A BILL TO BE ENTITLED

1   AN ACT

2 relating to county powers, duties, and services, including the

3 powers and duties of certain districts, and the authorization of

4 certain health care programs and studies.

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

6   SECTION 1. Article 26.13, Code of Criminal Procedure, is

7 amended by adding Subsection (j) to read as follows:

8   (j) A person who is incarcerated in a facility operated by

9 or under contract with the Texas Department of Criminal Justice may

10 submit a plea of guilty or plea of nolo contendere regarding a

11 misdemeanor charge in writing, transmitted by mail, facsimile, or

12 other means. Before accepting a plea under this subsection, the

13 court shall make the admonitions required by this article to the

14 defendant in writing as provided by Subsection (d).

15   SECTION 2. Section 31.037, Election Code, is amended to

16 read as follows:

17   Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. The

18 employment of the county elections administrator may be suspended,

19 with or without pay, or terminated at any time for good and

20 sufficient cause on the four-fifths vote of the county election

21 commission and approval of that action by a majority vote of the

22 commissioners court.

23   SECTION 3. Section 552.116(a), Government Code, is amended

24 to read as follows:

1

1   (a) An audit working paper of an audit of the state auditor

2 or the auditor of a state agency, an institution of higher education

3 as defined by Section 61.003, Education Code, a county, a

4 municipality, a school district, a hospital district, or a joint

5 board operating under Section 22.074, Transportation Code,

6 including any audit relating to the criminal history background

7 check of a public school employee, is excepted from the

8 requirements of Section 552.021.   If information in an audit

9 working paper is also maintained in another record, that other

10 record is not excepted from the requirements of Section 552.021 by

11 this section.

12   SECTION 4. Section 61.002(5), Health and Safety Code, is

13 amended to read as follows:

14   (5) "General revenue levy" means:

15   (A) the property taxes imposed by a county that

16 are not dedicated to:

17   (i) the construction and maintenance of

18 farm-to-market roads under Article VIII, Section 1-a, Texas

19 Constitution;

20   (ii) [or to] flood control under Article

21 VIII, Section 1-a, [of the] Texas Constitution;

22   (iii) [or that are not dedicated to] the

23 further maintenance of the public roads under Article VIII, Section

24 9, [of the] Texas Constitution; or

25   (iv) the payment of principal or interest

26 on county debt; and

27   (B) the sales and use tax revenue to be received

1 by the county during the calendar year in which the state fiscal

2 year begins under Chapter 323, Tax Code, as determined under

3 Section 26.041(d), Tax Code.

4   SECTION 5. Section 363.156(b), Local Government Code, is

5 amended to read as follows:

6   (b) To the extent competitive bidding procedures in Title 8

7 apply, the board may not enter purchasing contracts that involve

8 spending more than $50,000 [$25,000] unless the board complies

9 with:

10   (1) Subchapter C, Chapter 262, if the district was

11 created by a county; or

12   (2) Chapter 252, if the district was created by a

13 municipality.

14   SECTION 6. Section 382.002, Local Government Code, is

15 amended to read as follows:

16   Sec. 382.002. APPLICABILITY. This chapter applies only to:

17   (1) a county with a population of 1.5 million

18 [825,000] or more, other than a county that:

19   (A) borders on the Gulf of Mexico or a bay or

20 inlet of the gulf; or

21   (B) has two municipalities located wholly or

22 partly in its boundaries each having a population of 225,000

23 [300,000] or more; or

24   (2) a county with a population of 70,000 or more that

25 is adjacent to a county described by Subdivision (1) in which a

26 municipality with a population of 35,000 or more is primarily

27 situated and includes all or a part of the extraterritorial

1 jurisdiction of a municipality with a population of 1.1 million or

2 more.

3   SECTION 7. Subchapter C, Chapter 382, Local Government

4 Code, is amended by adding Section 382.113 to read as follows:

5   Sec. 382.113. ANNEXATION OR EXCLUSION OF LAND. (a) A

6 district may annex or exclude land from the district as provided by

7 Subchapter J, Chapter 49, Water Code.

8   (b) Before a district may adopt an order adding or excluding

9 land, the district must obtain the consent of:

10   (1) the county that created the district by a

11 resolution of the county commissioners court; and

12   (2) a municipality in whose extraterritorial

13 jurisdiction the district is located by a resolution adopted by the

14 municipality's governing body.

15   SECTION 8. Sections 382.155(b) and (d), Local Government

16 Code, are amended to read as follows:

17   (b) If authorized by a county, a district shall impose a

18 hotel occupancy tax in the same manner as provided by Chapter 383,

19 Local Government Code, and Section 352.107, Tax Code. Except as

20 provided by Subsection (d), [except that] a hotel occupancy tax may

21 be used only:

22   (1) for a [may be used for any] purpose described by

23 Chapter 352, Tax Code [authorized in this chapter]; and

24   (2) to encourage the development or operation of a

25 hotel in the district, including an economic development program

26 for or a grant, loan, service, or improvement to a hotel in [is

27 authorized by the county to be imposed by] the district.

1   (d) A <u>district may impose a</u> hotel occupancy tax [may not be

2 imposed] on the occupants of a hotel <u>and use the revenue from the</u>

3 <u>tax for any purpose authorized by this chapter if</u> [unless] the owner

4 of the hotel agrees to the imposition of the <u>tax</u> [hotel occupancy

5 taxes under this chapter]. After the owner agrees, the agreement

6 may not be revoked by the owner of the hotel or any subsequent owner

7 of the hotel. [After an agreement under this section, the district

8 may impose hotel occupancy taxes as provided by this chapter.]

9   SECTION 9. Section 387.003, Local Government Code, is

10 amended by amending Subsections (a), (b), (b-1), (c), (e), (f), and

11 (h) and adding Subsections (a-1), (i), and (j) to read as follows:

12   (a) The commissioners court of the county may call an

13 election on the question of creating a county assistance district

14 under this chapter. <u>More than one county assistance district may be</u>

15 <u>created in a county.</u>

16   <u>(a-1)</u> A <u>district may</u> [to] perform the following functions in

17 the district:

18   (1) the construction, maintenance, or improvement of

19 roads or highways;

20   (2) the provision of law enforcement and detention

21 services;

22   (3) the maintenance or improvement of libraries,

23 museums, parks, or other recreational facilities;

24   (4) the provision of services that benefit the public

25 health or welfare, including the provision of firefighting and fire

26 prevention services; or

27   (5) the promotion of economic development and tourism.

1   (b) The order calling the election must:

2   (1) define the boundaries of the district to include

3   any portion of the county in which the combined tax rate of all

4   local sales and use taxes imposed, including the rate to be imposed

5   by the district if approved at the election, would not exceed the

6   maximum combined rate of sales and use taxes imposed by political

7   subdivisions of this state that is prescribed by Sections 321.101

8   and 323.101, Tax Code [two percent]; and

9   (2) call for the election to be held within those

10   boundaries.

11   (b-1) If the proposed district includes any territory of a

12   municipality, the commissioners court shall send notice by

13   certified mail to the governing body of the municipality of the

14   commissioners court's intent to create the district. If the

15   municipality has created a development corporation under Chapter

16   504 or 505, the commissioners court shall also send the notice to

17   the board of directors of the corporation. The commissioners court

18   must send the notice not later than the 60th day before the date the

19   commissioners court orders the election. The governing body of the

20   municipality may exclude the territory of the municipality from the

21   proposed district by sending notice by certified mail to the

22   commissioners court of the governing body's desire to exclude the

23   municipal territory from the district. The governing body must

24   send the notice not later than the 45th day after the date the

25   governing body receives notice from the commissioners court under

26   this subsection. The territory of a municipality that is excluded

27   under this subsection may subsequently be included in:

6

1   (1) the district in an election held under Subsection

2 (f) with the consent of the municipality; or

3   (2) another district after complying with the

4 requirements of this subsection and after an election under

5 Subsection (f).

6   (c) The ballot at the election must be printed to permit

7 voting for or against the proposition: "Authorizing the creation

8 of the ____ County Assistance District No.___ (insert name of

9 district) and the imposition of a sales and use tax at the rate of

10 ____ [of one] percent (insert [one-eighth, one-fourth,

11 three-eighths, or one-half, as] appropriate rate) for the purpose

12 of financing the operations of the district."

13   (e) If a majority of the votes received at the election are

14 against the creation of the district, the district is not created

15 and the county at any time may call one or more elections [another

16 election] on the question of creating one or more [a] county

17 assistance districts [district may not be held in the county before

18 the first anniversary of the most recent election concerning the

19 creation of a district].

20   (f) The commissioners court may call an election to be held

21 in an area of the county that is not located in a district created

22 under this section to determine whether the area should be included

23 in the district and whether the district's sales and use tax should

24 be imposed in the area. An election may not be held in an area in

25 which the combined tax rate of all local sales and use taxes

26 imposed, including the rate to be imposed by the district if

27 approved at the election, would exceed the maximum combined rate of

1 sales and use taxes imposed by political subdivisions of this state

2 that is prescribed by Sections 321.101 and 323.101, Tax Code [~~two~~

3 ~~percent~~].

4   (h) If more than one election to authorize a local sales and

5 use tax is held on the same day in the area of a proposed district or

6 an area proposed to be added to a district and if the resulting

7 approval by the voters would cause the imposition of a local sales

8 and use tax in any area to exceed the maximum combined rate of sales

9 and use taxes of political subdivisions of this state that is

10 prescribed by Sections 321.101 and 323.101, Tax Code [~~two percent~~],

11 only a tax authorized at an election under this section may be

12 imposed.

13   (i) In addition to the authority to include an area in a

14 district under Subsection (f), the governing body of a district by

15 order may include an area in the district on receipt of a petition

16 or petitions signed by the owner or owners of the majority of the

17 land in the area to be included in the district. If there are no

18 qualified voters in the area to be included in the district, no

19 election is required.

20   (j) The commissioners court by order may exclude an area

21 from the district if the district has no outstanding bonds payable

22 wholly or partly from sales and use taxes and the exclusion does not

23 impair any outstanding district debt or contractual obligation.

24   SECTION 10. Section 387.005, Local Government Code, is

25 amended to read as follows:

26   Sec. 387.005. GOVERNING BODY. (a) The commissioners

27 court of the county in which the district is created by order shall

1 provide that:

2   (1) the commissioners court is the governing body of

3 the district; or

4   (2) the commissioners court shall appoint a governing

5 body of the district.

6   (b) A member of the governing body of the district

7 [commissioners court] is not entitled to compensation for service

8 [on the governing body of the district] but is entitled to

9 reimbursement for actual and necessary expenses.

10   (c) A board of directors appointed by the commissioners

11 court under this section shall consist of five directors who serve

12 staggered terms of two years. To be eligible to serve as a

13 director, a person must be at least 18 years of age and a resident of

14 the county in which the district is located. The initial directors

15 shall draw lots to achieve staggered terms, with three of the

16 directors serving one-year terms and two of the directors serving

17 two-year terms.

18   SECTION 11. Section 387.006(a), Local Government Code, is

19 amended to read as follows:

20   (a) A district may:

21   (1) perform any act necessary to the full exercise of

22 the district's functions;

23   (2) accept a grant or loan from:

24   (A) the United States;

25   (B) an agency or political subdivision of this

26 state; or

27   (C) a public or private person;

1   (3) acquire, sell, lease, convey, or otherwise dispose

2 of property or an interest in property under terms determined by the

3 district;

4   (4) employ necessary personnel; [and]

5   (5) adopt rules to govern the operation of the

6 district and its employees and property; and

7   (6) enter into agreements with municipalities

8 necessary or convenient to achieve the district's purposes,

9 including agreements regarding the duration, rate, and allocation

10 between the district and the municipality of sales and use taxes.

11   SECTION 12. Section 387.007, Local Government Code, is

12 amended by amending Subsection (b) and adding Subsection (c) to

13 read as follows:

14   (b) A district may not adopt a sales and use tax under this

15 chapter if the adoption of the tax would result in a combined tax

16 rate of all local sales and use taxes that would exceed the maximum

17 combined rate prescribed by Sections 321.101 and 323.101, Tax Code,

18 [of more than two percent] in any location in the district.

19   (c) A district may define areas in the district to pay for

20 improvements, facilities, or services that primarily benefit that

21 area and do not generally and directly benefit the district as a

22 whole. The district may impose different rates of sales and use tax

23 in each defined area, provided that the sales and use tax rate does

24 not exceed the rate approved at an election held under Section

25 387.003.

26   SECTION 13. Section 387.009, Local Government Code, is

27 amended to read as follows:

1   Sec. 387.009. TAX RATE. The rate of a tax adopted under
2 this chapter must be in increments of one-eighth[, one-fourth,
3 three-eighths, or one-half] of one percent.
4   SECTION 14. Sections 387.010(a), (b), and (c), Local
5 Government Code, are amended to read as follows:
6   (a) A district that has adopted a sales and use tax under
7 this chapter may, by order and subject to Section 387.007(b):
8   (1) reduce [, change] the rate of the tax or repeal the
9 tax without an election, except that the district may not repeal the
10 sales and use tax or reduce the rate of the sales and use tax below
11 the amount pledged to secure payment of an outstanding district
12 debt or contractual obligation;
13   (2) increase the rate of the sales and use tax, if the
14 increased rate of the sales and use tax will not exceed the rate
15 approved at an election held under Section 387.003; or
16   (3) increase the rate of the sales and use tax to a
17 rate that exceeds the rate approved at an election held under
18 Section 387.003 after [if] the increase [change or repeal] is
19 approved by a majority of the votes received in the district at an
20 election held for that purpose.
21   (b) The tax may be changed under Subsection (a) in one or
22 more increments of one-eighth of one percent [to a maximum of
23 one-half of one percent].
24   (c) The ballot for an election to increase [change] the tax
25 shall be printed to permit voting for or against the proposition:
26 "The increase [change] of a sales and use tax for the ____ County
27 Assistance District No. ___ (insert name of district) from the rate

1 of ____ [of one] percent (insert [one-fourth, three-eighths, or

2 one-half, as] appropriate rate) to the rate of ____ [of one] percent

3 (insert [one-fourth, three-eighths, or one-half, as] appropriate

4 rate)."

5   SECTION 15. Section 387.012, Local Government Code, is

6 amended to read as follows:

7   Sec. 387.012. EFFECTIVE DATE OF TAX. The adoption of the

8 tax, the increase or reduction [change] of the tax rate, or the

9 repeal of the tax takes effect on the first day of the first

10 calendar quarter occurring after the expiration of the first

11 complete quarter occurring after the date the comptroller receives

12 a copy of the order of the district's governing body [notice of the

13 results of the election] adopting, increasing, reducing

14 [changing], or repealing the tax.

15   SECTION 16. Section 3815.051(a), Special District Local

16 Laws Code, is amended to read as follows:

17   (a) The district is governed by a board of 17 [21] directors

18 who serve staggered terms of four years, with eight [10] directors'

19 terms expiring June 1 of an odd-numbered year and nine [11]

20 directors' terms expiring June 1 of the following odd-numbered

21 year.

22   SECTION 17. Subchapter B, Chapter 3815, Special District

23 Local Laws Code, is amended by adding Section 3815.055 to read as

24 follows:

25   Sec. 3815.055. INTERIM DIRECTORS. (a) The board serving on

26 September 1, 2011, is abolished and is replaced by an interim board

27 consisting of the following directors:

	Pos. No.	Name of Director
1		
2	1	Alan D. Bergeron
3	2	Sharone Mayberry
4	3	James Donatto Sr.
5	4	Hexser J. Holliday II
6	5	Osama Abdullatif
7	6	Skye Thompson
8	7	Asmara Tekle Johnson
9	8	Jaa St. Julien
10	9	Jimmy Arnold
11	10	Cyeoni Miles
12	11	Zinetta A. Burney
13	12	Chris Hageney
14	13	Teddy A. McDavid
15	14	Brian G. Smith
16	15	Robert S. Muhammad
17	16	Robert C. Combre
18	17	Janice M. Sibley-Reid

19 (b) The terms of the interim directors expire June 1, 2015.

20 (c) The mayor and the members of the governing body of the

21 City of Houston shall appoint successor directors not later than

22 June 1, 2015, and shall stagger the terms of the directors, with

23 eight of the directors' terms expiring June 1, 2017, and the

24 remaining directors' terms expiring June 1, 2019.

25 (d) This section expires September 1, 2015.

26 SECTION 18. (a) The Health and Human Services Commission

27 shall study the health care delivery systems used by health care

1 providers who are not physicians.

2   (b) The study shall examine using health care providers who

3 are not physicians to perform basic emergency and non-emergency

4 health care services and preventive health care services within the

5 scope of the health care providers' practice and license, including

6 evaluating:

7   (1) the potential cost savings of health care

8 providers who are not physicians performing these health care

9 services;

10   (2) any projected increase in access to health care

11 services for underserved communities; and

12   (3) any projected impact on the quality of care for

13 persons treated by health care providers who are not physicians.

14   (c) The study conducted under this section must

15 specifically address the potential cost savings and other

16 foreseeable consequences of expanding the authority of advanced

17 practice nurses to prescribe medication to patients.

18   (d) In conducting the study under this section, the

19 commission shall consult with:

20   (1) the Texas Medical Board;

21   (2) the Texas Board of Nursing;

22   (3) the Texas Physician Assistant Board;

23   (4) the Midwifery Board;

24   (5) the Texas State Board of Podiatric Medical

25 Examiners;

26   (6) the Texas Board of Chiropractic Examiners;

27   (7) the Texas Optometry Board; and

1   (8) any other regulatory body or professional

2 association that the department determines would be beneficial to

3 consult for the purposes of this study.

4   (e) The commission shall submit a report to the legislature

5 on the results of the study conducted under this section not later

6 than December 31, 2012. The report shall include any

7 recommendations for potential legislation relating to health care

8 providers who are not physicians.

9   (f) This section expires September 1, 2013.

10   SECTION 19. (a) An interim committee on health care

11 professionals is created to conduct a study of:

12   (1) the value of health care professionals in cost

13 containment and access to health care; and

14   (2) potential health care delivery systems that

15 include multiple types of providers.

16   (b) The committee is composed of five members as follows:

17   (1) two members appointed by the lieutenant governor,

18 one of whom must be a senator and one of whom must be a member of the

19 public; and

20   (2) three members appointed by the speaker of the

21 house of representatives, two of whom must be representatives and

22 one of whom must be a member of the public.

23   (c) The committee shall select a presiding officer and

24 convene at the call of the presiding officer.

25   (d) The committee has all other powers and duties provided

26 to a special or select committee by the rules of the senate and

27 house of representatives, by Subchapter B, Chapter 301, Government

1 Code, and by policies of the senate and house committees on

2 administration.

3 (e) From the contingent expense fund of the senate and the

4 contingent expense fund of the house of representatives equally,

5 the members of the committee are entitled to reimbursement for

6 expenses incurred in carrying out this section in accordance with

7 the rules of the senate and house of representatives and the

8 policies of the senate and house committees on administration.

9 (f) Not later than December 1, 2012, the committee shall

10 report the committee's findings and recommendations to the

11 lieutenant governor, the speaker of the house of representatives,

12 and the governor. The committee shall include in its

13 recommendations specific statutory and rule amendments that appear

14 necessary from the results of the committee's study conducted under

15 Subsection (a) of this section.

16 (g) Not later than November 1, 2011, the lieutenant governor

17 and the speaker of the house of representatives shall appoint the

18 members of the interim committee created under this section.

19 (h) This section expires September 1, 2013.

20 SECTION 20. (a) The legislature validates and confirms all

21 governmental acts and proceedings before the effective date of this

22 Act of a district created under Chapter 382, Local Government Code,

23 transferred from Subchapter C, Chapter 372, Local Government Code,

24 by Chapter 87 (S.B. 1969), Acts of the 81st Legislature, Regular

25 Session, 2009, before the effective date of this Act, including

26 acts of the district's board of directors.

27 (b) Subsection (a) does not apply to a matter that on the

1 effective date of this Act:

2 　　　　　　(1)　is involved in litigation, if the litigation

3 ultimately results in the matter being held invalid by a final court

4 judgment; or

5 　　　　　　(2)　has been held invalid by a final court judgment.

6 　　　　SECTION 21.　(a)　Article　26.13(j),　Code　of　Criminal

7 Procedure,　as　added　by　this　Act,　applies　only　to　an　offense

8 committed on or after the effective date of this Act.　An offense

9 committed before the effective date of this Act is governed by the

10 law in effect at the time the offense was committed, and the former

11 law is continued in effect for that purpose.　For purposes of this

12 section, an offense was committed before the effective date of this

13 Act if any element of the offense occurred before that date.

14 　　　　(b)　The change in law made by Section 552.116, Government

15 Code,　as　amended　by　this　Act,　applies　to　an　audit　working　paper

16 created before, on, or after the effective date of this Act.

17 　　　　(c)　The　change　in　law　made　by　Section　363.156,　Local

18 Government Code, as amended by this Act, applies only to a purchase

19 made or contract executed on or after the effective date of this

20 Act.　A purchase made or contract executed before the effective date

21 of this Act is governed by the law in effect immediately before that

22 date, and the former law is continued in effect for that purpose.

23 　　　　SECTION 22.　Section 387.010(d), Local Government Code, is

24 repealed.

25 　　　　SECTION 23.　This Act takes effect September 1, 2011.