

CHAPTER 9

H.B. No. 64

AN ACT

relating to the appropriation and allocation of bonded construction funds to the Texas Department of Mental Health and Mental Retardation and the Texas Youth Commission and to special provisions governing appropriations made by the General Appropriations Act to those agencies and the Texas Department of Health.

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

SECTION 1. GENERAL OBLIGATION BONDS FOR YOUTH CORRECTIONS. Section 4, Chapter 696, Acts of the 70th Legislature, Regular Session, 1987 (Article 601d-1, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) The authority may issue up to \$50 million in general obligation bonds, in addition to the amounts authorized by Subsection (a) of this section, and distribute bond proceeds to appropriate agencies for acquiring, constructing, or equipping new youth corrections facilities or for major repair or renovation of existing youth corrections facilities.

SECTION 2. APPROPRIATIONS TO TEXAS YOUTH COMMISSION. In addition to other amounts appropriated for the fiscal biennium ending August 31, 1993, proceeds of bonds issued under Section 4(e), Chapter 696, Acts of the 70th Legislature, Regular Session, 1987, as added by Section 1 of this Act, are appropriated to the Texas Youth Commission as follows:

(1) for the year ending August 31, 1992, the sum of \$40,675,352 for construction, repair, or remodeling of buildings and facilities as follows:

- (A) \$2,085,019 for the Corsicana Mental Health Facility for Youth;
- (B) \$20,000,000 for a new secure facility;
- (C) \$2,375,765 for security improvements;
- (D) \$5,497,258 for renovation of dormitories and support facilities at all facilities;
- (E) \$576,898 to abate underground fuel storage at all facilities;
- (F) \$894,706 to replace roofs and make structural repairs at the Crockett facility;
- (G) \$580,390 for asbestos abatement at the Brownwood and Gainesville facilities;
- (H) \$4,788,872 for major maintenance and repairs at all facilities;
- (I) \$2,521,489 for utility repairs and site improvements at all facilities;
- (J) \$155,000 to repair storm damage at the Evins and West Texas facilities; and
- (K) \$1,199,955 to abate solid waste disposal site at the West Texas facility; and

(2) for the year ending August 31, 1993, any unexpended balances from Subdivision (1) of this section for the purposes provided by that subdivision.

SECTION 3. APPROPRIATIONS TO TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION. (a) In addition to other amounts appropriated for the fiscal biennium ending August 31, 1993, proceeds of bonds issued under Section 4(d), Chapter 696, Acts of the 70th Legislature, Regular Session, 1987, as added by House Bill No. 7, Acts of the 72nd Legislature, 1st Called Session, 1991 (Article 601d-1, Vernon's Texas Civil Statutes), are appropriated to the Texas Department of Mental Health and Mental Retardation as follows:

(1) for the fiscal year ending August 31, 1992, the sum of \$23,176,100 for construction, repair, or remodeling of buildings and facilities; and

(2) for the year ending August 31, 1993:

(A) any unexpended balance from Subdivision (1) of this section for the purposes provided by that subdivision;

(B) the sum of \$8,704,681 for the El Paso Psychiatric Hospital; and

(C) the sum of \$3,500,000 for the Lubbock County mental health facility.

(b) Bonded construction funds appropriated under this section for the El Paso Psychiatric Hospital may be used only for the construction of a psychiatric facility that will be a part of the El Paso State Center of the Texas Department of Mental Health and Mental Retardation and owned and operated by the department in conjunction with the Life Management Center for Mental Health and Mental Retardation Services, the El Paso State Center, Thomason General Hospital, Texas Tech University Regional Academic Health Center, and El Paso County Alcohol and Drug Abuse Treatment Center.

(c) Bonded construction funds appropriated under this section for the Lubbock County mental health facility may be expended only to construct, equip, and furnish a 30-bed acute care mental health services facility for the indigent in Lubbock County.

SECTION 4. (a) In this section, "General Appropriations Act" means H.B. No. 1, Acts of the 72nd Legislature, 1st Called Session, 1991.

(b) The following provisions apply to the appropriations made by the General Appropriations Act to institutions, agencies, or offices under the jurisdiction of the Texas Board of Health, Texas Board of Mental Health and Mental Retardation, or Texas Youth Commission:

(1) **CLASSIFIED POSITIONS.** (A) The Texas Department of Mental Health and Mental Retardation and the Texas Department of Health are authorized to pay an additional night shift salary differential not to exceed 10 percent of the monthly pay rate to licensed vocational nurses and personnel employed in the subprofessional nursing classifications of the Attendant Series, MHMR Manpower Series, MHMR Psychiatric Security Technician Series and Medical Aide Series who work the 3 p.m. to 11 p.m. or the 11 p.m. to 7 a.m. shift or its equivalent.

(B) Appropriations for salaries of classified positions may be used to pay the wages of hourly workers when the utilization of such personnel is in the best interest of an economical and efficient program.

(C) Any hospital operated by the Texas Department of Health is authorized to pay an additional night shift differential not to exceed 10 percent of the monthly pay rate to other licensed or certified classified personnel not included in Subparagraph (A) of this section who work the evening or night shifts.

(2) **TEACHERS.** (A) Each principal, supervisor, or classroom teacher of children or residents of each state school or home, or patients in an adult education program operated by a state hospital, which are specified in this provision, shall receive as a minimum salary the classroom or exceptional teachers monthly salary rate, plus increments specified in Sections 16.056 and 30.83, Education Code. Those principals, supervisors, or classroom teachers in an adult education program operated by a state hospital to be eligible for these salary rates shall be required to have a provisional or professional certificate issued under Subchapter B, Chapter 13, Education Code.

(B) Salary rates in excess of the minimum amounts specified in Sections 16.056 and 30.83, Education Code, and the salaries of coaches and teachers of exceptional children, may be paid, but such approved rates shall never exceed the rates of pay for like positions paid in the public schools of the city in which the state school or home is located. Salary rates for principals, supervisors, or classroom teachers in an adult education program operated by a state hospital, in excess of the minimum amounts may be paid, but such rates shall never exceed the rates of pay in the public schools of the city or county in which the state hospital is located. These qualified principals, supervisors, or classroom teachers in an adult education program operated by a state hospital shall receive the monthly salary rate plus increments multiplied by the number of months of service authorized by the hospital. In determining the rate of pay for comparison with like positions in the public schools, the agencies covered by this provision shall include in the comparison longevity paid to persons commencing employment under this section on September 1, 1983, or thereafter.

(3) **SERVICES TO EMPLOYEES.** Out of the appropriations authorized, the respective governing boards covered by this provision may under rules and regulations promulgated by them expend money for the treatment and hospitalization, at the institutions under their direction, of employees injured in the performance of their duties and may reimburse employees in an amount not to exceed \$250 per incident per employee for damage to eyeglasses, hearing aids, false teeth, and other prosthetic devices caused by agency clients.

(4) **EXPENDITURE OF FUNDS FOR STUDENT RAISED LIVESTOCK.** Students at any school or home covered by this provision for which appropriations are made may raise livestock for the purpose of entering said livestock in livestock exhibitions; provided, however, that the institution shall be reimbursed to the appropriation item for which like costs are ordinarily paid, for the expense of raising said livestock.

(5) **FIRE PREVENTION AND SAFETY.** In instances in which regular employees of the institutions are assigned extra duties in fire prevention programs, the following payments are authorized in addition to the salary rates stipulated by the provisions of Article V of the General Appropriations Act relating to the position classifications and assigned salary ranges:

For Fire Chief	\$75 per month
For Assistant Fire Chief	\$65 per month
For Fire Brigade Members	\$50 per month

(c) Rider No. 7 under the Special Provisions Relating Only to the Department of Mental Health and Mental Retardation and the Department of Human Services, Article II, General Appropriations Act (p. II-90), is repealed.

(d) The commissioner of health is authorized to provide emoluments for certain positions provided that the provision of such emoluments is necessary to effectively carry out the job responsibilities of the position.

(e) Notwithstanding Paragraph 12, Section 1, Article V, General Appropriations Act (p. V-31), the designated value of emoluments that are necessary to effectively carry out job responsibilities of a position and that are provided by the Texas Department of Health, Texas Department of Mental Health and Mental Retardation, or the Texas Youth Commission are not deducted from the gross salary rate in determining the net monetary remuneration to which the employee is entitled.

SECTION 5. REPEALER. The following provisions of House Bill No. 1, Acts of the 72nd Legislature, 1st Called Session, 1991 (the General Appropriations Act), are repealed:

- (1) Items 9.b., 9.c., and 25, Article II, pages II-57 and II-59;
- (2) Riders 35. and 36., Article II, page II-69; and
- (3) the appropriation of bonded construction funds under Item 6, page II-77.

SECTION 6. EFFECTIVE DATE. This Act takes effect on the date on which the constitutional amendment proposed by Senate Joint Resolution No. 4, Acts of the 72nd Legislature, 1st Called Session, 1991, takes effect. If that amendment is not approved by the voters, this Act has no effect.

SECTION 7. EMERGENCY. 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 by the House on August 23, 1991: Yeas 108, Nays 2; the House concurred in Senate amendments to H.B. No. 64 on August 25, 1991: Yeas 118, Nays 13; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas; passed by the Senate, with amendments, on August 25, 1991: Yeas 31, Nays 0; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Approved August 29, 1991.

Effective as provided by § 6.