

BILL ANALYSIS

Senate Research Center
83R11563 KLA-D

C.S.H.B. 10
By: Pitts; Giddings (Williams)
Finance
2/26/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each legislative session, state agencies project the costs of fulfilling their functions and providing important services for the following two-year budget period. This information and the biennial estimate of revenues submitted to the governor and the legislature before the convening of each regular session are key components in the construction of the General Appropriations Act.

C.S.H.B. 10 makes certain supplemental appropriations and gives direction and adjustment authority regarding certain appropriations. The bill makes adjustments to appropriations to various agencies over various time periods to address revised revenue estimates and supplemental needs.

C.S.H.B. 10 amends current law relating to making emergency supplemental appropriations and providing direction and transfer authority regarding certain appropriations

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. HEALTH AND HUMAN SERVICES COMMISSION: MEDICAID ACUTE CARE AND CERTAIN TRANSFERS. (a) Provides that the amount of \$3,163,515,906 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2013, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, to the Health and Human Services Commission (HHSC) under Goal B, Medicaid, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act (GAA)), for the purpose of providing acute care services under the Medicaid program.

(b) Provides that the amount of \$265,316,377 is appropriated out of general revenue account number 5040, Tobacco Settlement, for the state fiscal year ending August 31, 2013, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, to HHSC under Goal B, Medicaid, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), for the purpose of providing acute care services under the Medicaid program.

(c) Provides that the amount of \$4,977,267,717 is appropriated out of federal funds for the state fiscal year ending August 31, 2013, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, to HHSC under Goal B, Medicaid, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), for the purpose of providing acute care services under the Medicaid program.

(d) Authorizes HHSC, notwithstanding any limitation on transfer among items of appropriation that is prescribed by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), to transfer for the state fiscal year ending August 31,

2013, any amount appropriated under Subsection (a), (b), or (c) of this section among the following strategies specified in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), in the appropriations to HHSC:

- (1) C.1.1, Children's Health Insurance Program (CHIP);
- (2) C.1.4, CHIP Perinatal Services; and
- (3) C.1.5, CHIP Vendor Drug Program.

(e) Authorizes HHSC, notwithstanding any limitation on transfer among items of appropriation that is prescribed by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), to transfer for the state fiscal year ending August 31, 2013, any amount appropriated under Subsection (a) or (c) of this section to the Department of Aging and Disability Services (DADS) and among the following strategies specified in GAA in the appropriations to DADS:

- (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.3.7, Texas Home Living Waiver;
- (10) A.5.1, Program of All-Inclusive Care for the Elderly (PACE);
- (11) A.6.1, Nursing Facility Payments;
- (12) A.6.2, Medicare Skilled Nursing Facility;
- (13) A.6.3, Hospice;
- (14) A.6.4, Promoting Independence by Providing Community-based Services;
- (15) A.7.1, Intermediate Care Facilities-for Persons w/MR (ICF/MR); and
- (16) A.8.1, State Supported Living Centers.

(f) Prohibits an amount transferred to a strategy under Subsection (d) or (e) of this section from exceeding the sum of the amounts transferred from that item of appropriation for cash flow purposes made under the following provisions in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA):

- (1) Section 10 of Special Provisions Relating to All Health and Human Services Agencies;
- (2) Rider 12 to the bill pattern of the appropriations to HHSC; and
- (3) Rider 19 to the bill pattern of the appropriations to HHSC.

SECTION 2. HEALTH AND HUMAN SERVICES COMMISSION: CHIP. (a) Provides that the amount of \$74,683,623 is appropriated for the state fiscal year ending August 31, 2013, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, out of general revenue account number 5040, Tobacco Settlement, to HHSC under Goal C, CHIP Services, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), for the purpose of providing services under the CHIP program.

(b) Provides that the amount of \$187,456,156 is appropriated for the state fiscal year ending August 31, 2013, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, out of federal funds to HHSC under Goal C, CHIP Services, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), for the purpose of providing services under the CHIP program.

SECTION 3. DEPARTMENT OF AGING AND DISABILITY SERVICES: MEDICAID LONG-TERM CARE AND CERTAIN TRANSFERS. (a) Provides that the amount of \$1,019,065,242 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2013, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, to DADS under Strategy A.6.1, Nursing Facility Payments, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), for the purpose of providing long-term care services under the Medicaid program.

(b) Provides that the amount of \$1,484,780,561 is appropriated out of federal funds for the state fiscal year ending August 31, 2013, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, to DADS under Strategy A.6.1, Nursing Facility Payments, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), for the purpose of providing long-term care services under the Medicaid program.

(c) Authorizes DADS for the state fiscal year ending August 31, 2013, notwithstanding any limitation on transfer among items of appropriation that is prescribed by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), to allocate the additional amount appropriated under Subsections (a) and (b) of this section among the following strategies specified in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), in the appropriations to DADS:

- (1) A.2.1, Primary Home Care;
- (2) A.2.2, Community Attendant Services;
- (3) A.2.3, DAHS;
- (4) A.3.1, CBA;
- (5) A.3.2, HCS;
- (6) A.3.3, CLASS;
- (7) A.3.4, DBMD;
- (8) A.3.5, MDCP;
- (9) A.3.7, Texas Home Living Waiver;
- (10) A.5.1, PACE;
- (11) A.6.1, Nursing Facility Payments;
- (12) A.6.2, Medicare Skilled Nursing Facility;

- (13) A.6.3, Hospice;
- (14) A.6.4, Promoting Independence by Providing Community-based Services;
- (15) A.7.1, ICF/MR; and
- (16) A.8.1, State Supported Living Centers.

SECTION 4. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL PROGRAM. (a) Provides that the amount of \$317,000,000 is appropriated out of general revenue account number 0193, Foundation School, for the state fiscal year ending August 31, 2013, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, to the Texas Education Agency (TEA) under Strategy A.1.1, FSP - Equalized Operations, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), for the purpose of providing for the Foundation School Program.

(b) Provides that the amount of \$313,000,000 is appropriated for the state fiscal year ending August 31, 2013, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, out of Fund 0666, Appropriated Receipts (revenue from school districts subject to recapture), to TEA under Strategy A.1.1, FSP - Equalized Operations, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), for the purpose of providing for the Foundation School Program.

(c) Provides that, notwithstanding Rider 3 to the bill pattern of the appropriations to TEA in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), the sum certain appropriation to the Foundation School Program for the state fiscal year ending August 31, 2013, is increased by the amount of \$630,000,000.

SECTION 5. TEXAS EDUCATION AGENCY: CERTAIN APPROPRIATIONS. Provides that the following are contingent on the enactment and becoming law of H.B. 1026 or similar legislation of the 83rd Legislature, Regular Session, 2013, relating to the established schedule of payments from the foundation school fund of the yearly entitlement of certain school districts:

(1) there is appropriated to TEA from general revenue account number 0193, Foundation School, \$1,750,000,000 for the state fiscal year ending August 31, 2013, for payment of the installment to be paid on or before August 30, 2013, as provided by Sections 42.259(c-1) (relating to when the installment described by Subsection (c)(8) is required to be paid and Subsection (c-1)'s expiration date) and (d-1) (relating to when the installment described by Subsection (d)(3) is required to be paid and Subsection (d-1)'s expiration date), Education Code, as added by that legislation; and

(2) notwithstanding Rider 3 to the bill pattern of the appropriations to TEA in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), the sum certain appropriation to the Foundation School Program for the state fiscal year ending August 31, 2013, is increased by the amount of \$1,750,000,000 in addition to the amount by which that sum certain appropriation is increased in accordance with Section 4(c) of this Act.

SECTION 6. TEXAS PUBLIC FINANCE AUTHORITY: APPROPRIATION REDUCTION. Provides that the amounts of the unencumbered appropriations made from the general revenue fund for the state fiscal biennium ending August 31, 2013, to the Texas Public Finance Authority by Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (GAA), under Strategy A.2.2, Bond Debt Service Payments, are reduced by \$3,000,000.

SECTION 7. EFFECTIVE DATE. Provides that this Act takes effect immediately as provided for a general appropriations act under Section 39, Article III, Texas Constitution.