ARTICLE XII

AMERICAN RECOVERY AND REINVESTMENT ACT

Sec. 1. The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated agencies.

COMMISSION ON THE ARTS

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 427,300	$ 0
Total, Method of Financing	$ 427,300	$ 0
Items of Appropriation:		
Item 1: Promotion of the Arts - Partnership Agreements	$ 427,300	$ 0
Grand Total, COMMISSION ON THE ARTS	$ 427,300	$ 0

OFFICE OF THE ATTORNEY GENERAL

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
General Revenue Fund	$ (27,300,000)	$ 0
Federal American Recovery and Reinvestment Fund	37,400,000	0
Total, Method of Financing	$ 10,100,000	$ 0
Items of Appropriation:		
Item 1: Child Support Enforcement - Reduce GR	$ (27,300,000)	$ 0
Item 2: Child Support Enforcement	$ 27,300,000	$ 0
Item 3: Crime Victims Compensation	$ 7,800,000	$ 0
Item 4: Internet Crimes Against Children (ICAC)	$ 2,300,000	$ 0
Grand Total, OFFICE OF THE ATTORNEY GENERAL	$ 10,100,000	$ 0

FISCAL PROGRAMS - COMPTROLLER OF PUBLIC ACCOUNTS

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 284,800,000	$ 0
Total, Method of Financing	$ 284,800,000	$ 0
Items of Appropriation:		
Item 1: State Energy Program	$ 218,800,000	$ 0
Item 2: Energy Efficiency and Conservation Block Grant	$ 45,600,000	$ 0
Item 3: ENERGY STAR Appliance Rebate Program	$ 20,400,000	$ 0
Grand Total, FISCAL PROGRAMS - COMPTROLLER OF PUBLIC ACCOUNTS	$ 284,800,000	$ 0

TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 101,400,000	$ 0
Total, Method of Financing	$ 101,400,000	$ 0
Items of Appropriation:		
Item 1: Byrne Justice Assistance Grants (JAG)	$ 90,300,000	$ 0
Item 2: Crime Victims Assistance	$ 2,100,000	$ 0
Item 3: Violence Against Women	$ 9,000,000	$ 0
Grand Total, TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR	$ 101,400,000	$ 0

DEPARTMENT OF AGING AND DISABILITY SERVICES

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
General Revenue Fund	$ (4,200,000)	$ 0
Federal American Recovery and Reinvestment Fund	10,200,000	0
Total, Method of Financing	$ 6,000,000	$ 0
Items of Appropriation:		
Item 1: Senior Nutrition Program - Congregate Nutrition	$ 4,000,000	$ 0
Item 2: Senior Nutrition Program - Home Delivered Meals	$ 2,000,000	$ 0
Item 3: Title XX	$ 4,200,000	$ 0
Item 4: Title XX - Reduce GR	$ (4,200,000)	$ 0
Grand Total, DEPARTMENT OF AGING AND DISABILITY SERVICES	$ 6,000,000	$ 0

DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 87,600,000	$ 0
Total, Method of Financing	$ 87,600,000	$ 0
Items of Appropriation:		
Item 1: IDEA, Part C, Special Education Grants for Infants and Families	$ 39,400,000	$ 0
Item 2: Independent Living Services - State Grants	$ 1,100,000	$ 0
Item 3: Independent Living Services - Elderly/Blind	$ 2,300,000	$ 0
Item 4: Vocational Rehabilitation Services	$ 44,800,000	$ 0
Grand Total, DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES	$ 87,600,000	$ 0

DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 64,370,942	$ 0
Total, Method of Financing	$ 64,370,942	$ 0
Items of Appropriation:		
Item 1: Child Care and Development Block Grant (CCDBG)	$ 16,388,233	$ 0
Item 2: Temporary Assistance for Needy Families (TANF)	$ 47,982,709	$ 0
Grand Total, DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES	$ 64,370,942	$ 0

DEPARTMENT OF STATE HEALTH SERVICES

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 7,360,681	$ 0
Federal Funds	(1,662,611)	0
Total, Method of Financing	$ 5,698,070	$ 0
Items of Appropriation:		
Item 1: Section 317 Immunizations (Prevention and Wellness)	$ 3,160,681	$ 0
Item 2: Reduce Federal Funds - Title XX	$ (4,200,000)	$ 0
Item 3: Temporary Assistance to Needy Families (TANF) to Title XX	$ 4,200,000	$ 0
Item 4: Prevention and Wellness Fund	$ 400,000	$ 0
Item 5: Infection Reduction Activities	$ 2,137,389	$ 0
Grand Total, DEPARTMENT OF STATE HEALTH SERVICES	$ 5,698,070	$ 0

HEALTH AND HUMAN SERVICES COMMISSION

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
General Revenue Fund	$ (2,513,000,000)	$ 0
Federal American Recovery and Reinvestment Fund	2,560,594,804	0
Total, Method of Financing	$ 47,594,804	$ 0
Items of Appropriation:		
Item 1: Food Stamps (Supplemental Nutritional Assistance Program)	$ 27,600,000	$ 0
Item 2: Temporary Assistance for Needy Families (TANF)	$ 17,868,380	$ 0
Item 3: Medicaid Enhanced FMAP - Reduce GR	$ (2,513,000,000)	$ 0
Item 4: Medicaid Enhanced FMAP	$ 2,513,000,000	$ 0
Item 5: Prevention and Wellness Fund	$ 2,126,424	$ 0
Grand Total, HEALTH AND HUMAN SERVICES COMMISSION	$ 47,594,804	$ 0

TEXAS EDUCATION AGENCY

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
General Revenue Fund	$ (3,250,200,000)	$ 0
Federal American Recovery and Reinvestment Fund	5,874,392,500	0
Total, Method of Financing	$ 2,624,192,500	$ 0
Items of Appropriation:		
Item 1: Education for Homeless Children and Youth	$ 3,500,000	$ 0
Item 2: Educational Technology State Grants	$ 59,400,000	$ 0
Item 3: IDEA, Special Education Grants to States	$ 945,600,000	$ 0
Item 4: Title I, Grants to Local Educational Agencies	$ 944,600,000	$ 0
Item 5: IDEA, Preschool Grants to States	$ 24,300,000	$ 0
Item 6: Title I, School Improvement Grants	$ 285,200,000	$ 0
Item 7: Level of State Support - Reduce GR	$ (1,866,000,000)	$ 0
Item 8: Available School Fund Shortfall - Reduce GR	$ (1,384,200,000)	$ 0
Item 9: Education Stabilization Funds for FSP Funding and ASF Shortfall	$ 3,250,200,000	$ 0
Item 10: Proclamation 2010 Textbooks	$ 361,592,500	$ 0
Grand Total, TEXAS EDUCATION AGENCY	$ 2,624,192,500	$ 0

HIGHER EDUCATION COORDINATING BOARD

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 80,000,000	$ 0
Total, Method of Financing	$ 80,000,000	$ 0
Items of Appropriation:		
Item 1: Incentive Funding	$ 80,000,000	$ 0
Grand Total, HIGHER EDUCATION COORDINATING BOARD	$ 80,000,000	$ 0

GENERAL ACADEMIC INSTITUTIONS

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 81,000,000	$ 0
Total, Method of Financing	$ 81,000,000	$ 0
Items of Appropriation:		
Item 1: Formula Funding	$ 81,000,000	$ 0
Grand Total, GENERAL ACADEMIC INSTITUTIONS	$ 81,000,000	$ 0

HEALTH RELATED HIGHER EDUCATION INSTITUTIONS

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 51,000,000	$ 0
Total, Method of Financing	$ 51,000,000	$ 0
Items of Appropriation:		
Item 1: Formula Funding	$ 51,000,000	$ 0
Grand Total, HEALTH RELATED HIGHER EDUCATION INSTITUTIONS	$ 51,000,000	$ 0

HIGHER EDUCATION AND OTHER GOVERNMENT PROGRAMS

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 111,407,500	$ 0
Total, Method of Financing	$ 111,407,500	$ 0
Items of Appropriation:		
Item 1: Stimulus Funding	$ 111,407,500	$ 0
Grand Total, HIGHER EDUCATION AND OTHER GOVERNMENT PROGRAMS	$ 111,407,500	$ 0

PUBLIC COMMUNITY/JUNIOR COLLEGES

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 15,000,000	$ 0
Total, Method of Financing	$ 15,000,000	$ 0
Items of Appropriation:		
Item 1: Formula Funding	$ 15,000,000	$ 0
Grand Total, PUBLIC COMMUNITY/JUNIOR COLLEGES	$ 15,000,000	$ 0

DEPARTMENT OF AGRICULTURE

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 21,800,000	$ 0
Total, Method of Financing	$ 21,800,000	$ 0

DEPARTMENT OF AGRICULTURE
(Continued)

Items of Appropriation:		
Item 1: Temporary Emergency Food Assistance Program	$ 8,200,000	$ 0
Item 2: Temporary Emergency Food Assistance Program - Administration	$ 2,100,000	$ 0
Item 3: National School Lunch Equipment	$ 11,500,000	$ 0
Grand Total, DEPARTMENT OF AGRICULTURE	$ 21,800,000	$ 0

COMMISSION ON ENVIRONMENTAL QUALITY

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 12,509,000	$ 0
Total, Method of Financing	$ 12,509,000	$ 0
Items of Appropriation:		
Item 1: Leaking Underground Storage Tank Trust Fund	$ 10,779,000	$ 0
Item 2: Clean Diesel Grant	$ 1,730,000	$ 0
Grand Total, COMMISSION ON ENVIRONMENTAL QUALITY	$ 12,509,000	$ 0

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 565,075,732	$ 0
Total, Method of Financing	$ 565,075,732	$ 0
Items of Appropriation:		
Item 1: Weatherization Assistance Program	$ 326,975,732	$ 0
Item 2: Community Services Block Grant (CSBG)	$ 48,200,000	$ 0
Item 3: HOME Program	$ 148,400,000	$ 0
Item 4: Homelessness Prevention	$ 41,500,000	$ 0
Grand Total, DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS	$ 565,075,732	$ 0

OFFICE OF RURAL COMMUNITY AFFAIRS

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 19,500,000	$ 0
Total, Method of Financing	$ 19,500,000	$ 0
Items of Appropriation:		
Item 1: Community Development Block Grant (CDBG)	$ 19,500,000	$ 0
Grand Total, OFFICE OF RURAL COMMUNITY AFFAIRS	$ 19,500,000	$ 0

DEPARTMENT OF TRANSPORTATION

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 1,637,800,000	$ 0
Total, Method of Financing	$ 1,637,800,000	$ 0
Items of Appropriation:		
Item 1: Highway and Bridge Construction	$ 1,587,800,000	$ 0
Item 2: Urban and Non-Urban Capital Transit	$ 50,000,000	$ 0
Grand Total, DEPARTMENT OF TRANSPORTATION	$ 1,637,800,000	$ 0

TEXAS WORKFORCE COMMISSION

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Method of Financing:		
Federal American Recovery and Reinvestment Fund	$ 436,811,767	$ 0
Total, Method of Financing	$ 436,811,767	$ 0
Items of Appropriation:		
Item 1: Child Care and Development Block Grant (CCDBG)	$ 198,511,767	$ 0
Item 2: Employment Services (ES)	$ 27,200,000	$ 0
Item 3: Senior Community Service Employment Program (SCSEP)	$ 1,300,000	$ 0
Item 4: Workforce Investment Act (WIA) - Adults	$ 24,300,000	$ 0
Item 5: Workforce Investment Act - Adult - Skills Development Program	$ 10,000,000	$ 0
Item 6: Workforce Investment Act (WIA) - Dislocated Workers	$ 53,800,000	$ 0
Item 7: Workforce Investment Act (WIA) - Youth	$ 82,000,000	$ 0
Item 8: Unemployment Insurance - Improve Systems	$ 39,700,000	$ 0
Grand Total, TEXAS WORKFORCE COMMISSION	$ 436,811,767	$ 0

SPECIAL PROVISIONS
AMERICAN RECOVERY AND REINVESTMENT ACT

Sec. 2. Informational Item: Fiscal Year 2009 Allocations. In addition to the amounts appropriated above, it is estimated that the following amounts will be distributed in fiscal year 2009 under provisions of the American Recovery and Reinvestment Act for the following purposes:

Health and Human Services Commission: Enhanced Federal Medical Assistance Percentage	$1,619,843,693
Office of the Attorney General: Child Support Enforcement	27,300,000
Texas Department of Transportation: Highway & Bridge Construction	662,200,000
Total, Fiscal Year 2009 Allocation	**$2,309,343,693**

Sec. 3. Informational Item: American Recovery and Reinvestment Act funding not included in this Act. In addition to the amounts appropriated in this Article, it is estimated that the following amounts will not be appropriated to state agencies but available for distribution to local entities.

Urban and Non-Urban Transit Funds	$ 325,000,000
Byrne Justice Assistance Grants	$ 57,000,000
Medicaid Disproportionate Share Hospital Funds Allocated to Hospitals	$ 71,000,000
Homelessness Prevention Funds Allocated to Locals	$ 63,000,000

Clean Water State Revolving Fund	$	181,000,000
Safe Drinking Water State Revolving Fund	$	161,000,000
Total	$	858,000,000

Sec. 4. Unexpended Balances. Any unexpended balances as of August 31, 2010, out of appropriations made above in this Article are hereby appropriated for the fiscal year beginning September 1, 2010, for the same purposes.

Sec. 5. Reporting Requirements.

(a) Each state agency and institution of higher education receiving 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 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. If the Legislative Budget Board and the Governor do not issue a written disapproval within fifteen business days of receiving the agency's notification, the agency may expend the funds.

(b) Each of the agencies and institutions receiving appropriations under this Article shall submit quarterly reports on expenditure of funds appropriated from the American Recovery and Reinvestment Act Fund. The report shall be in the format prescribed by the Legislative Budget Board, including the following;

(1) the estimated number of jobs to be created or retained; and
(2) the number of full-time equivalents positions.

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.

(c) Each state agency or institution that receives funds as a result of the American Recovery and Reinvestment Act 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.

Sec. 6. Limitation on Use of Funds.

(a) None of the funds appropriated in this Article may be expended for any purpose other than those identified above without prior written approval of the Governor and Legislative Budget Board.

b) If the federal Government or its agencies fail to approve an application by an entity receiving funds in this act, of funds appropriated in this act, the affected state agency shall notify the Governor, Comptroller, LBB and State Auditor of such federal determination. Such notice may include a proposed alternate use of the subject funds if consistent with the purposes identified above, and if the Governor and LBB do not issue a written disapproval within fifteen business days of receiving the agency's notification, the agency may expend the funds. If the Governor and LBB issue a written disapproval of the proposed alternate use, the Governor and Legislative Budget Board may modify the purposes for which such appropriation may be expended.

(c) Prior to the expenditure of any funds appropriated in this Article, each agency shall report to the Legislative Budget Board, the Governor, and Comptroller of Public Accounts any changes in federal law, rules, or regulations related to programs that receive appropriations under this Article that could create a future fiscal obligation beyond fiscal year 2011 to the state. If the Legislative Budget Board and the Governor do not issue a written disapproval within fifteen business days of receiving the agency's notification, the agency may expend the funds.

(d) Each state agency that receives funds appropriated under this Article shall certify to the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts how these funds or the programs receiving these funds under this Article comply with applicable state

law, federal law, rules, regulations, and other relevant guidance, including any changes in guidance or interpretation and any information reported under Subsection (b). Such certification shall include a statement that the agency's chief executive and executive staff have knowledge of ARRA law and federal agency actions regarding that law and in their official capacity accept responsibility that its use of funds appropriated under this Article is in compliance with federal law, state law, rules, regulations and relevant guidance.

(e) The Comptroller, in cooperation with the State Auditor, may prescribe and implement any payment and post-payment audit procedures deemed necessary to ensure compliance with this section. The Comptroller may provide consultation and training for agencies prior to obligation or expenditure of funds, and will provide technical assistance as needed during the biennium. The Comptroller will coordinate with the State Auditor to ensure appropriate use of the funds throughout the biennium. Each state agency that receives funds under this Article must comply with reporting requirements implemented by the Comptroller and State Auditor.

Sec. 7. Priority of Funding. To the extent allowed under the American Recovery and Reinvestment Act (ARRA), from funds appropriated in this Article, agencies shall give priority to expenditures that do not recur beyond the 2010-11 fiscal biennium.

Further, to the extent allowed under ARRA, agencies shall not create a 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. 8. 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 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 for that position.

Sec. 9. 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. 10. Cooperation of Agency Audit and Investigation Personnel with State Auditor. All inspectors general, internal auditors, external contracted auditors, and all other personnel at state agencies and institutions of higher education shall cooperate with any and all requests by the State Auditor's Office related to funds received under the American Recovery and Reinvestment Act or any subsequent Federal economic stimulus legislation.

Sec. 11. Informational Rider: Reduction in General Revenue. The amounts of general revenue reductions shown above in certain agency appropriations in this Article are in accordance with Title V, State Fiscal Relief, of the American Recovery and Reinvestment Act.

Sec. 12. FMAP Allocations. Appropriations above to the Health and Human Services Commission for Medicaid Enhanced FMAP shall be allocated by the Commission to affected agencies. The Commission shall submit a plan for that allocation to the Legislative Budget Board and the Governor by September 30, 2009.

Sec. 13. State Energy Projects Funding. From funds appropriated to the Comptroller of Public Accounts in this Article for the State Energy Program, the Comptroller of Public Accounts shall grant to the Texas Facilities Commission 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 subject to approval by the United States Department of Energy and, if not approved, shall be used for the state energy program at the discretion of the Comptroller.

Sec. 14. Informational Item: Border Security Appropriations. It is the intent of the legislature that the Byrne Justice Assistance Grants appropriated above be distributed based on the following priorities first to:

(1) $3,600,000 to the Department of Public Safety for overtime and operational costs for increased patrol and investigative capacity for certified peace officers (DPS and local); then to

(2) $6,500,000 to the Department of Public Safety for border-wide crime mapping and surveillance capability to support resource deployment and assessments; then to

(3) $1,500,000 to the Department of Public Safety to establish a multi-agency gang intelligence section in the Texas Fusion Center; then to

(4) $1,200,000 to the Texas Parks and Wildlife Department for 2 deep water patrol boats, 6 jet-drive flat bottom river patrol boats, and 5 lake patrol boats and related capital budget authority; then to

(5) $500,000 to the Texas Parks and Wildlife Department for overtime and operational costs for increased patrol and investigative capacity; then to

(6) $10,000,000 to the Trusteed Programs within the Office of the Governor for expanding radio interoperability, communications and night vision capabilities; then to

(7) $2,000,000 to the Trusteed Programs within the Office of the Governor to provide funding for equipment and training to support patrol operations; then to

(8) $2,500,000 to the Trusteed Programs within the Office of the Governor to fund overtime to expand gang enforcement patrols; and then to

(9) $1,750,000 to the Trusteed Programs within the Office of the Governor to fund overtime to expand multi-jurisdictional gang investigations.

Sec. 15. Green Jobs Training Program. To the extent allowed by federal law, the Texas Workforce Commission shall use Workforce Investment Act federal funds under the American Recovery and Reinvestment Act (ARRA), to facilitate a green jobs training program. The Commission shall report to the Legislative Budget Board before September 30, 2009, regarding programs and recovery funding streams in other state and local agencies that could be part of a coordinated green jobs strategy including funds allocated for child care programs, vocational training initiatives, energy efficiency measures, the Weatherization Assistance Program (WAP), and/or any other recovery funds.

Sec. 16. Minority Participation in Certain Contracts. It is the intent of the legislature that each state agency or institution shall take appropriate action ensuring minority participation in contract procurement for goods and services when contracting for the expenditure of federal funds appropriated to the state under the American Recovery and Reinvestment Act.

Sec. 17. Prevention and Wellness Pilot. Contingent upon the receipt of Prevention and Wellness federal stimulus funds in excess of amounts reflected in Article XII of this Act, the Department of State Health Services (DSHS) shall allocate up to $1,500,000 in federal stimulus funds in each fiscal year of the 2010-11 biennium to develop a pilot project that would create an online medical home targeting obesity and other chronic diseases for selected populations. DSHS shall report annually on the progress of the pilot program as required by the American Reinvestment and Recovery Act of 2009.

Sec. 18. Vocational Rehabilitation Stimulus Grants Funds. The Department of Assistive and Rehabilitative Services (DARS) is authorized to utilize Vocational Rehabilitation Stimulus Grant Funds appropriated by Article XII of this Act for contracted workers, temporary enhanced services, and one-time equipment purchases for the 2010-11 biennium, to the extent allowed under the American Recovery and Reinvestment Act. Vocational Rehabilitation Stimulus Grant funds may not be expended for any purpose other than those identified above without prior written approval of the Governor and Legislative Budget Board.

Sec. 19. IDEA, Part C, Special Education Grants for Infants and Families Stimulus Funds. The Department of Assistive and Rehabilitative Services (DARS) is authorized to utilize IDEA, Part C, Special Education Grants for Infants and Families Stimulus funds appropriated by Article XII of this Act to provide temporary provider rate increases to early childhood intervention (ECI) providers in the 2010-11 biennium, contingent upon the following:

1. The agency retains the current eligibility criteria;
2. The agency retains no less than the current service levels per child;
3. The agency attests that a temporary provider rate increase will not create a need for supplemental funding or a transfer from another agency, including transfers pursuant to rider 9 in the bill pattern of the Department of Assistive and Rehabilitative Services in this Act;
4. The agency attests that it can reasonably and proportionately reduce or eliminate the temporary provider rate increase authorized by this rider after the American Recovery and Reinvestment Act funding is reduced or eliminated; and
5. To the extent allowed under the American Recovery and Reinvestment Act.

Forty-five calendar days prior to implementing a temporary provider rate increase to ECI providers, the Commissioner of DARS shall submit a letter to the Legislative Budget Board and Governor confirming that the five conditions outlined above are met and estimating the amount by fiscal year for the 2010-11 biennium of IDEA, Part C, Special Education Grants for Infants and Families Stimulus funds that are budgeted for the temporary provider rate increases. Additionally, DARS shall submit a budget for Strategy A.1.1, ECI Services for both fiscal years of the 2010-11 biennium, detailing the Method of Finance, Unexpended Balances, carryforwards, caseload assumptions, and average cost assumptions. The budget shall be submitted in a format specified by the Legislative Budget Board.

Sec. 20. Federal Stimulus Match Assumptions. The following percentages reflect federal match assumptions used in this Article.

Federal Medical Assistance Percentage (FMAP)

	2010	**2011**
Federal Fiscal Year	68.26%	60.91%
State Fiscal Year	68.43%	61.56%

In the event that the actual FMAP exceeds these levels, a health and human services agency is authorized to expend the General Revenue Funds within the Medicaid program thereby made available only upon prior written approval from the Legislative Budget Board and Governor. Any additional General Revenue Funds made available should first be used to reduce any anticipated supplemental need related to maintaining current Medicaid entitlement services; this includes the transfer of funds made available at any health and human services agency to any other health and human services agency that anticipates a shortfall.

To request authorization to expend available General Revenue Funds resulting from a higher FMAP, an agency shall submit a written request to the Legislative Budget Board and the Governor. At the same time, the agency shall provide a copy of the request to the Comptroller of Public Accounts. The request shall include the following information, by fiscal year:

a. a detailed explanation of the proposed use(s) of the available General Revenue Funds and whether the expenditure(s) will be one-time or ongoing;

b. the amount available by strategy;

c. the strategy(ies) in which the funds will be expended and the associated amounts, including any matching federal funds;

d. an estimate of performance levels and, where relevant, a comparison to targets included in this Act; and

e. the capital budget and/or full-time equivalent impact.

Any request to use funds for purposes other than to maintain current Medicaid entitlement services must be accompanied by a certification from the Executive Commissioner of the Health and Human Services Commission that no health and human services agency anticipates a supplemental need related

to Medicaid entitlement services based upon the commission's most recent caseload and cost projections.

Additional information requested by the Legislative Budget Board or the Governor should be provided in a timely manner. The request and information provided subsequently shall be prepared in a format specified by the Legislative Budget Board.

The request shall be considered to be approved unless the Legislative Budget Board or the Governor issue a written disapproval within 15 business days of the date on which the staff of the Legislative Budget Board concludes 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, Speaker of the House, and Lieutenant Governor.

The Comptroller of Public Accounts shall not allow the expenditure of General Revenue Funds made available if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the requirements of this provision have not been satisfied.

Sec. 21. Quality Infant and Toddler Programs. Out of the funds appropriated above to the Department of Family and Protective Services for fiscal year 2010, $4,000,000 in Child Care Development Block Grant funds may only be used to invest in high quality programs for infants and toddlers based on a plan that is approved by the Governor and the Legislative Budget Board.

Sec. 22. Temporary Assistance for Needy Families Emergency Contingency Funding. Notwithstanding Rider 25 in the General Appropriations Act, Article II, Health and Human Services Commission (Conference Committee Report on Senate Bill No. 1, 81st Legislature, Regular Session), the Health and Human Services Commission may use Temporary Assistance for Needy Families (TANF) Emergency Contingency Funds received under the federal American Recovery and Reinvestment Act (ARRA) of 2009 to fund up to an additional $75 for each TANF child for one-time grants (for a total of up to $105 for each TANF child) in August 2010 in an effort to maximize federal ARRA funding to the state. Any additional ARRA TANF Emergency Contingency Funds that become available are hereby appropriated for the biennium beginning September 1, 2009 for the purpose of refinancing expenditures that have been made from regular TANF federal block grant funds and increasing the TANF reserves balance. The refinancing is expected to yield an estimated increase in the TANF reserves balance of $3,100,000 by August 2011.

Sec. 23. Education Stabilization Funds - Necessary Adjustments. The Texas Education Agency, with the prior approval of the Legislative Budget Board, is hereby authorized to make any necessary adjustments to the agency's appropriation authority provided by this Act for federal Education Stabilization Funds, including allocations across fiscal years and strategies, as well as necessary adjustments to appropriate rider provisions, in order to conform these items to the state application for the Education Stabilization Funds as approved by the U.S. Department of Education. The Texas Education Agency shall notify the Governor and the Comptroller of Public Accounts of any adjustments made under this provision.

General Revenue amounts identified above in Item 7 for the Texas Education Agency represent the same reductions made in Rider 85, Foundation School Funds for Improving Equity, Reducing Recapture, and Providing Educator Salary Increases, of the Texas Education Agency's bill pattern in Article III of this Act, as a contingency in the event school finance legislation described by that rider should fail to pass.

Should school finance legislation as described by Rider 85 fail to pass, the Texas Education Agency is hereby authorized to establish a method for distributing funds identified above in Item 9, in the amount of $933 million in each year of the 2010-11 biennium, to school districts through the state's primary funding formulas, pursuant to the provisions of the American Recovery and Reinvestment Act of 2009. The Texas Education Agency shall consult with the Office of the Governor prior to the establishment of a distribution method under this provision. The Texas Education Agency may not expend any funds appropriated under this provision without the prior approval of the Legislative Budget Board.

Sec. 24. Informational Rider: Government Services Stabilization. Funds appropriated above from Title XIV (b), Other Government Services, of the American Recovery and Reinvestment Act are a one-time expenditure for the 2010-11 biennium.

Sec. 25. Allocation of Higher Education and Other Government Programs Stimulus Funding. Appropriations made above for Higher Education and Other Government Programs Stimulus Funding shall be allocated as follows:

Angelo State University	Nursing & Allied Health	$2,000,000
Blinn College	Star of Texas	$100,000
Coastal Bend Community College	Mobile Simulation Lab	$500,000
Commission on the Arts	Cultural Trust	$1,000,000
Department of State Health Services	Vernon State Hospital	$2,500,000
Historical Commission	Renovate Presidio de San Saba	$1,000,000
Lamar Port Arthur	Centennial Scholarships	$500,000
Lamar University	Institutional Enhancement	$2,500,000
Midwestern University	Autism Support Program	$220,000
Office of the Governor Trusteed Programs	Defense Economic Adjustment Assistance Grants	$5,000,000
Sam Houston University	Institutional Enhancement	$4,000,000
Temple College	Eastern Williamson County Higher Education Center	$805,000
Texas A&M Health Science Center	College of Medicine Expansion	$8,000,000
Texas A&M Health Science Center in McAllen	Biosecurity and Import Safety	$1,000,000
Texas A&M Texarkana	Downward Expansion	$6,000,000
Texas A&M University-Commerce	BS Construction Engineering	$1,000,000
Texas Department of Agriculture	Fairpark Agriculture Buildings	$1,000,000
Texas Education Agency	Houston Early College High School	$1,000,000
Texas Engineering Experiment Station	Nuclear Power Institute	$4,000,000
Texas State University-San Marcos	River Systems Monitoring	$1,000,000
Texas Tech Health Science Center	West Texas Area Health Education Center	$4,000,000
Texas Tech University	Emerging Technologies Research	$4,000,000
University of Houston	Energy Research	$3,000,000
University of Houston-Downtown	Community Development	$250,000
University of North Texas	Institutional Enhancement	$2,000,000
University of North Texas	State Historical Association	$150,000
University of North Texas System	Law School Contingency	$5,000,000
University of Texas Health Science Center-Houston	Heart Institute--Adult Stem Cell Program	$5,000,000
University of Texas Health Science Center-Houston	Public Health	$9,500,000
University of Texas Health Science Center-San Antonio	Life Science Institute	$4,000,000
University of Texas Health Science Center-San Antonio	Regional Academic Health Center	$6,500,000
University of Texas-San Antonio	Life Science Institute	$4,000,000
University of Texas-Austin	Law School Clinical Program	$420,000
University of Texas-Dallas	Middle School Brain Years	$6,000,000
University of Texas-Dallas	Academic Bridge	$462,500
University of Texas-Dallas	Center for Values in Medicine, Science and Technology	$5,000,000
University of Texas-San Antonio	P-16 Council	$500,000
University of Texas Southwestern Medical Center-Dallas	Institute for Genetic & Molecular Disease	$8,000,000
Vernon Community College	Workforce Training Development	$500,000

Sec. 26. University of North Texas. Amounts appropriated above to the University of North Texas include $75,000 in each year of the 2010-11 biennium for support of K-12 education programs sponsored by the Texas State Historical Association to enhance the study of history and mastery of the applicable TEKS.

Sec. 27. Midwestern State University.[1] Amounts appropriated above to Midwestern State University include $106,500 in fiscal year 2010 and $114,500 in fiscal year 2011 to be used for the Autism Support Program for students with autism spectrum disorder.

Sec. 28. Vernon State Hospital. Contingent upon the Department of State health Services (DSHS) submitting and the Legislative Budget Board and Governor approving a plan detailing the capacity expansion at Vernon State Hospital, $1,250,000 in funds appropriated above in each year of the 2011-2011 biennium to DSHS shall be used to increase the number of beds at Vernon State hospital by up to 16. The number of full time equivalents is increased by 49 in each fiscal year of the 2010-11 biennium.

Sec. 29. American Recovery and Reinvestment Act (ARRA) Compliance Costs. State agencies, including the Comptroller and the Governor's Office, are expected to incur additional expenses as a cost of compliance with the federal ARRA. To the extent that Texas receives more than $700,000,000 from Title XIV (b), Other Government Services, of the American Recovery and Reinvestment Act, the first $10,000,000 plus any statewide cost allocation plan recoveries, is hereby appropriated to the Office of the Governor for compliance costs associated with the American Recovery and Reinvestment Act. These funds may be transferred, or expended by interagency contract as necessary to cover the costs of federal compliance. Any excess funds in addition to the amounts described above are hereby appropriated to the Texas Commission on Environmental Quality for the Texas Emissions Reduction Plan.

Sec. 30. Reduction of Appropriations. General revenue appropriations made in Article III of this Act are hereby reduced by $588,592,500 in amounts to correspond with the following Government Stabilization Funds appropriated above:

Texas Education Agency	Proclamation 2010 Textbooks	$361,592,500
Higher Education Coordinating Board	Incentive Funding	$80,000,000
General Academic Institutions	Formula Funding	$81,000,000
Health Related Institutions	Formula Funding	$51,000,000
Public Community/Junior Colleges	Formula Funding	$15,000,000

[1] Amounts in Section 27 describe the appropriation of $220,000 made in Section 25. To match the appropriation, the Section 27 annual amounts should be $106,000 in Fiscal Year 2010 and $114,000 in Fiscal Year 2011.

RECAPITULATION - ARTICLE XII
AMERICAN RECOVERY AND REINVESTMENT ACT
(General Revenue)[1]

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Office of the Attorney General	$ (27,300,000)	$ 0
Department of Aging and Disability Services	(4,200,000)	0
Health and Human Services Commission	(2,513,000,000)	0
Texas Education Agency	(3,250,200,000)	0
Article XII, Special Provisions, Rider Appropriations	(588,592,500)	0
TOTAL, ARTICLE XII - AMERICAN RECOVERY AND REINVESTMENT ACT	$ (6,383,292,500)	$ 0

RECAPITULATION - ARTICLE XII
AMERICAN RECOVERY AND REINVESTMENT ACT
(Federal Funds)[1]

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Commission on the Arts	$ 427,300	$ 0
Office of the Attorney General	37,400,000	0
Fiscal Programs - Comptroller of Public Accounts	284,800,000	0
Trusteed Programs within the Office of the Governor	101,400,000	0
Department of Aging and Disability Services	10,200,000	0
Department of Assistive and Rehabilitative Services	87,600,000	0
Department of Family and Protective Services	64,370,942	0
Department of State Health Services	5,698,070	0
Health and Human Services Commission	2,560,594,804	0
Texas Education Agency	5,874,392,500	0
Higher Education Coordinating Board	80,000,000	0
General Academic Institutions	81,000,000	0
Health Related Higher Education Institutions	51,000,000	0
Higher Education and Other Government Programs	111,407,500	0
Public Community/Junior Colleges	15,000,000	0
Department of Agriculture	21,800,000	0
Commission on Environmental Quality	12,509,000	0
Department of Housing and Community Affairs	565,075,732	0
Office of Rural Community Affairs	19,500,000	0
Department of Transportation	1,637,800,000	0
Texas Workforce Commission	436,811,767	0
TOTAL, ARTICLE XII - AMERICAN RECOVERY AND REINVESTMENT ACT	$ 12,058,787,615	$ 0

[1] Appropriation figures in SB 1, Conference Committee Report, 81st Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

RECAPITULATION - ARTICLE XII
AMERICAN RECOVERY AND REINVESTMENT ACT
(All Funds)[1]

	For the Years Ending August 31, 2010	For the Years Ending August 31, 2011
Commission on the Arts	$ 427,300	$ 0
Office of the Attorney General	10,100,000	0
Fiscal Programs - Comptroller of Public Accounts	284,800,000	0
Trusteed Programs within the Office of the Governor	101,400,000	0
Department of Aging and Disability Services	6,000,000	0
Department of Assistive and Rehabilitative Services	87,600,000	0
Department of Family and Protective Services	64,370,942	0
Department of State Health Services	5,698,070	0
Health and Human Services Commission	47,594,804	0
Texas Education Agency	2,624,192,500	0
Higher Education Coordinating Board	80,000,000	0
General Academic Institutions	81,000,000	0
Health Related Higher Education Institutions	51,000,000	0
Higher Education and Other Government Programs	111,407,500	0
Public Community/Junior Colleges	15,000,000	0
Department of Agriculture	21,800,000	0
Commission on Environmental Quality	12,509,000	0
Department of Housing and Community Affairs	565,075,732	0
Office of Rural Community Affairs	19,500,000	0
Department of Transportation	1,637,800,000	0
Texas Workforce Commission	436,811,767	0
Article XII, Special Provisions, Rider Appropriations	(588,592,500)	0
Less Interagency Contracts	$ 0	$ 0
TOTAL, ARTICLE XII - AMERICAN RECOVERY AND REINVESTMENT ACT	$ 5,675,495,115	$ 0

[1] Appropriation figures in SB 1, Conference Committee Report, 81st Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.