

Ch. 281 65th LEGISLATURE—REGULAR SESSION

Delayed effective date

Sec. 12. Sections 5 through 11 of this Act take effect March 1, 1978. Otherwise, this Act takes effect September 1, 1977.

Sunset provision

Sec. 13. Unless reenacted, the provisions of this Act shall be without effect after August 31, 1987.

Emergency

Sec. 14. 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.

Passed the senate on April 27, 1977, by a viva-voce vote; May 19, 1977, senate concurred in house amendments by a viva-voce vote; passed the house, with amendments, on May 18, 1977, by a non-record vote. Approved May 27, 1977.

Sections 1 to 4, 12, 13, effective Sept. 1, 1977; Sections 5 to 11, effective March 1, 1978.

EAST TEXAS CHEST HOSPITAL—TRANSFER OF CONTROL

CHAPTER 282 ^{4a}

S. B. No. 1300

An Act relating to the transfer of the East Texas Chest Hospital and all its land, buildings, facilities, improvements, equipment, supplies, and property from the governance of the Texas Board of Health Resources to the governance of the Board of Regents of The University of Texas System; transferring legislative appropriations and other funds accordingly; ratifying all contracts entered into by and for the hospital; authorizing the hospital to be used as a teaching hospital and authorizing a change of its name; reaffirming the hospital's status as the principal state research, training, and treatment facility with respect to all chest diseases; reaffirming the hospital's function as a "state tuberculosis hospital"; authorizing certain contracts and outpatient arrangements for the treatment of tuberculosis patients; making clear the respective authority, powers, and duties of the Texas Board of Health Resources, the Texas Department of Health Resources, and The University of Texas System; repealing Subsections (b) through (e), Section 12, and Section 15, Texas Tuberculosis Code (Article 4477—11, Vernon's Texas Civil Statutes), insofar as they relate to the East Texas Chest Hospital; repealing Chapter 528, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4477—13, Vernon's Texas Civil Statutes), and all other laws or parts of laws in conflict with this Act; providing an effective date; providing a severability and saving clause; and declaring an emergency.

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

Section 1. By this Act the legislature does intend:

(1) that the East Texas Chest Hospital shall continue to serve as a "state tuberculosis hospital" under the terms and provisions of the Texas Tuberculosis Code;

4a. Vernon's Ann.Civ.St. art. 3201a—4, §§ 1 to 10.

(2) that the Texas Department of Health Resources shall continue to have the authority and power to assign and send tuberculosis patients to the East Texas Chest Hospital for treatment and/or hospitalization under the terms and provisions of the Texas Tuberculosis Code;

(3) that The University of Texas System shall provide and pay for the care and treatment of tuberculosis patients in the East Texas Chest Hospital out of such funds as the legislature may appropriate for the hospital to use for that purpose;

(4) that The University of Texas System shall honor and perform all existing contracts heretofore entered into by, for, or on behalf of the East Texas Chest Hospital, including but not limited to the existing contracts covering the training and education of osteopathic resident physicians at the East Texas Chest Hospital;

(5) that if future contracts are required to provide for the care and treatment of the outpatients of the East Texas Chest Hospital, The University of Texas System shall pay for that care and treatment out of such funds as the legislature may appropriate for such hospital to use for that purpose, or The University of Texas System shall transfer to the Texas Department of Health Resources, out of such funds as the legislature may appropriate for the East Texas Chest Hospital to use for that purpose, money to pay for the care and treatment of the outpatients of that hospital, whichever may be appropriate; and

(6) that except for the transfer of the governance and management of the East Texas Chest Hospital from the Texas Board of Health Resources to The University of Texas System, the power and authority of the Texas Department of Health Resources to examine, diagnose, isolate, quarantine, hospitalize, treat, and/or otherwise care for tuberculosis patients under the terms and provisions of the Texas Tuberculosis Code shall remain undiminished, unchanged, and in full force and effect.

Sec. 2. From and after the effective date of this Act, the governance, operation, management, control, and ownership of the East Texas Chest Hospital and all land, buildings, facilities, improvements, equipment, supplies, and property comprising said hospital shall be, and are hereby, transferred from the Texas Board of Health Resources to the Board of Regents of The University of Texas System. Said hospital, land, buildings, facilities, improvements, equipment, supplies, and property shall be governed, operated, managed, and controlled pursuant to such powers, duties, and responsibilities as are now, or as may be hereafter, conferred by law upon the Board of Regents of The University of Texas System for the governance, management, and control of the component institutions comprising said system.

Sec. 3. All appropriations heretofore or hereafter made by the legislature for the use and benefit of the East Texas Chest Hospital under the governance of the Texas Board of Health Resources shall be transferred to the Board of Regents of The University of Texas System for the use and benefit of such hospital, and all other funds held for the use and benefit of the East Texas Chest Hospital shall be similarly transferred.

Sec. 4. All contracts heretofore entered into in behalf of the East Texas Chest Hospital, or in names previously used by such hospital, are hereby ratified, confirmed, and validated for and on its behalf.

Sec. 5. The Board of Regents of The University of Texas System is authorized to use the East Texas Chest Hospital as a teaching hospital

and is authorized to change the name of the hospital, if and when deemed appropriate, so as to conform to the policies, rules, and regulations of said board.

Sec. 6. It shall continue to be the policy of the State of Texas to provide a program of treatment of the citizens of this state who are affected with chest diseases, and in pursuance of that policy the East Texas Chest Hospital shall among other functions continue to serve as the primary facility in this state to conduct research, develop diagnostic and treatment techniques and procedures, provide training and teaching programs, and provide diagnosis and treatment for both inpatients and outpatients with respect to all chest diseases.

Sec. 7. The East Texas Chest Hospital shall among other functions continue to serve as a "state tuberculosis hospital" under the terms and provisions of the Texas Tuberculosis Code (Article 4477—11, Vernon's Texas Civil Statutes), but insofar as applicable to the East Texas Chest Hospital, Subsections (b) through (e) of Section 12 and all of Section 15, Texas Tuberculosis Code (Article 4477—11, Vernon's Texas Civil Statutes), are repealed.

Sec. 8. Chapter 528, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4477—13, Vernon's Texas Civil Statutes), is repealed,⁵ and all other laws or parts of laws in conflict with this Act are repealed to the extent of such conflict.

Sec. 9. The effective date of this Act shall be September 1, 1977.

Sec. 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 11. 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 shall take effect and be in force from and after its passage, and it is so enacted.

Passed the senate on May 11, 1977, by a viva-voce vote; May 25, 1977, senate concurred in house amendments by a viva-voce vote; passed the house, with amendments, on May 23, 1977, by a non-record vote.

Approved May 27, 1977.

Effective Sept. 1, 1977.

5. Vernon's Ann.Civ.St. art. 4477—13, repealed.