

CHAPTER 238

S.B. No. 378

AN ACT

relating to maximizing the availability of federal funds to the Texas Department of Criminal Justice and to the efficient and economical operation of the department.

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

ARTICLE 1

SECTION 1.01. Chapter 493, Government Code, is amended by adding Section 493.013 to read as follows:

Sec. 493.013. FEDERAL FUNDS COMMITTEE. (a) The board shall ensure that the federal funds committee of the department includes representatives of all divisions of the department that may be able to assist the committee in identifying and qualifying for additional federal funds, specifically including the offices of the institutional division that manage agricultural and industrial issues.

(b) The board shall require the committee to:

- (1) maximize federal grant and entitlement funding available to the state;*
- (2) submit biennially to the board a detailed report that includes information on all federal grants and entitlements identified and applied for by the committee and the results of the applications; and*
- (3) work in conjunction with the Office of State-Federal Relations and the Texas Department of Human Services to investigate the applicability of:*

(A) the national school lunch program to inmates who are pursuing a primary or secondary education while confined in the institutional division; and

(B) the food stamp program administered under Chapter 33, Human Resources Code, to inmates who are confined and treated in substance abuse felony punishment facilities.

ARTICLE 2

SECTION 2.01. Section 494.007, Government Code, is amended to read as follows:

Sec. 494.007. **EMPLOYEES' SALARIES, ROOM AND BOARD, MEDICAL CARE.** (a) Salaries of employees of the institutional division and the provision of board, lodging, uniforms, and other provisions to employees are as provided by the General Appropriations Act.

(b) *The department, in preparing its biennial budget request, shall review the rent charged department employees for state-owned housing and the department's policy of providing rent-free state-owned housing to certain employees. The department, as part of the budget request, shall adjust the rent charged employees as necessary to more closely reflect the market value of the housing and shall adjust the list of employees receiving rent-free housing if necessary to comply with the General Appropriations Act, state law, or policies on rent-free housing adopted by the Texas Department of Criminal Justice. If the department determines that no adjustment in rent charged to employees is necessary for a biennium, the department shall state that fact in the department's budget request.*

(c) Employees of the institutional division who are injured in the line of duty are entitled to receive free medical care and hospitalization from division doctors and the division hospital.

SECTION 2.02. The requirement in Subsection (b), Section 494.007, Government Code, as added by Section 2.01 of this article, that the Texas Department of Criminal Justice review the department's policy on rent-free housing and review and adjust rent charged certain department employees applies only to a budget request made by the department after the date on which the comptroller of public accounts certifies in writing to the chairman of the Texas Board of Criminal Justice that state law requires each agency or office within the judicial, legislative, or executive department of state government to make the same review and adjustment for housing provided its officers or employees.

ARTICLE 3

SECTION 3.01. Chapter 494, Government Code, is amended by adding Section 494.011 to read as follows:

Sec. 494.011. **ASSESSMENT OF UNIT DESIGN AND SECURITY SYSTEMS.** (a) *In order to ensure that the institutional division is managed effectively, the division not less than once every three years shall assess the long-term administrative segregation and maximum security needs of the division. The institutional division shall report to the Legislative Criminal Justice Board the results of each assessment made under this section not later than one year after the assessment is completed.*

(b) *The institutional division shall include in the assessment:*

(1) *a feasibility study on the conversion of at least one maximum security facility into a medium security facility;*

(2) *a review of the division's unit design prototypes to determine whether the prototypes could be improved by:*

(A) *the use of new technologies;*

(B) *redesign of interiors and exteriors to improve visibility within the prototypes; or*

(C) *the use of other cost-saving measures;*

(3) *a feasibility study on increased use of closed-circuit camera technology, electronic perimeter detection technology, or other electronic technology; and*

(4) *a review of any other issues the division determines are relevant to the continued improvement and cost-effectiveness of the system's security system.*

(c) *The institutional division shall include in the report to the Legislative Criminal Justice Board required by Subsection (a) with the results of the assessment:*

(1) *a description, with documentation, of the distribution of levels of security within the institutional division;*

(2) *a comparison of the distribution of levels of security within the division to the distribution of levels of security in prisons in other states; and*

(3) *if there is a disparity between the distribution of levels of security within the institutional division and that in prisons in other states, a discussion of whether that disparity is in the best interest of the institutional division.*

SECTION 3.02. The institutional division of the Texas Department of Criminal Justice shall complete the first assessment required by Section 494.011, Government Code, as added by this article, not later than December 31, 1993.

ARTICLE 4

SECTION 4.01. Chapter 494, Government Code, is amended by adding Section 494.012 to read as follows:

Sec. 494.012. MAINTENANCE STAFF. (a) The director of the institutional division shall evaluate the efficiency of the maintenance staff of each unit of the division.

(b) The institutional division may assign a staff member to more than one unit of the division to increase the efficiency of the maintenance staff.

(c) The institutional division shall assign a maintenance staff member to two or more units of the division if the division determines that such an assignment is cost-effective.

(d) The institutional division may not employ an assistant unit maintenance manager for a maintenance staff of a unit of the division unless the division determines that the employment of an assistant unit manager at that unit is cost-effective.

SECTION 4.02. Chapter 496, Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. MANAGEMENT OF PROPERTY

Sec. 496.101. AUTOMATED INVENTORY AND MAINTENANCE SYSTEM. (a) As funds are appropriated for that purpose, the department shall establish for each unit of the institutional division an automated inventory and maintenance system that interacts with the centralized computer system of the department.

(b) The system must maintain inventory records for parts and supplies control, monitor preventive maintenance and warranty schedules for equipment, estimate time standards for maintenance jobs, and organize a work order control process.

ARTICLE 5

SECTION 5.01. Chapter 494, Government Code, is amended by adding Section 494.013 to read as follows:

Sec. 494.013. COMPUTER UTILIZATION STUDY. (a) The Department of Information Resources shall conduct a study of the underutilization of computers by the institutional division. The department shall identify areas in which the division may increase efficiency and productivity through the use of computers.

(b) The Department of Information Resources shall develop strategies for the institutional division for expanding or implementing the use of computers to support word processing and for maintaining, processing, or analyzing information in areas such as equipment or property management, maintenance and supplies costs, inmate disturbances, cell allocation, inmate population, visitors, local key control, budgeting, staff management, and legislation affecting inmate population.

(c) The Department of Information Resources shall complete the study and develop the strategies required by this section not later than September 1, 1994. The Texas Board of Criminal Justice shall request from the legislature at the earliest opportunity any legislation

or appropriations necessary for the implementation of the strategies. This section expires January 31, 1995.

ARTICLE 6

SECTION 6.01. Section 495.007, Government Code, is amended to read as follows:

Sec. 495.007. LIMITATION. The board may not enter into contracts under this subchapter for more than 4,080 [4,000] beds.

ARTICLE 7

SECTION 7.01. Subsection (b), Section 501.015, Government Code, is amended to read as follows:

(b) When an inmate [~~is discharged or~~] is released on parole, mandatory supervision, or conditional pardon, the inmate is entitled to receive \$100 [~~\$200~~] from the *department and transportation at the expense of the department to the location at which the inmate is required to report to a parole officer* [~~institutional division as provided by this subsection. The department shall give the inmate \$100 on discharge. A parole officer to whom the inmate is required to report~~] by the pardons and paroles division [~~shall give the inmate the remaining \$100 if the inmate reports to the officer within the time specified by the board~~]. The inmate shall receive \$50 on his release from the institution and \$50 on initially reporting to a parole officer at the location at which the inmate is required to report to a parole officer. If an inmate is released and is not required by the pardons and paroles division to report to a parole officer or is authorized by the pardons and paroles division to report to a location outside this state, the department [~~institutional division~~] shall provide the inmate with \$100 and, at the expense of the department, transportation to:

- (1) the location of the inmate's residence, if the residence is in this state; or
- (2) a transit point determined appropriate by the department, if the inmate's residence is outside this state or the inmate is required by the pardons and paroles division to report to a location outside this state [~~give the inmate \$200 on discharge or release~~].

ARTICLE 8

SECTION 8.01. Subchapter B, Chapter 501, Government Code, is amended by adding Section 501.059 to read as follows:

Sec. 501.059. MANAGED HEALTH CARE ADVISORY COMMITTEE. (a) The Managed Health Care Advisory Committee to the Texas Department of Criminal Justice is established.

(b) The committee consists of:

- (1) two members employed full-time by the department, at least one of whom is a physician, appointed by the executive director;
 - (2) two members employed full-time by The University of Texas Medical Branch at Galveston, at least one of whom is a physician, appointed by the president of the medical branch; and
 - (3) two members employed full-time by the Texas Tech University Health Sciences Center, at least one of whom is a physician, appointed by the president of the university.
- (c) A committee member serves at the pleasure of the appointing official or until termination of the member's employment with the entity the member represents.

(d) An appointment to the committee shall be made without regard to the race, creed, sex, religion, or national origin of the appointee.

(e) A committee member serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in the performance of the duties of the committee.

(f) The committee may hire a managed health care administrator and may employ personnel necessary for the administration of the committee's duties.

(g) The committee shall develop a managed health care plan for all inmates at the institutional division that includes:

(1) *the establishment of a managed care network of physicians and hospitals that will serve the institutional division as the exclusive health care provider for inmates at each facility of the institutional division;*

(2) *cost containment studies; and*

(3) *care case management and utilization management studies performed exclusively for the institutional division.*

(h) *To the extent possible the committee shall integrate the managed care network with the public medical schools of this state and the component hospitals of those medical schools.*

(i) *For those services for which the public medical schools and their components cannot provide, the committee shall initiate a competitive bidding process for contracts with other providers for medical care to inmates confined in the institutional division.*

(j) *The committee may enter into a contract on behalf of the department to fully implement the managed health care plan under Subsection (g).*

(k) *The department shall pay necessary costs for the operation of the committee, including costs of personnel, from funds appropriated by the legislature to the department.*

(l) *The managed health care plan, inclusive of the health care administrator and necessary personnel proposed by the committee, must cost the state less than what is presently provided, otherwise the status quo shall be maintained.*

ARTICLE 9

SECTION 9.01. If an employee of the Texas Department of Criminal Justice becomes an employee of another institution as a result of this Act, the employee is entitled to retain the salary and benefits applicable to employees of the Texas Department of Criminal Justice.

SECTION 9.02. This Act takes effect immediately, except that:

(1) Section 4.02 takes effect January 1, 1994; and

(2) Section 7.01 takes effect September 1, 1993.

SECTION 9.03. 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 according to its terms, and it is so enacted.

Passed the Senate on February 25, 1993: Yeas 31, Nays 0; the Senate concurred in House amendments on May 13, 1993: Yeas 30, Nays 0; passed the House, with amendments, on April 19, 1993: Yeas 133, Nays 0, one present not voting.

Approved May 22, 1993.

Effective May 22, 1993; except § 4.02, effective Jan. 1, 1994, and § 7.01, effective Sept. 1, 1993.