time equivalent positions that will be created at the agency or institution. Requires that the quarterly reports be submitted on or before December 31, March 31, June 30, and September 30 of each year to the governor, LBB, state auditor's office, and comptroller.

(c) Requires each agency or institution that receives funds from money available under the American Recovery and Reinvestment Act and that provides reports to LBB and federal agencies regarding funding received from that money to post on the agency's or institution's Internet website the agency's or institution's ARRA report and provide a link to the state auditor's office fraud hotline.

SECTION 35. AMERICAN RECOVERY AND REINVESTMENT ACT: LEGISLATIVE INTENT. Provides that it is the intent of the legislature that all American Recovery and Reinvestment Act funding appropriated by this Act or by Senate Bill 1, Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), be allocated as prescribed in each respective Act.

SECTION 36. DEPARTMENT OF AGING AND DISABILITY SERVICES: LIMITATION ON CASELOADS. Prohibits the Department of Aging and Disability Services (DADS), from amounts appropriated by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session,

2007 (the General Appropriations Act), for the fiscal year ending August 31, 2009, from at any time during the period beginning on the effective date of this Act and ending August 31, 2009, exceeding the following limitations on the total number of clients served under the following appropriation items: 26,087 clients under Strategy A.3.1, Community Based Alternatives (CBA); 15,516 clients under Strategy A.3.2, Home and Community-based Services (HCS); 4,199 clients under Strategy A.3.3, Community Living Assistance and Support Services (CLASS); 154 clients under Strategy A.3.4, Deaf-blind Multiple Disabilities (DBMD); 2,745 clients under Strategy A.3.5, Medically Dependent Children Program (MDCP); 160 clients under Strategy A.3.6, Consolidated Waiver Program; 994 clients under Strategy A.3.7, Texas Home Living Waiver; 39,005 clients under Strategy A.4.1, Non-Medicaid Services; 13,109 clients under Strategy A.4.2, MR Community Services; 4,590 clients under Strategy A.4.4, In-Home and Family Support; 3,060 clients under Strategy A.4.5, Mental Retardation In-Home Services; and 902 clients under Strategy A.5.1, Program of All-Inclusive Care for the Elderly (PACE).

SECTION 37. HEALTH AND HUMAN SERVICES COMMISSION: TRANSFER OF FUNDS APPROPRIATED FOR CHIP SERVICES. Authorizes HHSC, notwithstanding any provision of another Act making appropriations to the contrary, without the necessity of prior approval by another office or entity, to transfer funds appropriated to the HHSC under Goal C, CHIP Services, or Goal B, Medicaid by Chapter 1428 (H.B. 1) Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act) between Goal C, CHIP Services and Goal B, Medicaid, for the fiscal year ending August 31, 2009.

SECTION 38. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES: APPROPRIATION REDUCTION. Provides that the unencumbered appropriations made by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), from the general revenue fund for Vocational Rehabilitation (Fund 8007) to the Department of Assistive and Rehabilitative Services (DARS) for use during the state fiscal biennium ending August 31, 2009, under Strategy B.3.1, Vocational Rehabilitation-General, are reduced by \$2,931,371.

SECTION 39. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: APPROPRIATION REDUCTION AND RELATED TRANSFER AUTHORITY. (a) Provides that the unencumbered appropriations from the general revenue fund appropriated to DFPS 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 (the General Appropriations Act), are reduced by the following amounts: \$3,961,399 under Strategy A.2.1, CPS Direct Delivery Staff; \$1,769,065 under Strategy A.2.12, STAR Program; \$1,100,000 under Strategy A.2.13, CYD Program; and \$1,368,000 under Strategy A.2.16, Other At-Risk Prevention Programs.

(b) Authorizes DFPS, notwithstanding any limitation on transfer among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), for the fiscal year ending August 31, 2009, to transfer federal funds from the following items of appropriation to Strategy A.2.1, CPS Direct Delivery Staff; Strategy A.2.12, STAR Program; Strategy A.2.13, CYD Program; Strategy A.2.14, Texas Families Program; and Strategy A.2.16, Other At-Risk Prevention Programs.

SECTION 40. HEALTH AND HUMAN SERVICES COMMISSION: TEMPORARY ASSISTANCE TO NEEDY FAMILIES GRANTS. Authorizes HHSC, notwithstanding any provision of Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), to use current unexpended TANF balances for the purpose of funding an additional \$75 one-time grant for a total of \$105 in the state fiscal year ending August 31, 2009, for each TANF child in an effort to maximize funds received by this state under the American Recovery and Reinvestment Act of 2009.

SECTION 41. TEXAS YOUTH COMMISSION: RESTORATION OF TRANSFER AUTHORITY. Authorizes TYC, notwithstanding any limitation on transfers among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), to transfer an amount not to exceed \$5,589,975 from Strategy A.1.3, Contracted Capacity, to Strategy A.1.2, Institutional Services.

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 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 \$473,774,915.

SECTION 43. DEPARTMENT OF AGING AND DISABILITY SERVICES: RESTORATION OF TRANSFER AUTHORITY. (a) 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 allocate the reduction in appropriations under Section 42 of this Act among the items of appropriation listed by Subsection (c) of this section.

(b) Authorizes DADS, notwithstanding any limitation on transfer among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), for the fiscal year ending August 31, 2009, to allocate the additional amount appropriated under Section 49 of this Act among the items of appropriation listed by Subsection (c) of this section.

(c) Authorizes DADS to allocate the additional and reduced amounts appropriated as described by Subsections (a) and (b) of this section 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 \$10,000,000 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 purchasing correctional security equipment.

(b) Authorizes TDCJ, in addition to the capital budget authority previously granted for the state fiscal biennium ending August 31, 2009, to use \$10,000,000 in capital budget authority for an additional capital budget item for the acquisition of capital equipment and items.

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) \$10,976,561 under Strategy A.2.10, Foster Care Payments; and
- (2) \$7,565,224 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 \$1,127,526,993.

SECTION 47. HEALTH AND HUMAN SERVICES COMMISSION: RESTORATION OF TRANSFER AUTHORITY. (a) 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 allocate the reduction in appropriations under Section 46 of this Act among the items of appropriation listed under Goal B, Medicaid.

(b) Authorizes HHSC, notwithstanding any limitation on transfer among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), HHSC for the fiscal year ending August 31, 2009, to allocate the additional amount appropriated under Section 52(2) of this Act among the items of appropriation listed under Goal B, Medicaid.

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) \$30,100,979 out of the general revenue fund appropriations for that strategy; and
- (2) \$28,959,773 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) \$5,917,242 from the general revenue fund under Strategy A.2.11, Adoption Subsidy Payments;
- (2) \$6,657,839 from the general revenue fund under Strategy C.1.1, CPS Reform Continued;
- (3) \$3,732,979 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, for the loss of Medicaid federal funds;
- (5) \$12,460,353 in federal funds (TANF) under Strategy A.2.1, CPS Direct Delivery Staff, for enterprise support services; and
- (6) \$5,280,315 from the general revenue fund under Strategy A.2.3, TWC Foster Day Care.

SECTION 51. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: RESTORATION OF TRANSFER AUTHORITY. (a) 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 allocate any amounts appropriated in Sections 50(4) and 50(5) of this Act 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;
- (7) Strategy A.4.1, Child Care Regulation;
- (8) Strategy B.1.1, Central Administration;
- (9) Strategy B.1.2, Other Support Services;
- (10) Strategy B.1.3, Regional Administration; and
- (11) Strategy B.1.4, IT Program Support.

(b) Authorizes DFPS, notwithstanding any limitation on transfer among appropriation items prescribed by Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act), for the fiscal year ending August 31, 2009, to transfer to Strategy A.2.4, TWC Protective Day Care, amounts appropriated by Section 50(6) of this Act to Strategy A.2.3, TWC Foster Day Care.

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) \$790,589,278 from the general revenue fund under Goal B, Medicaid; and
- (2) \$323,850,650 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 \$1,619,843,693 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 funding for Medicaid and foster care/adoption subsidies.

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: \$150,000,000;
- (2) Brazosport College: \$120,111;
- (3) Parks and Wildlife Department: \$12,000,000;
- (4) UT M.D. Anderson Cancer Center: \$1,725,995;
- (5) Alvin College: \$2,358,771;

- (6) Texas A&M Galveston: \$5,700,000;
- (7) Texas Forest Service: \$385,091;
- (8) Houston Community College: \$1,507,670;
- (9) Commission on Environmental Quality: \$4,600,000;
- (10) San Jacinto College: \$3,045,820;
- (11) Galveston College: \$407,406;
- (12) Texas Engineering Extension Service: \$1,200,000;
- (13) Adjutant General's Department: \$1,244,007;
- (14) The University of Texas at Brownsville: \$1,200,000;
- (15) Lamar University: \$2,803,561;
- (16) Lamar Institute of Technology: \$2,007,758;
- (17) Lamar State College: Port Arthur: \$829,530;
- (18) Texas Southern University: \$9,720,192;
- (19) College of the Mainland: \$176,236;
- (20) The University of Texas Pan American: \$102,258;
- (21) The University of Texas Health Center at Tyler: \$1,461,557;
- (22) The University of Texas Health Science Center at Houston: \$1,000,000;
- (23) University of Houston System Administration: \$7,339,000;
- (24) Texas State Technical College: Harlingen: \$904,558;
- (25) Lamar State College: Orange: \$600,000;
- (26) Prairie View A&M University: \$488,864;
- (27) Lee College: \$137,554; and
- (28) Department of Agriculture: \$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 the amount appropriated by this section to UT Medical Branch at Galveston to be spent only to provide matching funds for FEMA qualifying projects, except that if that amount cannot be prudently and effectively spent in that manner, the remainder of the \$150,000,000 appropriation may be spent only with the prior written approval of LBB.

(d) Requires that the amounts appropriated by this section to the Texas Department of Agriculture (TDA) be spent to compensate the Texas Boll Weevil Eradication Foundation for a portion of the foundation's increased expenses incurred because of Hurricane Ike and Hurricane Dolly. Requires the Texas Boll Weevil Eradication Foundation and TDA to approve the allocation of funds appropriated by this section to each eligible boll weevil eradication zone. Requires TDA to remit the amounts appropriated by this section to the Texas Boll Weevil Eradication Foundation, and the foundation to credit the funds to the accounts of the following boll weevil eradication zones:

- (1) Southern Blacklands;
- (2) Northern Blacklands;
- (3) Upper Coastal Bend;
- (4) South Texas/Winter Garden; and
- (5) Lower Rio Grande Valley.

SECTION 56. APPROPRIATIONS FOR GENERAL COSTS CAUSED BY WILDFIRES. Provides that the amount of \$31,478,218 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 amount of \$69,339 is appropriated out of the general revenue fund to the Texas Forest Service 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 forest service associated with flooding that occurred before the effective date of this Act during the state fiscal biennium that began September 1, 2007.

SECTION 58. CERTAIN APPROPRIATIONS FOR DISASTER RELIEF. (a) Provides that an amount not to exceed \$52 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.

(c) Provides that out of amounts appropriated in Subsection (a) of this section, it is the intent of the legislature that \$1,508,450 be used to pay for air ambulance services in connection with emergency evacuation operations during Hurricane Rita conducted from September 21 through September 29, 2005.

SECTION 59. UNIVERSITY OF TEXAS AT AUSTIN: HOLD HARMLESS. (a) Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August

31, 2009, the amount of \$9,902,630 is appropriated out of the general revenue fund to The University of Texas at Austin for the two-year period beginning on the effective date of this Act for the purpose of providing The University of Texas the 2008-2009 biennium formula hold harmless amount.

- (b) Requires The University of Texas at Austin, from appropriations made by Subsection (a) of this section, to direct the amount of \$700,000 to the Marine Science Institute to support the National Estuarine Research Reserve.

SECTION 60. TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR: DEBRIS REMOVAL. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$16,565,040 is appropriated out of the general revenue 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 Governor's Division of Emergency Management to remove debris from Harris County, Jefferson County, Chambers County, Brazoria County, Galveston County, and the City of Houston.

SECTION 61. TEXAS STATE UNIVERSITY SYSTEM: DISASTER RECOVERY REIMBURSEMENTS. Provides that it is the intent of the legislature that all funds received after the effective date of this Act by the Texas State University System or its component institutions for reimbursement of disaster recovery related expenditures associated with Hurricane Katrina and Hurricane Rita are required to be immediately deposited to the credit of unappropriated general revenue. Provides that these funds include, but are not limited to, an estimated \$9,100,000 in FEMA reimbursements.

SECTION 62. REIMBURSEMENT TO GENERAL REVENUE FUND. Requires any state agency or institution of higher education, if the agency or institution receives reimbursement from the federal government, an insurer, or another source for an expenditure paid for or reimbursed under Section 9, 15, 52, 55, 56, 57, 58, or 60 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 9, 15, 52, 55, 56, 57, 58, or 60 of this Act, and that amount is required to be deposited to the credit of the general revenue fund within the state treasury.

SECTION 63. DEBT SERVICE PAYMENTS - NON-SELF SUPPORTING GENERAL OBLIGATION WATER BONDS: APPROPRIATION REDUCTION. Provides that the unencumbered appropriations from the general revenue fund appropriated to the Water Development Board for Debt Service Payments for Non-Self Supporting G.O. Water Bonds 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 (the General Appropriations Act), are reduced by the following amounts:

- (1) \$15,820,198 from Strategy A.1.2, State Participation Debt Service;
- (2) \$15,231,801 from Strategy A.1.1, EDAP Debt Service;
- (3) \$3,354 from Strategy A.1.3, AG Water Conservation Debt; and
- (4) \$1,894,416 from Strategy A.1.4, WIF Debt Service.

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, 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. (a) Provides that reimbursements received from the Federal Emergency Management Agency (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 period ending on May 30, 2011, 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.

(b) Requires the General Land Office, not later than May 31, 2011, to deposit to the credit of undedicated general revenue an amount equal to the amount of reimbursements received and appropriated to the General Land Office under Subsection (a) of this section.

SECTION 66. 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 67. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES: AUTISM. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$6,600,000 is appropriated out of the general revenue fund to DARS for the two-year period beginning on the effective date of this Act to provide autism services for children ages three to eight.

SECTION 68. CONTINGENCY FOR DEPARTMENT OF JUSTICE SETTLEMENT. (a) Provides that contingent on the State of Texas and the United States Department of Justice reaching a settlement agreement, DARS is appropriated the amount of \$22,648,532 out of the general revenue fund for the fiscal year ending August 31, 2010, for the purpose of providing for additional staffing, monitoring activities, training, and other one-time costs.

(b) Authorizes DADS, also contingent upon the State of Texas and the United States Department of Justice reaching a settlement agreement, in addition to the number of full-time equivalent employees (FTEs) DADS is authorized by other law employ during the state fiscal year ending August 31, 2010, to employ an additional 37.0 FTEs during that state fiscal year. Provides that, in addition to the number of full-time equivalent employees (FTEs) DADS is authorized by other law to employ during the state fiscal year ending August 31, 2011, DADS is authorized to employ an additional 43.0 FTEs during that state fiscal year.

(c) Provides that contingent on the State of Texas and the United States Department of Justice reaching a settlement agreement, DFPS is appropriated the amount of \$1,544,907 out of the general revenue fund for the fiscal year ending August 31, 2010, and \$1,606,426 out of the general revenue fund for the period beginning on September 1, 2010, and ending on the last effective day of this Act for incident management and to ensure the protection from harm, abuse, or neglect for residents of state schools.

SECTION 69. TEXAS STATE TECHNICAL COLLEGE SYSTEM ADMINISTRATION: RENOVATIONS AND CAPITAL EXPENDITURES. Provides that contingent on the

enactment of H.B. 2654 or similar legislation relating to imposition of the motor vehicle sales tax on motor vehicles transferred as the result of a gift by the 81st Legislature, Regular Session, 2009, and also contingent on the comptroller certifying that the estimated amount of additional general revenue produced by the enactment of H.B. 2654 or similar legislation relating to imposition of the motor vehicle sales tax on motor vehicles transferred as the result of a gift exceeds \$10,000,000, the Texas State Technical College System Administration is appropriated the amount of \$10,000,000 out of the general revenue fund for the fiscal year ending August 31, 2010, for capital expenditures and renovations for collaborative research projects. Provides that the legislature finds a demonstrated need for these capital expenditures and renovations.

SECTION 70. TEXAS SOUTHERN UNIVERSITY: MICKEY LELAND AND BARBARA JORDAN PAPERS. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$150,000 is appropriated out of the general revenue fund to Texas Southern University for the two-year period beginning on the effective date of this Act to ensure the proper preservation and display of the Mickey Leland and Barbara Jordan papers maintained by the university.

SECTION 71. TEXAS PARKS AND WILDLIFE DEPARTMENT: TEXAS STATE RAILROAD. Provides that in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$1,000,000 is appropriated to TPWD out of the general revenue fund for the two-year period beginning on the effective date of this Act for the purpose of supporting the operations of the Texas State Railroad. Requires the comptroller to release funds provided in this section contingent on review and approval by LBB of a signed contract between the Texas State Railroad Authority and the railroad operator describing loan terms and regular reporting to LBB on the revolving account.

SECTION 72. EFFECTIVE DATE. Effective date: immediately.