

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: González of El Paso, Moody

H.B. No. 965

A BILL TO BE ENTITLED

1 AN ACT

2 relating to updating references to certain former health services  
3 state agencies and certain terms used to describe persons with  
4 intellectual or developmental disabilities in the Education Code.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 25.041, Education Code, is amended to  
7 read as follows:

8 Sec. 25.041. TRANSFER OF CHILDREN OR WARDS OF EMPLOYEES OF  
9 STATE SUPPORTED LIVING CENTERS [~~SCHOOLS~~]. A school-age child or  
10 ward of an employee of a state supported living center [~~school~~] for  
11 persons with intellectual disabilities [~~the mentally retarded~~]  
12 constituted as a school district who resides in the boundaries of  
13 center [~~the state school~~] property but who is not a student at the  
14 center [~~state school~~] is entitled to attend school in a district  
15 adjacent to the center [~~state school~~] free of any charge to the  
16 child's or ward's parent or guardian provided the parent or guardian  
17 is required by the superintendent of the center [~~state school~~] to  
18 live on the grounds of the center [~~state school~~] for the convenience  
19 of this state. A tuition charge required by the admitting district  
20 shall be paid by the district constituting the state supported  
21 living center [~~school~~] out of funds allotted to it by the agency.

22 SECTION 2. Section 29.003(b), Education Code, is amended to  
23 read as follows:

24 (b) A student is eligible to participate in a school

1 district's special education program if the student:

2 (1) is not more than 21 years of age and has a visual or  
3 auditory impairment that prevents the student from being adequately  
4 or safely educated in public school without the provision of  
5 special services; or

6 (2) is at least three but not more than 21 years of age  
7 and has one or more of the following disabilities that prevents the  
8 student from being adequately or safely educated in public school  
9 without the provision of special services:

10 (A) physical disability;

11 (B) intellectual or developmental disability  
12 [~~mental retardation~~];

13 (C) emotional disturbance;

14 (D) learning disability;

15 (E) autism;

16 (F) speech disability; or

17 (G) traumatic brain injury.

18 SECTION 3. Section 29.012(d), Education Code, is amended to  
19 read as follows:

20 (d) The Texas Education Agency, the Health and Human  
21 Services Commission [~~the Texas Department of Mental Health and~~  
22 ~~Mental Retardation, the Texas Department of Human Services, the~~  
23 ~~Texas Department of Health, the Department of Protective and~~  
24 ~~Regulatory Services, the Interagency Council on Early Childhood~~  
25 ~~Intervention, the Texas Commission on Alcohol and Drug Abuse], and  
26 the Texas Juvenile Justice Department by a cooperative effort shall  
27 develop and by rule adopt a memorandum of understanding. The~~

1 memorandum must:

2 (1) establish the respective responsibilities of  
3 school districts and of residential facilities for the provision of  
4 a free, appropriate public education, as required by the  
5 Individuals with Disabilities Education Act (20 U.S.C. Section 1400  
6 et seq.) and its subsequent amendments, including each requirement  
7 for children with disabilities who reside in those facilities;

8 (2) coordinate regulatory and planning functions of  
9 the parties to the memorandum;

10 (3) establish criteria for determining when a public  
11 school will provide educational services;

12 (4) provide for appropriate educational space when  
13 education services will be provided at the residential facility;

14 (5) establish measures designed to ensure the safety  
15 of students and teachers; and

16 (6) provide for binding arbitration consistent with  
17 Chapter 2009, Government Code, and Section 154.027, Civil Practice  
18 and Remedies Code.

19 SECTION 4. Section 29.456(b), Education Code, is amended to  
20 read as follows:

21 (b) If the commissioner of education and the commissioner of  
22 the Department of Aging and Disability Services are unable to bring  
23 the school district and forensic state supported living center to  
24 agreement, the commissioners shall jointly submit a written request  
25 to the attorney general to appoint a neutral third party  
26 knowledgeable in special education and intellectual and  
27 developmental disability [~~mental retardation~~] issues to resolve

1 each issue on which the district and the center disagree. The  
2 decision of the neutral third party is final and may not be  
3 appealed. The district and the center shall implement the decision  
4 of the neutral third party. The commissioner of education or the  
5 commissioner of the Department of Aging and Disability Services  
6 shall ensure that the district and the center implement the  
7 decision of the neutral third party.

8 SECTION 5. Section 29.457(b), Education Code, is amended to  
9 read as follows:

10 (b) Not later than December 1 of each year, a school  
11 district that receives an allotment under this section shall submit  
12 a report accounting for the expenditure of funds received under  
13 this section to the governor, the lieutenant governor, the speaker  
14 of the house of representatives, the chairs of the standing  
15 committees of the senate and house of representatives with primary  
16 jurisdiction regarding persons with intellectual and developmental  
17 disabilities [~~mental retardation~~] and public education, and each  
18 member of the legislature whose district contains any portion of  
19 the territory included in the school.

20 SECTION 6. Section 30.0015(b), Education Code, is amended  
21 to read as follows:

22 (b) The agency by rule shall develop and annually  
23 disseminate standards for a school district's transfer of an  
24 assistive technology device to an entity listed in this subsection  
25 when a student with a disability using the device changes the school  
26 of attendance in the district or ceases to attend school in the  
27 district that purchased the device and the student's parents, or

1 the student if the student has the legal capacity to enter into a  
2 contract, agrees to the transfer. The device may be transferred to:

3 (1) the school or school district in which the student  
4 enrolls;

5 (2) a state agency, including the Health and Human  
6 Services Commission [~~Texas Rehabilitation Commission and the Texas~~  
7 ~~Department of Mental Health and Mental Retardation~~], that provides  
8 services to the student following the student's graduation from  
9 high school; or

10 (3) the student's parents, or the student if the  
11 student has the legal capacity to enter into a contract.

12 SECTION 7. Section 52.40(a), Education Code, is amended to  
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14 (a) The board may cancel the repayment of a loan received by  
15 a student who earns a doctorate of psychology degree and who, prior  
16 to the date on which repayment of the loan is to commence, is  
17 employed by the Department of Aging and Disability Services, the  
18 Department of State Health Services, or the Health and Human  
19 Services Commission and performs duties formerly performed by  
20 employees of the Texas Department of Human Services [~~or Texas~~  
21 ~~Department of Mental Health and Mental Retardation~~], the Texas  
22 Juvenile Justice Department, [~~or~~] the Texas Department of Criminal  
23 Justice, or any other former state agency that provided services to  
24 persons with mental illness, persons with intellectual  
25 disabilities, or persons with developmental disabilities.

26 SECTION 8. Section 73.401, Education Code, is amended to  
27 read as follows:

1           Sec. 73.401. ESTABLISHMENT. The Harris County Psychiatric  
2 Center has been developed and built by Harris County, Texas, and a  
3 former state agency that provided services to persons with mental  
4 illness, persons with intellectual disabilities, and persons with  
5 developmental disabilities [~~the Texas Department of Mental Health~~  
6 ~~and Mental Retardation~~]. The facilities of the Harris County  
7 Psychiatric Center to be operated by The University of Texas System  
8 shall be operated consistent with the rules and regulations of the  
9 board of regents and with the provisions of this subchapter.

10           SECTION 9. Section 73.403, Education Code, is amended to  
11 read as follows:

12           Sec. 73.403. OPERATION OF COMMITMENT CENTER. Harris  
13 County, the Harris Center for Mental Health and IDD, or both of  
14 those entities, [~~and/or the Mental Health and Mental Retardation~~  
15 ~~Authority (MHMRA) of Harris County~~] may operate on the premises of  
16 the Harris County Psychiatric Center a commitment center, the  
17 functions of which may include patient screening, intake, and  
18 admissions (both voluntary and involuntary) to the Harris County  
19 Psychiatric Center as may be provided for in a lease [~~and/or~~  
20 ~~sublease~~] and operating agreement or a sublease and operating  
21 agreement as authorized under Section 73.405 [~~of this code~~]. The  
22 functions of the Harris County Psychiatric Commitment Center  
23 located on the premises of the Harris County Psychiatric Center  
24 both in terms of operation and in terms of funding shall not be the  
25 responsibility of the Health and Human Services Commission [~~Texas~~  
26 ~~Department of Mental Health and Mental Retardation~~] or The  
27 University of Texas System. As may be provided for in a lease

1 ~~[and/or sublease]~~ and operating agreement or a sublease and  
2 operating agreement, The University of Texas System may charge for  
3 any support services provided by the Harris County Psychiatric  
4 Center to the commitment center.

5 SECTION 10. Section 73.404, Education Code, is amended to  
6 read as follows:

7 Sec. 73.404. FUNDING. (a) Funding for the state-supported  
8 facilities and operations of the Harris County Psychiatric Center  
9 shall be provided through legislative appropriations to the Health  
10 and Human Services Commission [~~Texas Department of Mental Health~~  
11 ~~and Mental Retardation~~] and to The University of Texas System, and  
12 any appropriations to the commission [~~department~~] for the Harris  
13 County Psychiatric Center shall be transferred to The University of  
14 Texas System in accordance with the General Appropriations Act and  
15 the lease ~~[and/or sublease]~~ and operating agreement or sublease and  
16 operating agreement provided for in Section 73.405 [~~of this code~~].  
17 Legislative appropriations may be for any further construction at  
18 the Harris County Psychiatric Center; for equipment, both fixed  
19 and movable; for utilities, including data processing and  
20 communications; for maintenance, repairs, renovations, and  
21 additions; for any damage or destruction; and for operations of  
22 the Harris County Psychiatric Center; provided, however, that as  
23 to funding for Harris County Psychiatric Center operations,  
24 legislative appropriations shall not exceed 85 percent of the total  
25 operating costs of the entire Harris County Psychiatric Center,  
26 exclusive of any costs of the commitment center.

27 (b) Any funding, under a lease ~~[and/or sublease]~~ and

1 operating agreement or sublease and operating agreement wherein The  
 2 University of Texas System is the lessee, for [~~the county-supported~~  
 3 ~~and/or MHMPRA-supported~~] facilities and operations of the Harris  
 4 County Psychiatric Center supported by the county or the Health and  
 5 Human Services Commission, which may be provided through county  
 6 appropriations, including funds made available by the Harris Center  
 7 for Mental Health and IDD [~~County Mental Health and Mental~~  
 8 ~~Retardation Authority~~], or from gifts and grants, shall be  
 9 transferred in accordance with the lease [~~and/or sublease~~] and  
 10 operating agreement or sublease and operating agreement provided  
 11 for in Section 73.405 [~~of this code~~]. Such funds may be for any  
 12 further construction at the Harris County Psychiatric Center; for  
 13 equipment, both fixed and movable; for utilities, including data  
 14 processing and communications; for maintenance, repairs,  
 15 renovations, and additions; for any damage or destruction; and for  
 16 Harris County Psychiatric Center operations which latter funding  
 17 may be proportional to the total costs of The University of Texas  
 18 System operating the entire Harris County Psychiatric Center,  
 19 exclusive of any additional cost incurred by [~~of~~] Harris County or  
 20 the Health and Human Services Commission for [~~and/or MHMPRA~~]  
 21 operating the commitment center, which costs shall remain the sole  
 22 responsibility of the entity or entities that incurred those costs  
 23 [~~Harris County and/or MHMPRA~~].

24 SECTION 11. Sections 73.405(a) and (d), Education Code, are  
 25 amended to read as follows:

26 (a) The state-supported facilities of the Harris County  
 27 Psychiatric Center shall be leased to and operated and administered



1 by The University of Texas System in accordance with a lease and  
2 operating agreement. The ~~[county-supported and/or~~  
3 ~~MHMPA-supported]~~ facilities supported by the county or the Harris  
4 Center for Mental Health and IDD, exclusive of the commitment  
5 center, may be leased or ~~[and/or]~~ subleased by The University of  
6 Texas System in the same lease ~~[and/or sublease]~~ and operating  
7 agreement or sublease and operating agreement. Any lease ~~[and/or~~  
8 ~~sublease]~~ and operating agreement or sublease and operating  
9 agreement shall provide for a lease payment by The University of  
10 Texas System of no more than \$1 per year plus other good and  
11 valuable consideration as provided for in Section 73.406 ~~[of this~~  
12 ~~code]~~.

13 (d) Any lease ~~[and/or sublease]~~ and operating agreement or  
14 sublease and operating agreement shall provide that The University  
15 of Texas System shall cause the Harris County Psychiatric Center to  
16 be operated in accordance with the standards for accreditation of  
17 The ~~[the]~~ Joint Commission ~~[on Accreditation of Hospitals]~~; that  
18 all financial transactions and performance programs may be  
19 appropriately audited; that an admission, discharge, and transfer  
20 coordination policy be established; that appropriate patient data  
21 be made available to the Health and Human Services Commission, the  
22 Harris Center for Mental Health and IDD ~~[department, MHMPA]~~, and  
23 the county, including but not limited to diagnosis and lengths of  
24 stay; and that a priority of patient treatment policy be  
25 established.

26 SECTION 12. Section 73.406, Education Code, is amended to  
27 read as follows:

1           Sec. 73.406. REVENUES. That portion of any revenues  
2 related to the provision of patient services through the operation  
3 of the Harris County Psychiatric Center facilities that are leased  
4 or [and/or] subleased by and to The University of Texas System shall  
5 be accounted for and expended in accordance with the rules,  
6 regulations, and bylaws of The University of Texas System and in  
7 such manner that such revenues will reduce appropriated and funded  
8 requirements by both the state and county or the Harris Center for  
9 Mental Health and IDD [MHMRA] on a prorated basis, all as may be  
10 provided for in a lease [~~and/or sublease~~] and operating agreement  
11 or sublease and operating agreement.

12           SECTION 13. Section 73.501, Education Code, is amended to  
13 read as follows:

14           Sec. 73.501. TRANSFER AND LEASE OF FACILITIES. (a) The  
15 governance, operation, management, and control of the Texas  
16 Research Institute of Mental Sciences [~~created by Chapter 427, Acts~~  
17 ~~of the 55th Legislature, Regular Session, 1957, as amended (Article~~  
18 ~~3174b-4, Vernon's Texas Civil Statutes),~~] and all land, buildings,  
19 improvements thereon, and major fixed equipment comprising said  
20 institute shall be leased from the Health and Human Services  
21 Commission or a former state agency that provided services to  
22 persons with mental illness, persons with intellectual  
23 disabilities, and persons with developmental disabilities [Texas  
24 ~~Department of Mental Health and Mental Retardation]~~ and transferred  
25 to the board of regents of The University of Texas System for \$1 a  
26 year and shall be subject to the provisions of [~~Subdivision (9) of~~  
27 ~~Subsection (a) of]~~ Section 65.02(a)(9) [~~65.02 of the Education~~

1 ~~Code~~].

2 (b) All land, buildings, and improvements thereon and major  
3 fixed equipment comprising said institute leased by The University  
4 of Texas System shall be utilized only for purposes of patient care  
5 services, research, and education related to mental health,  
6 intellectual disability, and developmental disability [~~mental~~  
7 ~~retardation~~]. The Health and Human Services Commission or a former  
8 state agency that provided services to persons with mental illness,  
9 persons with intellectual disabilities, and persons with  
10 developmental disabilities [~~Texas Department of Mental Health and~~  
11 ~~Mental Retardation~~] may sell or otherwise dispose of the land,  
12 buildings, improvements thereon, or major fixed equipment provided  
13 that the proceeds from the sale or other disposition shall be used  
14 for the same purposes in Harris County; and further provided, that  
15 the board of regents of The University of Texas System, prior to  
16 such sale or other disposition, has approved of such sale or  
17 disposition and the allocation of proceeds.

18 SECTION 14. Section 73.502, Education Code, is amended to  
19 read as follows:

20 Sec. 73.502. TRANSFER OF GIFTS, GRANTS, UNEXPENDED  
21 BALANCES, CONTRACTS, AND OBLIGATIONS. Any gifts, grants,  
22 unexpended balances of appropriated or unappropriated funds, and  
23 all movable equipment that was held by a former state agency that  
24 provided services to persons with mental illness, persons with  
25 intellectual disabilities, and persons with developmental  
26 disabilities or that was transferred to the Health and Human  
27 Services Commission on dissolution of that former agency and was

1 held [~~the Texas Department of Mental Health and Mental Retardation~~]  
2 for, on behalf of, or for the use and benefit of the Texas Research  
3 Institute of Mental Sciences are hereby transferred to The  
4 University of Texas System; provided, however, that all previously  
5 appropriated funds for statewide training of [~~department~~]  
6 personnel and program evaluation by the institute shall be retained  
7 by the Health and Human Services Commission [~~department~~]. All  
8 contracts and written obligations of every kind and character  
9 entered into by a former state agency that provided services to  
10 persons with mental illness, persons with intellectual  
11 disabilities, and persons with developmental disabilities [~~the~~  
12 ~~Texas Department of Mental Health and Mental Retardation~~] for and  
13 on behalf of the Texas Research Institute of Mental Sciences are  
14 ratified, confirmed, and validated, and in all such contracts and  
15 written obligations, the board of regents of The University of  
16 Texas System is substituted in lieu and shall stand and act in place  
17 and stead of the former state agency that provided services to  
18 persons with mental illness, persons with intellectual  
19 disabilities, and persons with developmental disabilities [~~Texas~~  
20 ~~Department of Mental Health and Mental Retardation~~]; provided,  
21 however, that an advisory committee shall be established with  
22 regard to research protocols and the executive commissioner of the  
23 Health and Human Services Commission [~~department~~] shall be a  
24 member; provided further, that The University of Texas System may  
25 contract with the commission [~~department~~] for continued extramural  
26 and other laboratory consultative services. The Health and Human  
27 Services Commission [~~Texas Department of Mental Health and Mental~~

1 ~~Retardation]~~, Harris County, and the [~~Mental Health and Mental~~  
2 ~~Retardation Authority of]~~ Harris Center for Mental Health and IDD  
3 [~~County]~~ shall provide for the continuity of inpatient and  
4 outpatient care of the patients and programs operated at the Texas  
5 Research Institute of Mental Sciences and may contract for the  
6 provision of such services in accordance with the provisions of and  
7 appropriations provided in the General Appropriations Act.

8 SECTION 15. Sections 73.503(a) and (h), Education Code, are  
9 amended to read as follows:

10 (a) Present institute personnel shall be allowed to apply  
11 for employment with The University of Texas System, Harris County,  
12 or the Harris Center for Mental Health and IDD [~~Mental Health and~~  
13 ~~Mental Retardation Authority of Harris County]~~ and be given  
14 priority consideration for such employment.

15 (h) The Employees Retirement System, the Health and Human  
16 Services Commission [~~Texas Department of Mental Health and Mental~~  
17 ~~Retardation]~~, and The University of Texas System shall provide the  
18 Teacher Retirement System with information necessary to establish  
19 employees' rights to credit under this section. The Employees  
20 Retirement System and the Teacher Retirement System shall establish  
21 procedures to prevent duplication of retirement credit for the same  
22 service.

23 SECTION 16. This Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

*Patricia Spaw*  
Secretary of the Senate

By: M. González/Zaffirini

\_\_\_\_.B. No. \_\_\_\_\_

Substitute the following for \_\_\_\_B. No. \_\_\_\_\_:

By: *[Signature]*

C.S.H.B. No. 965

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9 read as follows:

10 Sec. 73.404. FUNDING. (a) Funding for the state-supported  
11 facilities and operations of the Harris County Psychiatric Center  
12 shall be provided through legislative appropriations to the Health  
13 and Human Services Commission [~~Texas Department of Mental Health~~  
14 ~~and Mental Retardation~~] and to The University of Texas System, and  
15 any appropriations to the commission [~~department~~] for the Harris  
16 County Psychiatric Center shall be transferred to The University of  
17 Texas System in accordance with the General Appropriations Act and  
18 the lease [~~and/or sublease~~] and operating agreement or sublease and  
19 operating agreement provided for in Section 73.405 [~~of this code~~].  
20 Legislative appropriations may be for any further construction at  
21 the Harris County Psychiatric Center; for equipment, both fixed  
22 and movable; for utilities, including data processing and  
23 communications; for maintenance, repairs, renovations, and  
24 additions; for any damage or destruction; and for operations of  
25 the Harris County Psychiatric Center; provided, however, that as  
26 to funding for Harris County Psychiatric Center operations,  
27 legislative appropriations shall not exceed 85 percent of the total

1 operating costs of the entire Harris County Psychiatric Center,  
2 exclusive of any costs of the commitment center.

3 (b) Any funding, under a lease [~~and/or sublease~~] and  
4 operating agreement or sublease and operating agreement wherein The  
5 University of Texas System is the lessee, for [~~the county-supported~~  
6 ~~and/or MHMRA-supported~~] facilities and operations of the Harris  
7 County Psychiatric Center supported by the county or the Health and  
8 Human Services Commission, which may be provided through county  
9 appropriations, including funds made available by the Harris Center  
10 for Mental Health and IDD [~~County Mental Health and Mental~~  
11 ~~Retardation Authority~~], or from gifts and grants, shall be  
12 transferred in accordance with the lease [~~and/or sublease~~] and  
13 operating agreement or sublease and operating agreement provided  
14 for in Section 73.405 [~~of this code~~]. Such funds may be for any  
15 further construction at the Harris County Psychiatric Center; for  
16 equipment, both fixed and movable; for utilities, including data  
17 processing and communications; for maintenance, repairs,  
18 renovations, and additions; for any damage or destruction; and for  
19 Harris County Psychiatric Center operations which latter funding  
20 may be proportional to the total costs of The University of Texas  
21 System operating the entire Harris County Psychiatric Center,  
22 exclusive of any additional cost incurred by [~~of~~] Harris County or  
23 the Health and Human Services Commission for [~~and/or MHMRA~~]  
24 operating the commitment center, which costs shall remain the sole  
25 responsibility of the entity or entities that incurred those costs  
26 [~~Harris County and/or MHMRA~~].

27 SECTION 11. Sections 73.405(a) and (d), Education Code, are

1 amended to read as follows:

2 (a) The state-supported facilities of the Harris County  
3 Psychiatric Center shall be leased to and operated and administered  
4 by The University of Texas System in accordance with a lease and  
5 operating agreement. The ~~[county-supported and/or~~  
6 ~~MHMRA-supported]~~ facilities supported by the county or the Harris  
7 Center for Mental Health and IDD, exclusive of the commitment  
8 center, may be leased or ~~[and/or]~~ subleased by The University of  
9 Texas System in the same lease ~~[and/or sublease]~~ and operating  
10 agreement or sublease and operating agreement. Any lease ~~[and/or~~  
11 ~~sublease]~~ and operating agreement or sublease and operating  
12 agreement shall provide for a lease payment by The University of  
13 Texas System of no more than \$1 per year plus other good and  
14 valuable consideration as provided for in Section 73.406 ~~[of this~~  
15 ~~code]~~.

16 (d) Any lease ~~[and/or sublease]~~ and operating agreement or  
17 sublease and operating agreement shall provide that The University  
18 of Texas System shall cause the Harris County Psychiatric Center to  
19 be operated in accordance with the standards for accreditation of  
20 The ~~[the]~~ Joint Commission ~~[on Accreditation of Hospitals]~~; that  
21 all financial transactions and performance programs may be  
22 appropriately audited; that an admission, discharge, and transfer  
23 coordination policy be established; that appropriate patient data  
24 be made available to the Health and Human Services Commission, the  
25 Harris Center for Mental Health and IDD ~~[department, MHMRA]~~, and  
26 the county, including but not limited to diagnosis and lengths of  
27 stay; and that a priority of patient treatment policy be

1 established.

2 SECTION 12. Section 73.406, Education Code, is amended to  
3 read as follows:

4 Sec. 73.406. REVENUES. That portion of any revenues  
5 related to the provision of patient services through the operation  
6 of the Harris County Psychiatric Center facilities that are leased  
7 or [and/or] subleased by and to The University of Texas System shall  
8 be accounted for and expended in accordance with the rules,  
9 regulations, and bylaws of The University of Texas System and in  
10 such manner that such revenues will reduce appropriated and funded  
11 requirements by both the state and county or the Harris Center for  
12 Mental Health and IDD [MHMRA] on a prorated basis, all as may be  
13 provided for in a lease [~~and/or sublease~~] and operating agreement  
14 or sublease and operating agreement.

15 SECTION 13. Section 73.501, Education Code, is amended to  
16 read as follows:

17 Sec. 73.501. TRANSFER AND LEASE OF FACILITIES. (a) The  
18 governance, operation, management, and control of the Texas  
19 Research Institute of Mental Sciences [~~created by Chapter 427, Acts~~  
20 ~~of the 55th Legislature, Regular Session, 1957, as amended (Article~~  
21 ~~3174b-4, Vernon's Texas Civil Statutes),~~] and all land, buildings,  
22 improvements thereon, and major fixed equipment comprising said  
23 institute shall be leased from the Health and Human Services  
24 Commission or a former state agency that provided services to  
25 persons with mental illness, persons with intellectual  
26 disabilities, and persons with developmental disabilities [Texas  
27 Department of Mental Health and Mental Retardation] and transferred

1 to the board of regents of The University of Texas System for \$1 a  
2 year and shall be subject to the provisions of [~~Subdivision (9) of~~  
3 ~~Subsection (a) of~~] Section 65.02(a)(9) [~~65.02 of the Education~~  
4 ~~Code~~].

5 (b) All land, buildings, and improvements thereon and major  
6 fixed equipment comprising said institute leased by The University  
7 of Texas System shall be utilized only for purposes of patient care  
8 services, research, and education related to mental health,  
9 intellectual disability, and developmental disability [~~mental~~  
10 ~~retardation~~]. The Health and Human Services Commission or a former  
11 state agency that provided services to persons with mental illness,  
12 persons with intellectual disabilities, and persons with  
13 developmental disabilities [~~Texas Department of Mental Health and~~  
14 ~~Mental Retardation~~] may sell or otherwise dispose of the land,  
15 buildings, improvements thereon, or major fixed equipment provided  
16 that the proceeds from the sale or other disposition shall be used  
17 for the same purposes in Harris County; and further provided, that  
18 the board of regents of The University of Texas System, prior to  
19 such sale or other disposition, has approved of such sale or  
20 disposition and the allocation of proceeds.

21 SECTION 14. Section 73.502, Education Code, is amended to  
22 read as follows:

23 Sec. 73.502. TRANSFER OF GIFTS, GRANTS, UNEXPENDED  
24 BALANCES, CONTRACTS, AND OBLIGATIONS. Any gifts, grants,  
25 unexpended balances of appropriated or unappropriated funds, and  
26 all movable equipment that was held by a former state agency that  
27 provided services to persons with mental illness, persons with



1 intellectual disabilities, and persons with developmental  
2 disabilities or that was transferred to the Health and Human  
3 Services Commission on dissolution of that former agency and was  
4 held [~~the Texas Department of Mental Health and Mental Retardation~~]  
5 for, on behalf of, or for the use and benefit of the Texas Research  
6 Institute of Mental Sciences are hereby transferred to The  
7 University of Texas System; provided, however, that all previously  
8 appropriated funds for statewide training of [~~department~~]  
9 personnel and program evaluation by the institute shall be retained  
10 by the Health and Human Services Commission [~~department~~]. All  
11 contracts and written obligations of every kind and character  
12 entered into by a former state agency that provided services to  
13 persons with mental illness, persons with intellectual  
14 disabilities, and persons with developmental disabilities [~~the~~  
15 ~~Texas Department of Mental Health and Mental Retardation~~] for and  
16 on behalf of the Texas Research Institute of Mental Sciences are  
17 ratified, confirmed, and validated, and in all such contracts and  
18 written obligations, the board of regents of The University of  
19 Texas System is substituted in lieu and shall stand and act in place  
20 and stead of the former state agency that provided services to  
21 persons with mental illness, persons with intellectual  
22 disabilities, and persons with developmental disabilities [~~Texas~~  
23 ~~Department of Mental Health and Mental Retardation~~]; provided,  
24 however, that an advisory committee shall be established with  
25 regard to research protocols and the executive commissioner of the  
26 Health and Human Services Commission [~~department~~] shall be a  
27 member; provided further, that The University of Texas System may

1 contract with the Department of State Health Services [~~department~~]  
2 for continued extramural and other laboratory consultative  
3 services. The Health and Human Services Commission [~~Texas~~  
4 ~~Department of Mental Health and Mental Retardation~~], Harris County,  
5 and the [~~Mental Health and Mental Retardation Authority of~~] Harris  
6 Center for Mental Health and IDD [~~County~~] shall provide for the  
7 continuity of inpatient and outpatient care of the patients and  
8 programs operated at the Texas Research Institute of Mental  
9 Sciences and may contract for the provision of such services in  
10 accordance with the provisions of and appropriations provided in  
11 the General Appropriations Act.

12 SECTION 15. Sections 73.503(a) and (h), Education Code, are  
13 amended to read as follows:

14 (a) Present institute personnel shall be allowed to apply  
15 for employment with The University of Texas System, Harris County,  
16 or the Harris Center for Mental Health and IDD [~~Mental Health and~~  
17 ~~Mental Retardation Authority of Harris County~~] and be given  
18 priority consideration for such employment.

19 (h) The Employees Retirement System, the Health and Human  
20 Services Commission [~~Texas Department of Mental Health and Mental~~  
21 ~~Retardation~~], and The University of Texas System shall provide the  
22 Teacher Retirement System with information necessary to establish  
23 employees' rights to credit under this section. The Employees  
24 Retirement System and the Teacher Retirement System shall establish  
25 procedures to prevent duplication of retirement credit for the same  
26 service.

27 SECTION 16. This Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB965** by González, Mary (Relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill amends several sections of code to update references to certain former health and human services state agencies. The bill requires the Health and Human Services Commission and the Department of Family and Protective Services to enter into a memorandum of understanding with the Texas Education Agency and the Texas Juvenile Justice Department concerning certain educational services. The bill allows the University of Texas System to contract with the Department of State Health Services for continued extramural and other laboratory consultative services. The bill takes effect September 1, 2019.

It is assumed that the provisions of the bill relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** WP, SD, AKi, EP, SB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 19, 2019**

**TO:** Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB965** by González, Mary (Relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill amends several sections of code to update references to certain former health and human services state agencies. The bill requires the Health and Human Services Commission and the Department of Family and Protective Services to enter into a memorandum of understanding with the Texas Education Agency and the Texas Juvenile Justice Department concerning certain educational services. The bill allows the University of Texas System to contract with the Department of State Health Services for continued extramural and other laboratory consultative services. The bill takes effect September 1, 2019.

It is assumed that the provisions of the bill relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** WP, AKi, EP, SB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 23, 2019**

**TO:** Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB965** by González, Mary (Relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**     529 Health and Human Services Commission, 701 Texas Education Agency

**LBB Staff:** WP, AKi, EP, SB

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 10, 2019**

**TO:** Honorable Senfronia Thompson, Chair, House Committee on Public Health

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB965** by González, Mary (Relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**     529 Health and Human Services Commission, 701 Texas Education Agency

**LBB Staff:** WP, AKi, EP, SB