Amend CSSB 1, as follows by making technical corrections:

(1) Under Article III, on pages III-21 and III-22, by amending the following rider:

84. Funding Contingent on a PSF Distribution. Distributions from the Permanent School Fund (PSF) to the Available School Fund (ASF) in the 2010-11 biennium are hereby appropriated in the following manner:

a. Foundation School Program. In addition to the amounts appropriated above to the Foundation School Program in Strategy A.1.1, FSP–Equalized Operations, distributions from the PSF to the ASF in the 2010-2011 biennium are appropriated to Strategy A.1.1, FSP–Equalized Operations, for the purpose of funding the Foundation School Program. Amounts appropriated for this purpose shall not exceed $267,191,144 for the 2010-11 biennium.

b. Technology Allotment. Any PSF distributions to the ASF in excess of the amounts appropriated by this rider for the Foundation School Program are appropriated to the Technology Allotment and shall not exceed ~~$134,226,540 in fiscal year 2010 and $136,710,120~~ $50,021,083 in fiscal year 2011.

~~c. Instructional Materials. Any PSF distributions to the ASF in excess of amounts appropriated by this rider to the Foundation School Program and the Technology Allotment shall be transferred to the State Textbook Fund and are appropriated to Strategy B.2.1, Technology and Instructional Materials, for the purchase of continuing contracts and textbooks listed under Proclamation 2010, in amounts not to exceed $173,189,984 in fiscal year 2010 and $584,894,439 in fiscal year 2011. Such appropriations are in addition to ASF and State Textbook Fund appropriations made above.~~

~~d. The Texas Education Agency is hereby appropriated in the 2010-11 biennium federal funds received under the American Recovery and Reinvestment Act of 2009 (ARRA), in the amount of the difference between $1,296,212,227 and the amount of Available School Fund funds available for the purposes identified in sections a, b, and c above in the 2010-11 biennium~~

(2) Under Article III, on page III-51 by striking rider 35,

Professional Nursing Shortage Reduction Program, and substituting the following text:

35. Professional Nursing Shortage Reduction Program. The funds appropriated under Strategy D.1.12 for the Professional Nursing Shortage Reduction Program (§61.9621-61.9628, Education Code) are trusteed to the Texas Higher Education Coordinating Board (THECB) to achieve the following outcomes: 1) increasing the number of graduates from professional nursing programs, 2) increasing the percentage of students in professional nursing programs that graduate within a reasonable time as determined by the board, and 3) increasing the number of graduates from master's and doctoral programs in nursing that join the faculty of a professional nursing program. Funds shall only be used to: 1) create additional nurse faculty positions, 2) provide temporary salary supplements for professional nursing faculty, 3) engage qualified preceptors to expand faculty capacity and 4) provide stipends to graduate nursing students enrolled in nurse educator certificate and degree programs and PhD nursing programs. "Professional nursing program" has the meaning assigned by § 61.9621, Education Code. After allocating up to $12.35 million each year consistent with subsections (a) and (b), the balance of appropriations in strategy D.1.12 each fiscal year shall be allocated consistent with subsection (c) and (d) below.

The THECB shall allocate the funds as follows: (a) The THECB may use up to $617,500 each year from the funds appropriated under Strategy D.1.12. for administrative expenses as authorized by § 61.9628, Education Code.

(b) The funds appropriated shall be distributed in an equitable manner to institutions, including institutions graduating their first nursing class, based on increases in numbers of nursing students graduating. The Coordinating Board shall apply a weight of 1.5 for increased graduates in nursing educator programs identified with a Classification of Instructional Program code of 51.1608 and 51.1699.6. Out of funds appropriated above in Strategy D.1.12, the Coordinating Board shall allocate up to 50 percent in each year of the biennium to community colleges. If the board is unable to allocate the balance of the funds up to $12.35

million in fiscal year 2010, to general academic and health-related institutions, it may allocate any unused funds to community colleges.

An institution is eligible to receive funds appropriated for fiscal year 2010 only if it commits for fiscal year 2010 to spend funds on its professional nursing program at least equal to the funds spent in fiscal year 2009 and for funds appropriated for fiscal year 2011 only if it commits for fiscal year 2011 to spend funds equal at least to the funds spent in fiscal year 2010. Funds received under Strategy D.1.12. shall not be included in these calculations.

The board shall have the authority to transfer funds from Strategy D.1.9, Professional Nursing Financial Aid, to Strategy D.1.12, Professional Nursing Shortage Reduction Program, for the purposes set out in this rider.

Any funds within the limit of $12.35 million not expended in fiscal year 2010 may be expended in fiscal year 2011.

The board shall distribute awards to qualifying institutions within 60 days of the start of the fiscal year or by November 1.

(c) The Coordinating Board is hereby directed to distribute at the beginning of the respective fiscal year $5,677,150 in fiscal year 2010 and $9,300,508 in fiscal year 2011 to institutions with nursing programs based on the following criteria: (1) programs with a graduation rate of 70% or above as reflected in the March 2009 Coordinating Board survey of graduation rates; (2) in fiscal year 2010 the institutions increase new enrollees by 8.5% over data reported in the March 2009 survey; (3) the institutions increase the number of new enrollees by an additional 5% in fiscal year 2011; and (4) the amount is based on $10,000 per year for each additional nursing student in a program leading to initial licensure as a registered nurse.

The funds shall be expended by the institutions only for purposes to expand the number of nursing students enrolled in fiscal year 2010 and again in fiscal year 2011. An institution shall use the funds received under this Nursing Shortage Initiative only for expenses related to the nursing programs at the respective institution. An institution is limited to expending an amount equal to what it generates based on the actual increase in entry level nursing enrollment in initial licensure programs at the institution. To the extent that the institution does not meet the enrollment targets which are the basis of this appropriation, these funds will return to the State Treasury at the end of the 2010-11 biennium.

(d) With the remaining appropriation in strategy D.1.12 after implementing subsections (a), (b), and (c), the THECB may use five percent for administrative expenses related to the allocation of funds as follows. Public and private institutions of higher education as defined in Education Code § 61.003 with nursing graduation rates below 70%, hospital based diploma programs or new programs whose graduation rates which have not been determined by the THECB can submit applications to increase the number of nursing graduates from programs leading to initial licensure as registered nurses. The funds shall be expended only for purposes to expand the number of entry level nurses graduating by fiscal year 2013. Institutions shall receive $20,000 for each graduate. The THECB may use the committee established under Education Code § 61.96231(d) to review proposals and make recommendations.

THECB shall enter a memorandum of understanding (MOU) with respective institutions to increase the number of nursing graduates. The MOU would indicate the number of nursing graduates for initial licensure the institution would produce; the number of payments and the timeframe for allocation of funds to the institution; identify benchmarks an institution must meet to receive payments; and the consequences of failing to meet the benchmarks.

(3) Under Article V, on page V-12 of the bill pattern for the Department of Criminal Justice by increasing Interagency Contracts (Other Funds) appropriations in Strategy C.2.3, Project RIO, by $1,300,000 in each fiscal year.

(4) Under Article V, on page V-19 and V-20 of the bill pattern for the Department of Criminal Justice by amending the following rider text:

Rider 32. Project RIO. The Texas Workforce Commission, the Texas Department of Criminal Justice, and the Texas Youth

Commission shall together enhance the effectiveness of Project RIO by improving cohesive program delivery among the three agencies. The agencies shall together develop and implement a biennial strategic plan for the implementation of a more cohesive and effective Project RIO program which will emphasize necessary skill development, rehabilitation, and appropriate assessment of the offender prior to release. Not later than March 1, 2010, the biennial strategic plan, jointly prepared by the three agencies, and including specific strategies, measures, timeframes for program improvement, and a methodology for program evaluation, shall be submitted to the Legislative Budget Board and the Governor. The Texas Workforce Commission shall maintain interagency contracts at ~~$3,259,735~~ <u>$4,559,735</u> in each fiscal year of the biennium to the Texas Department of Criminal Justice to fund Project RIO. The agencies shall enter into interagency contracts, to include the reporting of performance levels, for the 2010-11 biennium.

(5) Under Article VIII on page VIII-15, Rider 3, Contingency Appropriation: Regulatory Response, in section b. striking "Finance Commission" and substituting "Credit Union Commission."

(6) Under Article VIII, on page VIII-77, Rider 3, Appropriation of Unexpended Balances Within the Biennium, by striking "September 1, 2011" and substituting "August 31, 2011."

(7) Under Article XI, on page XI-3, for the Department of State Health Services by striking "Rider: Contingency for HB 3309, Hospital Medical Errors" and substituting "Rider: Contingency for HB 3099, Hospital Medical Errors".

(8) Under Article XI, on page XI-3, for the Department of State Health Services by striking "Rider: Contingency for HB 3309, Collection Hospital Medical Errors" and substituting "Rider: Contingency for HB 3099, Collection Hospital Medical Errors".

(9) Under Article XII, on pages XII-7 through XII-9 by amending Sections 5, 9, 10, 11, 12, 13, 14, and 16 to read as follow:

Sec. 5. Reporting Requirements. (a) Each state agency <u>or</u> ~~[and]~~institution of higher education receiving funds as a result of the American Recovery and Reinvestment Act (ARRA) [~~appropriations under this article~~] shall develop and submit a plan to the

Legislative Budget Board and the Governor providing details on the entity's intended use of [~~their~~] these appropriations. [~~from the American Recovery and Reinvestment Act (ARRA)~~.] The plan shall include a summary of any ARRA funds spent, allocated or encumbered prior to August 31, 2009. The report shall be delivered by September 30, 2009. For definitional purposes in this Article only, the phrase "funds as a result of the American Recovery and Reinvestment Act" means any federal funds received as a result of the ARRA and any General Revenue received for exceptional items or General Revenue received above the amount found in any strategy in the General Appropriations Act for the 2008-2009 biennium. The Legislative Budget Board may adopt rules related to the definition for a specific agency or institution as necessary."

(b) Each agency or institution ~~[of the agencies]~~ receiving [~~appropriations under this Article~~] funds as a result of the ARRA shall submit quarterly reports, in a form determined by the Legislative Budget Board, on expenditure of funds appropriated from the American Recovery and Reinvestment Act Fund. Reports shall be submitted no later than the following dates each year: December 31, March 31, June 30, and September 30. The reports shall be submitted to the Governor, Legislative Budget Board, State Auditor's Office, and Comptroller of Public Accounts.

Sec. 9. Prohibition of Expansion of State Government. It is the intent of the legislature that, to the extent allowed by federal and state law in regard to American Recovery and Reinvestment Act funding, an agency or institution [~~appropriated funds under this Act~~] not adopt a plan, policy, procedure, strategy, or rule to facilitate expenditure of funds received as a result of the American Recovery and Reinvestment Act [~~funding~~] during this or future biennia for expansion of a program, strategy, policy, expenses, or employment which:

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

(2) creates liability on behalf of the State of Texas to make:

(A) repayment to the United States treasury (i.e.

"clawback") in the event of a future discontinuation of payments to the direct or indirect beneficiaries from those American Recovery and Reinvestment Act funds already expended; or

(B) payments to direct or indirect beneficiaries of a program or strategy in excess of those funds actually received by the State of Texas from the United States treasury.

Sec. 10. Discontinued Funding Plan. Each agency or institution receiving funds as a result of the American Recovery and Reinvestment Act [~~funding appropriated in this Article~~] shall prepare a written Discontinued Funding Plan ("plan") which addresses the fact that funds received as a result of the American Recovery and Reinvestment Act [~~funding is~~] are temporary in nature and that programs authorized and federal funds provided by the American Recovery and Reinvestment Act will be eliminated or reduced or might reasonably be viewed as likely to be eliminated or reduced during this or future biennia. According to requirements of the Legislative Budget Board and the Governor the plan must:

(1) identify funds received as a result of American Recovery and Reinvestment Act;

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

(3) be filed initially with the Legislative Budget Board and Governor no later than September 30, 2009;

(4) be updated quarterly;

(5) be supplemented as requested by the Legislative Budget Board or Governor;

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

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

(8) state whether staff hired by an agency or institution as a result of American Recovery and Reinvestment Act was notified that the positions of employment are temporarily because they are funded by American Recovery and Reinvestment Act;

(9) state the manner in which the agency or institution

will reduce services and benefits when American Recovery and Reinvestment Act funding are eliminated or reduced;

(10) provide such other information as may be required for an agency or institution by the Legislative Budget Board or the Governor;

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

(12) be available for public inspection and review.

Sec. 11. Exceptions provided for use of appropriations. As a specific exception to the requirement of Article IX, Sec. 8.02, of this Act, that all federal funds appropriated by this Act be deposited to and expended from an appropriation item identified in this Act and not be expended for a purpose other than those a purpose reviewed by the Eighty-first Legislature and authorized by specific language in this Act or encompassed by an agency's or institution's budget structure as established by this Act, all American Recovery and Reinvestment Act funds appropriated by this Article may be expended for other items and purposes with the written permission of the Legislative Budget Board and the Governor.

Sec. 12. Discontinuance of position associated with American Recovery and Reinvestment Act. It is the intent of the legislature that a position of employment created as a result of the receipt of funds received as a result of the American Recovery and Reinvestment Act [~~funding~~] shall be eliminated by an agency or institution upon exhaustion or discontinued availability of funds received as a result of the American Recovery and Reinvestment Act ~~[funding]~~ for that position.

Sec 13. Maximization of American Recovery and Reinvestment Act funds. In order to maximize the amount of American Recovery and Reinvestment Act federal funds that might become available to the State of Texas, state funds from any source used by a state agency or institution to provide services or benefits may be counted in any manner consistent with then existing law towards any required state matching contribution for such American Recovery and Reinvestment Act funds.

Sec. 14. State Energy Projects Funding. From Funds appropriated to the Comptroller of Public Accounts in this Article for the State Energy Program~~ and to the extent allowed by federal law and regulations, ~~the Comptroller of Public Accounts shall grant to the Texas Facilities Commission ~~funds at least $22,000,000~~ in fiscal year 2010 funds to the fullest extent allowed by federal law and regulations for energy efficiency upgrades on the following state-owned buildings: Disaster Recovery Operations Computer Center, James E. Rudder, Lyndon B. Johnson, Sam Houston, E. O. Thompson, Brown Heatly, John H. Winters, William P. Clements, Robert E. Johnson, State Records Center, Insurance Annex, Thomas J. Rusk, Department of Assistive Rehabilitation Services, and Price Daniels.

Sec. 16. Reporting of Federal Economic Stabilization Funding under the American Recovery and Reinvestment Act of 2009. Each state agency or institution that receives funds as a result of [~~pursuant to~~]the American Recovery and Reinvestment Act [~~of 2009 (ARRA)~~] and that provides reports to the Legislative Budget Board and federal agencies regarding funding received under ARRA shall 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.