

By: Pitts, Denny

H.B. No. 10

A BILL TO BE ENTITLED

AN ACT

1
2 relating to making supplemental appropriations and reductions in
3 appropriations.

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

5 SECTION 1. HEALTH AND HUMAN SERVICES COMMISSION: HIGHER
6 THAN EXPECTED MEDICAID COSTS. (a) In addition to amounts
7 previously appropriated for the state fiscal biennium ending August
8 31, 2005, the following amounts are appropriated to the Health and
9 Human Services Commission for the two-year period beginning on the
10 effective date of this Act for the purpose of providing services
11 under the state Medicaid program, including making supplemental
12 hospital payments and restoring eligibility for Medicaid benefits
13 to pregnant women with incomes of up to 185 percent of the federal
14 poverty level:

15 (1) \$261,800,000 is appropriated out of the general
16 revenue fund;

17 (2) \$92,400,000 is appropriated out of the Economic
18 Stabilization Fund;

19 (3) \$40,000,000 in balances and available revenues is
20 appropriated out of General Revenue Dedicated Account No. 5080 (the
21 Quality Assurance Fund);

22 (4) \$69,100,000 in appropriated receipts match for
23 Medicaid is appropriated; and

24 (5) \$695,000,000 in matching federal funds is

1 appropriated.

2 (b) The amounts appropriated by Subsection (a) of this
3 section may be expended only if the Health and Human Services
4 Commission has used all revenue available to the Medicaid program,
5 including but not limited to premium credits and vendor drug
6 rebates.

7 SECTION 2. HEALTH AND HUMAN SERVICES COMMISSION:
8 CHILDREN'S HEALTH INSURANCE PROGRAM. In addition to amounts
9 previously appropriated for the state fiscal biennium ending August
10 31, 2005, the following amounts are appropriated to the Health and
11 Human Services Commission for the two-year period beginning on the
12 effective date of this Act for the purpose of providing services
13 related to the Children's Health Insurance Program:

14 (1) \$65,700,000 is appropriated out of the general
15 revenue fund; and

16 (2) \$168,900,000 in matching federal funds is
17 appropriated.

18 SECTION 3. HEALTH AND HUMAN SERVICES COMMISSION: VARIOUS
19 PROGRAMS. In addition to amounts previously appropriated for the
20 state fiscal biennium ending August 31, 2005, the amount of
21 \$85,600,000 is appropriated out of the general revenue fund to the
22 Health and Human Services Commission for the two-year period
23 beginning on the effective date of this Act for any necessary
24 purposes for which:

25 (1) the commission received an appropriation out of
26 the general revenue fund for all or part of the state fiscal
27 biennium ending August 31, 2005; or

1 (2) a health and human services agency received an
2 appropriation out of the general revenue fund for all or part of the
3 state fiscal biennium ending August 31, 2005, if the commission is
4 now authorized or required by law to spend money for those purposes.

5 SECTION 4. HEALTH AND HUMAN SERVICES COMMISSION: CHILD
6 PROTECTIVE SERVICES PROGRAM REFORM. The amount of \$1,620,933 is
7 appropriated out of the Economic Stabilization Fund and the amount
8 of \$1,782,674 in matching federal funds is appropriated to the
9 Health and Human Services Commission for the two-year period
10 beginning on the effective date of this Act for the purpose of
11 funding the reforms of the Child Protective Services Program.

12 SECTION 5. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES:
13 CHILD PROTECTIVE SERVICES PROGRAM REFORM. (a) The amount of
14 \$256,409,442 is appropriated out of the Economic Stabilization Fund
15 and the amount of \$61,503,959 in matching federal funds is
16 appropriated to the Department of Family and Protective Services
17 for the two-year period beginning on the effective date of this Act
18 for the purpose of funding the reforms of the Child Protective
19 Services Program.

20 (b) For the remainder of the state fiscal year ending August
21 31, 2005, the limitation on the number of full-time equivalent
22 employees (FTEs) prescribed for the predecessor agency of the
23 Department of Family and Protective Services by the General
24 Appropriations Act for that fiscal year is increased by 1,524 for
25 the purpose of addressing the reforms of the Child Protective
26 Services Program.

27 (c) For the state fiscal year beginning September 1, 2005,

1 the limitation on the number of full-time equivalent employees
2 (FTEs) prescribed for the Department of Family and Protective
3 Services by the General Appropriations Act for that fiscal year is
4 increased by 1,524 for the purpose of addressing the reforms of the
5 Child Protective Services Program.

6 (d) For the state fiscal year beginning September 1, 2006,
7 the limitation on the number of full-time equivalent employees
8 (FTEs) prescribed for the Department of Family and Protective
9 Services by the General Appropriations Act for that fiscal year is
10 increased by 1,828 for the purpose of addressing the reforms of the
11 Child Protective Services Program.

12 SECTION 6. DEPARTMENT OF AGING AND DISABILITY SERVICES:
13 CHILD PROTECTIVE SERVICES PROGRAM REFORM. The amount of \$2,364,540
14 is appropriated out of the Economic Stabilization Fund and the
15 amount of \$3,645,984 in matching federal funds is appropriated to
16 the Department of Aging and Disability Services for the two-year
17 period beginning on the effective date of this Act for the purpose
18 of funding the reforms of the Child Protective Services Program.

19 SECTION 7. DEPARTMENT OF AGING AND DISABILITY SERVICES:
20 COMMUNITY CARE CASELOAD AND COSTS. In addition to amounts
21 previously appropriated for the state fiscal biennium ending August
22 31, 2005, the amount of \$22,300,000 is appropriated out of the
23 general revenue fund and the amount of \$33,500,000 in matching
24 federal funds is appropriated to the Department of Aging and
25 Disability Services for the two-year period beginning on the
26 effective date of this Act for the purpose of funding the Community
27 Care Caseload and Costs.

1 SECTION 8. TEXAS DEPARTMENT OF CRIMINAL JUSTICE:
2 OPERATIONS. In addition to amounts previously appropriated for the
3 state fiscal biennium ending August 31, 2005, the amount of
4 \$15,900,000 is appropriated out of the general revenue fund to the
5 Texas Department of Criminal Justice for the two-year period
6 beginning on the effective date of this Act for the purpose of
7 providing for contracted temporary capacity, salaries and wages,
8 utilities, and fuel.

9 SECTION 9. TEXAS DEPARTMENT OF CRIMINAL JUSTICE:
10 CORRECTIONAL MANAGED HEALTH CARE. In addition to amounts
11 previously appropriated for the state fiscal biennium ending August
12 31, 2005, the amount of \$31,300,000 is appropriated out of the
13 general revenue fund to the Texas Department of Criminal Justice
14 for the two-year period beginning on the effective date of this Act
15 for the purpose of providing for correctional managed health care.

16 SECTION 10. TEACHER RETIREMENT SYSTEM OF TEXAS: EMPLOYEE
17 PASS-THROUGH. In addition to amounts previously appropriated for
18 the state fiscal biennium ending August 31, 2005, the amount of
19 \$30,700,000 is appropriated out of the Economic Stabilization Fund
20 to the Teacher Retirement System of Texas for the two-year period
21 beginning on the effective date of this Act for the purpose of
22 funding the employee pass-through program.

23 SECTION 11. TEACHER RETIREMENT SYSTEM OF TEXAS: TRS-CARE
24 RETIREE HEALTH INSURANCE; STATUTORY FUNDS. (a) The amount of
25 \$61,677,766 is appropriated out of the Economic Stabilization Fund
26 to the Teacher Retirement System of Texas for the state fiscal year
27 beginning September 1, 2005, for the purpose of providing funding

1 for retiree health-statutory funds (health care for public
2 education retirees funded by statutory formula).

3 (b) The amount of \$61,677,766 is appropriated out of the
4 Economic Stabilization Fund to the Teacher Retirement System of
5 Texas for use, before the expiration of the two-year period
6 beginning on the effective date of this Act, during the state fiscal
7 year beginning September 1, 2006, for the purpose of providing
8 funding for retiree health-statutory funds (health care for public
9 education retirees funded by statutory formula).

10 SECTION 12. TEACHER RETIREMENT SYSTEM OF TEXAS: TRS-CARE
11 RETIREE HEALTH INSURANCE; SUPPLEMENTAL FUNDS. The amount of
12 \$76,644,468 is appropriated out of the Economic Stabilization Fund
13 to the Teacher Retirement System of Texas for the state fiscal year
14 beginning September 1, 2005, for the purpose of providing funding
15 for retiree health-supplemental funds (health care for public
16 education retirees funded by supplemental state funds).

17 SECTION 13. TEXAS EDUCATION AGENCY: JUVENILE JUSTICE
18 ALTERNATIVE EDUCATION PROGRAM. In addition to amounts previously
19 appropriated for the state fiscal biennium ending August 31, 2005,
20 the amount of \$2,112,000 is appropriated out of General Revenue
21 Account No. 193 (the Foundation School Fund) to the Texas Education
22 Agency for the two-year period beginning on the effective date of
23 this Act for the purpose of funding the juvenile justice
24 alternative education program through an interagency agreement
25 with the Texas Juvenile Probation Commission.

26 SECTION 14. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL
27 PROGRAM. In addition to amounts previously appropriated for the

1 state fiscal biennium ending August 31, 2005, the amount of
2 \$560,000,000 is appropriated out of the Economic Stabilization Fund
3 to the Texas Education Agency for the two-year period beginning on
4 the effective date of this Act for the purpose of funding the
5 Foundation School Program.

6 SECTION 15. TEXAS EDUCATION AGENCY: TEXTBOOKS. In
7 addition to amounts previously appropriated for the state fiscal
8 biennium ending August 31, 2005, the amount of \$30,000,000 is
9 appropriated out of the Economic Stabilization Fund and the amount
10 of \$145,000,000 is appropriated out of the general revenue fund to
11 the Texas Education Agency for the two-year period beginning on the
12 effective date of this Act for the purpose of funding the purchase
13 of textbooks.

14 SECTION 16. TEXAS EDUCATION AGENCY: INCREASE IN SCHOOL
15 FACILITIES FUNDING. (a) The amount of \$90,000,000 is appropriated
16 out of the Economic Stabilization Fund to the Texas Education
17 Agency for the state fiscal year beginning September 1, 2005, for
18 the purpose of funding an increase in the allotment to school
19 districts for assistance with payment of existing debt under
20 Subchapter B, Chapter 46, Education Code.

21 (b) The amount of \$110,000,000 is appropriated out of the
22 Economic Stabilization Fund to the Texas Education Agency for use,
23 before the expiration of the two-year period beginning on the
24 effective date of this Act, during the state fiscal year beginning
25 September 1, 2006, for the purpose of funding an increase in the
26 instructional facilities allotment to school districts for school
27 facilities under Subchapter A, Chapter 46, Education Code, and the

1 allotment to school districts for assistance with payment of
2 existing debt under Subchapter B, Chapter 46, Education Code.

3 SECTION 17. TEXAS EDUCATION AGENCY: TEXTBOOK CONTINUING
4 CONTRACTS. The amount of \$182,000,000 is appropriated out of the
5 Economic Stabilization Fund to the Texas Education Agency for the
6 state fiscal year beginning September 1, 2005, for the purpose of
7 funding the purchase of textbooks under continuing contracts.

8 SECTION 18. TEXAS EDUCATION AGENCY: PREKINDERGARTEN AND
9 KINDERGARTEN PROGRAM. (a) The amount of \$88,938,750 is
10 appropriated out of the Economic Stabilization Fund to the Texas
11 Education Agency for the state fiscal year beginning September 1,
12 2005, for the purpose of funding kindergarten and prekindergarten
13 grants under Section 29.155, Education Code.

14 (b) The amount of \$88,938,750 is appropriated out of the
15 Economic Stabilization Fund to the Texas Education Agency for use,
16 before the expiration of the two-year period beginning on the
17 effective date of this Act, during the state fiscal year beginning
18 September 1, 2006, for the purpose of funding kindergarten and
19 prekindergarten grants under Section 29.155, Education Code.

20 SECTION 19. TEXAS EDUCATION AGENCY: STUDENT SUCCESS
21 INITIATIVE. (a) The amount of \$87,778,569 is appropriated out of
22 the Economic Stabilization Fund to the Texas Education Agency for
23 the state fiscal year beginning September 1, 2005, for the purpose
24 of funding the student success initiative.

25 (b) The amount of \$87,778,569 is appropriated out of the
26 Economic Stabilization Fund to the Texas Education Agency for use,
27 before the expiration of the two-year period beginning on the

1 effective date of this Act, during the state fiscal year beginning
2 September 1, 2006, for the purpose of funding the student success
3 initiative.

4 SECTION 20. STATE BOARD FOR EDUCATOR CERTIFICATION:
5 CERTIFICATION EXAMINATION. In addition to amounts previously
6 appropriated for the state fiscal biennium ending August 31, 2005,
7 the amount of \$1,900,000 is appropriated out of the general revenue
8 fund to the State Board for Educator Certification for the two-year
9 period beginning on the effective date of this Act for the purpose
10 of funding administration of the board's certification
11 examination.

12 SECTION 21. SECRETARY OF STATE: HELP AMERICA VOTE ACT. In
13 addition to amounts previously appropriated for the state fiscal
14 biennium ending August 31, 2005, the amount of \$1,500,000 is
15 appropriated out of the general revenue fund to the secretary of
16 state for the two-year period beginning on the effective date of
17 this Act to be transferred to General Revenue Dedicated Account No.
18 5095 (the Election Improvement Fund) and used for the purpose of
19 funding the state matching contribution for the Help America Vote
20 Act.

21 SECTION 22. PARKS AND WILDLIFE DEPARTMENT: SAN JACINTO
22 MONUMENT. In addition to amounts previously appropriated for the
23 state fiscal biennium ending August 31, 2005, the amount of
24 \$2,140,000 is appropriated out of the general revenue fund to the
25 Parks and Wildlife Department for the two-year period beginning on
26 the effective date of this Act for the purpose of funding repairs to
27 the San Jacinto Monument.

1 SECTION 23. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:
2 PETROLEUM STORAGE TANK SHORTFALL. In addition to amounts
3 previously appropriated for the state fiscal biennium ending August
4 31, 2005, the amount of \$25,000,000 is appropriated out of General
5 Revenue Dedicated Account No. 655 (the Petroleum Storage Tank
6 Remediation Account) to the Texas Commission on Environment Quality
7 for the two-year period beginning on the effective date of this Act
8 for the purpose of funding cleanup of remediation sites
9 contaminated by petroleum storage tanks.

10 SECTION 24. PARTIAL RESTORATION OF APPROPRIATION REDUCTION
11 FOR PROPERTY SALES. (a) The purpose of this section is to restore a
12 portion of the reduction in appropriations made by Section
13 12.04(d), Article IX, Chapter 1330, Acts of the 78th Legislature,
14 Regular Session, 2003 (the General Appropriations Act), to agencies
15 and institutions that on August 31, 2003, owned real property
16 purchased with general revenue or general revenue dedicated funds
17 and that had appropriations reduced under Section 12.04(d) by an
18 aggregate total of \$97,000,000 for the state fiscal biennium ending
19 August 31, 2005.

20 (b) The amount of \$78,928,959 is appropriated out of the
21 general revenue fund to the agencies and institutions described by
22 Subsection (a) of this section for the two-year period beginning on
23 the effective date of this Act for the purpose described by
24 Subsection (a) of this section. An agency or institution that
25 receives a portion of the amount appropriated by this section under
26 Subsection (c) of this section may spend the amount received for the
27 purposes for which the agency or institution was authorized to

1 spend the appropriation that was reduced.

2 (c) The governor and the Legislative Budget Board, taking
3 into account the reductions and distributions made under Section
4 12.04(d), Article IX, Chapter 1330, Acts of the 78th Legislature,
5 Regular Session, 2003 (the General Appropriations Act), shall
6 allocate the amount appropriated by this section among the agencies
7 and institutions described by Subsection (a) of this section.

8 SECTION 25. APPROPRIATION OF CERTAIN UNEXPENDED BALANCES.

9 Any amounts appropriated under Section 11.28, Article IX, Chapter
10 1330, Acts of the 78th Legislature, Regular Session, 2003 (the
11 General Appropriations Act), as amended by Article 5, Chapter 10,
12 Acts of the 78th Legislature, 3rd Called Session, 2003, that are
13 unencumbered and unexpended on the effective date of this Act,
14 including the amount of \$180,472,802 in federal funds for state
15 fiscal relief held in the general revenue fund, \$24,425,786
16 resulting from items of appropriation made by the 78th Legislature
17 that were vetoed under Section 14, Article IV, Texas Constitution,
18 and held in the general revenue fund, and \$2,150,657 resulting from
19 items of appropriation made by the 78th Legislature that were
20 vetoed under Section 14, Article IV, Texas Constitution, and held
21 in the general revenue fund as general revenue dedicated money, are
22 appropriated for the two-year period beginning on the effective
23 date of this Act for the purposes and in accordance with the
24 procedures prescribed by Section 11.28, Article IX, Chapter 1330,
25 Acts of the 78th Legislature, Regular Session, 2003 (the General
26 Appropriations Act), as amended by Article 5, Chapter 10, Acts of
27 the 78th Legislature, 3rd Called Session, 2003.

1 SECTION 26. SALARIES: NINTH COURT OF APPEALS, BEAUMONT;
2 APPROPRIATIONS REDUCTION: TENTH COURT OF APPEALS, WACO. (a) In
3 addition to amounts previously appropriated for the state fiscal
4 biennium ending August 31, 2005, the amount of \$36,000 is
5 appropriated out of the general revenue fund to the Ninth Court of
6 Appeals, Beaumont, for the two-year period beginning on the
7 effective date of this Act for the purpose of funding salaries.

8 (b) The unencumbered amounts previously appropriated for
9 the state fiscal biennium ending August 31, 2005, from the general
10 revenue fund to the Tenth Court of Appeals, Waco, are reduced by
11 \$36,000.

12 SECTION 27. APPROPRIATIONS REDUCTION: TEXAS PUBLIC FINANCE
13 AUTHORITY. The unencumbered amount of general revenue funds
14 appropriated to the Texas Public Finance Authority to be used for
15 general obligation bond debt service during the state fiscal
16 biennium ending August 31, 2005, is reduced by \$17,500,000.

17 SECTION 28. APPROPRIATIONS REDUCTION: DEPARTMENT OF AGING
18 AND DISABILITY SERVICES. The unencumbered amount of general
19 revenue dedicated funds appropriated to the Department of Aging and
20 Disability Services from General Revenue Dedicated Account No. 543
21 (the Texas Capital Trust Fund) for use during the state fiscal
22 biennium ending August 31, 2005, is reduced by \$1,943,939. The
23 department shall identify the strategies and objectives out of
24 which the reductions in unencumbered amounts are to be made.

25 SECTION 29. APPROPRIATIONS REDUCTION: TEXAS LOTTERY
26 COMMISSION. The unencumbered amount of general revenue dedicated
27 funds appropriated to the Texas Lottery Commission from General

1 Revenue Dedicated Account No. 5025 (the State Lottery Account) for
2 use during the state fiscal biennium ending August 31, 2005, is
3 reduced by \$1,690,606. The commission shall identify the
4 strategies and objectives out of which the reductions in
5 unencumbered amounts are to be made.

6 SECTION 30. APPROPRIATIONS REDUCTION: PUBLIC UTILITY
7 COMMISSION OF TEXAS. The unencumbered amount of general revenue
8 dedicated funds appropriated to the Public Utility Commission from
9 General Revenue Dedicated Account No. 5100 (the System Benefit
10 Fund, previously known as the System Benefit Trust Fund) for use
11 during the state fiscal biennium ending August 31, 2005, is reduced
12 by \$57,200,000. The commission shall identify the strategies and
13 objectives out of which the reductions in unencumbered amounts are
14 to be made.

15 SECTION 31. APPROPRIATIONS REDUCTION: TEXAS WORKERS'
16 COMPENSATION COMMISSION. The unencumbered amount of general
17 revenue dedicated funds appropriated to the Texas Workers'
18 Compensation Commission from General Revenue Dedicated Account No.
19 5101 (the Subsequent Injury Fund) for use during the state fiscal
20 biennium ending August 31, 2005, is reduced by \$6,000,000. The
21 commission shall identify the strategies and objectives out of
22 which the reductions in unencumbered amounts are to be made.

23 SECTION 32. APPROPRIATIONS REDUCTION: EMANCIPATION
24 JUNETEENTH CULTURAL AND HISTORICAL COMMISSION. The amount of
25 general revenue funds appropriated to the Texas Historical
26 Commission for the use of the Emancipation Juneteenth Cultural and
27 Historical Commission during the state fiscal biennium ending

1 August 31, 2005, is reduced by \$415,000.

2 SECTION 33. REPORTING TO LEGISLATIVE BUDGET BOARD. On
3 August 1, 2005, and on such other dates as the Legislative Budget
4 Board considers to be necessary, each entity appropriated money by
5 this Act and each agency for which an amount of appropriations is
6 reduced by this Act shall report to the board, in a format specified
7 by the board, the information requested by the board regarding use
8 of the money appropriated by this Act or the measures taken to
9 reduce appropriations as required by this Act.

10 SECTION 34. ECONOMIC STABILIZATION FUND APPROPRIATIONS.
11 The provisions of this Act that make appropriations out of the
12 Economic Stabilization Fund or that make appropriations of matching
13 federal funds the receipt of which is dependent on an appropriation
14 out of the Economic Stabilization Fund take effect only if this Act
15 receives the vote required by Section 49-g, Article III, Texas
16 Constitution.

17 SECTION 35. EFFECTIVE DATE. This Act takes effect
18 immediately.