

CHAPTER 242

S.B. No. 994

An Act relating to appropriations to the Texas Department of Mental Health and Mental Retardation and transfers of funds to improve staff-to-client ratios in state mental hospitals and state schools for the retarded and to make certain state contributions for employees; making appropriate amendments to the General Appropriations Act, Chapter 1095, Acts of the 68th Legislature, Regular Session, 1983.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1, Chapter 12, Acts of the 68th Legislature, 2nd Called Session, 1984, which amends Subdivision (2), Subsection (c), Section 2, page II-60, Chapter 1095, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

"(2) Except as otherwise provided by this paragraph, all unexpended and unobligated balances remaining from appropriations for fiscal year 1984 to the Department of Mental Health and Mental Retardation as of August 31, 1984, are reappropriated to the Department to be placed in a special account in the Central Office of the Department which may be allocated or expended only for the purpose of improving *staff-to-client* [~~staff-to-patient~~] ratios in state mental hospitals and state schools for the retarded. This purpose may be accomplished by hiring [~~state mental hospital~~] staff, by using community alternatives to reduce the *client* [~~patient~~] census [~~of state mental hospitals~~], or by a combination of these two approaches. This paragraph does not apply to those unexpended and unobligated balances remaining from appropriations for fiscal year 1984 that the Department is authorized by this Act to retain for specific purposes in fiscal year 1985, nor does it apply to those amounts that are required to meet authorized fiscal year 1985 salary increases."

SECTION 2. Section 2, Chapter 12, Acts of the 68th Legislature, 2nd Called Session, 1984, which adds Paragraph (7) on page II-65, Chapter 1095, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

“(7)(a) Notwithstanding any provision in this Act to the contrary, the Texas Board of Mental Health and Mental Retardation may transfer funds in any item of appropriation made to the Texas Department of Mental Health and Mental Retardation or made to an institution under the jurisdiction of the Department, including funds in items that are followed by the phrase ‘(non-transferable),’ but in no case including funds appropriated for the purpose of contract treatment services and grants-in-aid, into a special account in the Central Office of the Department which may be allocated or expended only for the purpose of improving *staff-to-client* [~~staff-to-patient~~] ratios in state mental hospitals and state schools for the retarded. This purpose may be accomplished by hiring [~~state mental hospital~~] staff, by using community alternatives to reduce the *client* [~~patient~~] census [~~of state mental hospitals~~], or by a combination of these two approaches. The request, approval, and notice provisions in Paragraph 1, Appropriation Transfers (Page II-63), apply to a transfer made under this paragraph but the ten (10) percent limitation contained in that paragraph does not apply. Nothing in this paragraph is intended to affect the Texas Board of Mental Health and Mental Retardation’s authority to transfer funds under Paragraph 1, Appropriation Transfers (Page II-63).

“(b) If funds are transferred from the Centralized Food Purchase Fund into a special account in the Central Office of the Department under the authority of this paragraph, only those funds in excess of that amount necessary to provide the appropriate quantity and quality of food to residents of the Department’s facilities may be transferred.”

SECTION 3. Section 3, Chapter 12, Acts of the 68th Legislature, 2nd Called Session, 1984, which adds Paragraphs j and k on page II-69, Chapter 1095, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

“j. All sums received by the Department of Mental Health and Mental Retardation under Part B of Title XVIII of the Social Security Act as payment for services rendered before *August 31, 1985* [~~October 1, 1983~~], to mental hospital and state school clients [~~patients~~] are appropriated to the Department to be placed in a special account in the Central Office of the Department which may be allocated or expended only for the purpose of improving *staff-to-client* [~~staff-to-patient~~] ratios in state mental hospitals and state schools for the retarded. This purpose may be accomplished by hiring [~~state mental hospital~~] staff, by using community alternatives to reduce the *client* [~~patient~~] census [~~of state mental hospitals~~], or by a combination of these two approaches.

“k. For the fiscal year beginning September 1, 1984, the Department of Mental Health and Mental Retardation shall provide the state contribution for employee retirement, social security, and insurance, including contributions to health maintenance organizations, for each person employed by the Department’s mental hospitals whose salary is paid out of funds allocated from the special account in the Central Office established for the sole purpose of improving *staff-to-client* [~~staff-to-patient~~] ratios in state mental hospitals and state schools for the retarded. Those state contributions shall be charged to that special account and must be made in accordance with procedures established by the comptroller’s office.”

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 27, 1985, by the following vote: Yeas 29, Nays 0; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas; passed the House on May 25, 1985, by a non-record vote; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Approved: June 4, 1985

Effective: August 26, 1985