

BILL ANALYSIS

C.S.H.B. 2977
By: Coleman
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note a number of issues facing counties. First, the parties note the need to make mental health first aid training programs available to more people and note that such programs educate non-medical professionals about strategies and resources to respond to an individual who is developing a mental health problem or experiencing a crisis. Additionally, the parties note that many people believe that a county should be allowed to recycle surplus or salvage materials rather than having to throw these materials away. Finally, the parties note that municipalities have greater flexibility than counties in considering the location of a bidder's principal place of business for certain contracts and contend that counties should have the same authority as municipalities in regard to such contracts. C.S.H.B. 2977 seeks to address these issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2977 amends the Health and Safety Code to specify that the educators provided training in mental health first aid through a Department of State Health Services (DSHS) grant program are school district employees and school resource officers. The bill defines "school district employee" as a principal, assistant principal, educator, teacher's aide, counselor, nurse, or school bus driver employed by a school district and defines "school resource officer," by reference to the Occupations Code, as a peace officer who is assigned by the officer's employing political subdivision to provide a police presence at a public school, safety or drug education to students of a public school, or other similar services. The bill specifies that it is the successful completion of such training provided by a local mental health authority by these same employees and officers that triggers the requirement for grants to be awarded by DSHS to the authority.

C.S.H.B. 2977 changes the deadline by which a local mental health authority is required to provide certain information regarding mental health first aid training programs to DSHS from not later than July 1 of each year to not later than August 31 of each year. The bill specifies that the information provided to DSHS regarding the number of employees and contractors of the authority who were trained as mental health first aid trainers must include the number of such individuals who were trained during the preceding calendar year. The bill changes the deadline by which DSHS is required to compile the information submitted by local mental health authorities and submit that information in a report to the legislature from not later than August 1

of each year to not later than September 30 of each year.

C.S.H.B. 2977 amends the Local Government Code to authorize the disposal of a county's surplus or salvage property that is unable to be sold by competitive bid or auction to be accomplished through a recycling program under which the property is collected, separated, or processed and returned to use in the form of raw materials in the production of new products.

C.S.H.B. 2977 extends to a county the authority granted to a municipality to consider the location of a bidder's principal place of business when entering into a contract for construction services in an amount of less than \$100,000 or a contract for other purchases of real property, personal property that is not affixed to real property, or services in an amount of less than \$500,000.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2977 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 511, Government Code, is amended by adding Section 511.019 to read as follows:

Sec. 511.019. COUNTY JAIL STUDY. (a) The commission shall conduct a study of county jails to investigate:

(1) the impact homelessness has on the county jail population;

(2) innovative ways to address overcrowding; and

(3) innovative ways to address inmates undergoing detoxification and withdrawal from drugs and alcohol during confinement.

(b) Not later than December 1, 2014, the commissioner shall prepare and deliver a report to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each standing committee of the senate and house of representatives having primary jurisdiction over matters relating to criminal justice and corrections that contains:

(1) a summary of the study conducted under this section; and

(2) the recommendations of the commission based on the results of the study, including recommendations of any legislation that is needed to implement the recommendations.

(c) This section expires September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.094 to read as follows:

No equivalent provision.

Sec. 531.094. MAXIMIZATION OF COUNTY INDIGENT HEALTH CARE FUNDING.

(a) If feasible and cost-effective, the commission shall apply for a modification of or amendment to the waiver under Chapter 537 as necessary to more efficiently leverage the use of county funds to maximize the receipt of federal Medicaid matching funds to provide counties in the state with additional funding to provide indigent health care under Chapter 61, Health and Safety Code.

(b) In pursuing the waiver modification or amendment required under this section, the commission shall:

(1) solicit broad-based input from interested persons; and

(2) employ the use of intergovernmental transfers and other procedures to maximize the receipt of federal Medicaid matching funds.

SECTION 3. Subchapter Z, Chapter 5, Local Government Code, is amended by adding Section 5.905 to read as follows:

No equivalent provision.

Sec. 5.905. INVENTORY OF SERVICES REQUIRED BEFORE INCORPORATION.

(a) Before a community may incorporate under this subtitle, a comprehensive inventory of police, fire, and emergency medical services provided by public or private entities in the area proposed to be incorporated must be prepared. The inventory must include for each service:

(1) the average dispatch and delivery time;

(2) a schedule of equipment, including vehicles;

(3) a staffing schedule that discloses the certification and training levels of personnel; and

(4) a summary of operating and capital expenditures.

(b) The inventory must be filed with the county clerk of the county in which the area proposed for incorporation is located on or before the 60th day before the date of the incorporation election. The county clerk shall make the inventory available for public inspection.

SECTION 4. The heading to Chapter 242, Local Government Code, is amended to read as follows:

CHAPTER 242. AUTHORITY OF MUNICIPALITY AND COUNTY TO REGULATE SUBDIVISIONS AND PROPERTY DEVELOPMENT [IN AND OUTSIDE MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION]

No equivalent provision.

SECTION 5. Chapter 242, Local Government Code, is amended by designating Sections 242.001, 242.0015, and 242.002 as Subchapter A and adding a heading for Subchapter A to read as follows:

SUBCHAPTER A. AUTHORITY TO REGULATE SUBDIVISIONS IN AND OUTSIDE MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION

No equivalent provision.

SECTION 6. Chapter 242, Local Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. DEVELOPMENT REGULATIONS IN CERTAIN COUNTIES AND MUNICIPALITIES

Sec. 242.051. APPLICABILITY. This subchapter applies only to:

- (1) a county that includes territory located within 50 miles of an international border; or
- (2) a municipality located in that county if:
 - (A) the county does not exercise in the municipality's extraterritorial jurisdiction the authority described by this subchapter; and
 - (B) the county by resolution authorizes the municipality to exercise in the municipality's extraterritorial jurisdiction the authority described by this subchapter.

Sec. 242.052. REGULATORY AUTHORITY. (a) The commissioners court of a county to which this subchapter applies may, by order, regulate residential land development in the unincorporated area of the county. The governing body of a municipality to which this subchapter applies may, by ordinance, regulate residential land development in the municipality's extraterritorial jurisdiction. By this authority, the commissioners court or governing body may prevent the proliferation of colonias by:

- (1) adopting regulations relating to:
 - (A) maximum densities, including the size of lots;

No equivalent provision.

(B) the height, number of stories, size, or number of buildings or other structures that may be located on a lot or tract;

(C) the location of buildings and other structures on a lot or tract; and

(D) the preparation of a plan for utility development, environmental effect and adaptation, utility extension, and capacity planning and providing financial analysis of said plan; and

(2) adopting building codes to promote safe and uniform building, plumbing, and electrical standards.

(b) If a tract of land is appraised as agricultural or open-space land by the appraisal district, the commissioners court or governing body may not regulate land development on that tract under the authority granted by Subsection (a)(1)(B), (a)(1)(C), or (a)(2).

(c) The authority granted under this section does not authorize the commissioners court or governing body to adopt an order regulating commercial property that is uninhabitable.

(d) The authority granted under this section does not authorize the commissioners court or governing body to adopt an order that limits or otherwise impairs the rights of individuals or entities in the exploration, development, or production of oil, gas, or other minerals.

Sec. 242.053. BUILDING PERMITS. (a) The county or municipality, as appropriate, shall issue a building permit if the person submitting the application for the permit:

(1) files information relating to the location of the residence;

(2) files the building plans for the residence; and

(3) complies with the applicable regulations relating to the issuance of the permit.

(b) The county or municipality may charge a reasonable building permit fee.

(c) The county or municipality shall deposit fees collected under this section in an account in its general fund and dedicate the fees to the building permit program. The funds in the account may be used only for the purpose of administering the building permit program.

Sec. 242.054. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY ORDER. If an order adopted by the county under this subchapter conflicts with an ordinance of a municipality, the municipal ordinance prevails within the municipality's jurisdiction to the extent of the conflict.

Sec. 242.055. EXISTING AUTHORITY UNAFFECTED. The authority granted by this subchapter does not affect the authority of the commissioners court or governing body to adopt an order or ordinance under other law.

Sec. 242.056. INJUNCTION. The county or municipality, in a suit brought by the appropriate attorney representing the county or municipality in the district court, is entitled to appropriate injunctive relief to prevent the violation or threatened violation of the entity's order or ordinance adopted under this subchapter from continuing or occurring.

Sec. 242.057. PENALTY; EXCEPTION. (a) A person commits an offense if the person violates a restriction or prohibition imposed by an order or ordinance adopted under this subchapter. An offense under this section is a Class C misdemeanor.

(b) It is an exception to the application of this section that:

(1) the person is an owner-occupant of a residential dwelling that is classified by the Texas Department of Housing and Community Affairs as a low-income household;

(2) the dwelling was constructed before the effective date of this subchapter;

(3) the violation related to a building standard or building code for that dwelling; and

(4) the county or municipality, as appropriate:

(A) did not make available to the person a grant or loan in an amount sufficient to cure the violation; or

(B) made available to the person a loan that was sufficient to cure the violation but that caused the housing expenses of the person to exceed 30 percent of the person's net income.

SECTION 7. Subchapter A, Chapter 351, Local Government Code, is amended by adding Section 351.016 to read as follows:

Sec. 351.016. REPORT ON HOMELESS INDIVIDUALS. Each county shall submit to the Commission on Jail Standards on or before the fifth day of each month a report that contains the number of homeless individuals confined in the county jail.

No equivalent provision.

SECTION 8. Section 383.003(a), Local

No equivalent provision.

Government Code, is amended to read as follows:

(a) Counties [~~Small and medium sized counties~~] in this state need incentives for the development of public improvements to attract visitors and tourists [~~to those counties~~], and those counties are at a disadvantage in competing with counties in other states for the location and development of projects that attract visitors by virtue of the availability and prevalent use of financial incentives in other states.

SECTION 9. Section 383.021(a), Local Government Code, is amended to read as follows:

(a) The commissioners court of a county [~~with a population of 400,000 or less~~], on petition of the owners of land in a proposed district, may commence the creation of a county development district.

No equivalent provision.

SECTION 10. Section 391.001, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) This chapter shall be interpreted broadly to:

(1) ensure that the intent and purpose of this chapter is achieved; and

(2) encourage collaboration between regional planning commissions and agencies that provide social service programs to maximize available funding.

No equivalent provision.

SECTION 11. Section 13.084, Water Code, is amended to read as follows:

Sec. 13.084. **AUTHORITY OF GOVERNING BODY; COST REIMBURSEMENT.** The governing body of any municipality, ~~[or] the commissioners court of an affected county,~~ or the commissioners court of a county authorized to intervene under Section 13.1871 has ~~[shall have]~~ the right to select and engage rate consultants, accountants, auditors, attorneys, engineers, or any combination of these experts to conduct investigations, present evidence, advise and represent the governing body, and assist with litigation on water and sewer utility ratemaking proceedings. The water and sewer utility engaged in those proceedings shall be required to reimburse the

No equivalent provision.

governing body or the commissioners court for the reasonable costs of those services and shall be allowed to recover those expenses through its rates with interest during the period of recovery.

SECTION 12. Section 13.187(e), Water Code, is amended to read as follows:

(e) If, before the 91st day after the effective date of the rate change, the regulatory authority receives a complaint from a county authorized to intervene under Section 13.1871, any affected municipality, or from the lesser of 1,000 or 10 percent of the ratepayers of the utility over whose rates the regulatory authority has original jurisdiction, the regulatory authority shall set the matter for hearing.

No equivalent provision.

SECTION 13. Subchapter F, Chapter 13, Water Code, is amended by adding Section 13.1871 to read as follows:

Sec. 13.1871. RIGHT OF COUNTY TO INTERVENE. A county, on behalf of water rate payers in unincorporated areas of the county, may intervene as a party in a rate proceeding under this subchapter.

No equivalent provision.

SECTION 14. The change in law made by Sections 13.084 and 13.187(e), Water Code, as amended by this Act, and Section 13.1871, Water Code, as added by this Act, applies only to an original rate proceeding in which the initial hearing is held on or after September 1, 2013. A proceeding in which the initial hearing is held before September 1, 2013, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

No equivalent provision.

No equivalent provision.

SECTION 1. Section 1001.201, Health and Safety Code, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, is amended by adding Subdivisions (4) and (5) to read as follows:

(4) "School district employee" means a principal, assistant principal, educator, teacher's aide, counselor, nurse, or school bus driver employed by a school district.

(5) "School resource officer" has the meaning assigned by Section 1701.601, Occupations Code.

No equivalent provision.

SECTION 2. Sections 1001.203(a) and (c), Health and Safety Code, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, are amended to read as follows:

(a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to local mental health authorities to provide an approved mental health first aid training program, administered by mental health first aid trainers, at no cost to school district employees and school resource officers [educators].

(c) Subject to the limit provided by Subsection (b), out of the funds appropriated to the department for making grants under this section, the department shall grant \$100 to a local mental health authority for each school district employee or school resource officer [educator] who successfully completes a mental health first aid training program provided by the authority under this section.

No equivalent provision.

SECTION 3. Section 1001.205, Health and Safety Code, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

Sec. 1001.205. REPORTS. (a) Not later than August 31 [~~July 1~~] of each year, a local mental health authority shall provide to the department the number of:

(1) employees and contractors of the authority who were trained as mental health first aid trainers under Section 1001.202 during the preceding calendar year;

(2) educators, school district employees other than educators, and school resource officers who completed a mental health first aid training program offered by the authority under Section 1001.203 during the preceding calendar year; and

(3) individuals who are not school district employees or school resource officers [educators] who completed a mental health first aid training program offered by the

authority during the preceding calendar year.

(b) Not later than September 30 [~~August 4~~] of each year, the department shall compile the information submitted by local mental health authorities as required by Subsection (a) and submit a report to the legislature containing the number of:

(1) authority employees and contractors trained as mental health first aid trainers during the preceding calendar year;

(2) educators, school district employees other than educators, and school resource officers who completed a mental health first aid training program provided by an authority during the preceding calendar year; and

(3) individuals who are not school district employees or school resource officers [~~educators~~] who completed a mental health first aid training program provided by an authority during the preceding calendar year.

No equivalent provision.

SECTION 4. Section 263.152, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) Disposal under Subsection (a)(3) may be accomplished through a recycling program under which the property is collected, separated, or processed and returned to use in the form of raw materials in the production of new products.

No equivalent provision.

SECTION 5. The heading to Section 271.9051, Local Government Code, is amended to read as follows:

Sec. 271.9051. CONSIDERATION OF LOCATION OF BIDDER'S PRINCIPAL PLACE OF BUSINESS IN CERTAIN MUNICIPALITIES AND COUNTIES.

No equivalent provision.

SECTION 6. Sections 271.9051(a), (b), and (c), Local Government Code, are amended to read as follows:

(a) This section applies only to a municipality or county that is authorized under this title to purchase real property or personal property that is not affixed to real property.

(b) In purchasing under this title any real

property, personal property that is not affixed to real property, or services, if a municipality or county receives one or more competitive sealed bids from a bidder whose principal place of business is in the municipality or county and whose bid is within five percent of the lowest bid price received by the municipality or county from a bidder who is not a resident of the municipality or county, the municipality or county may enter into a contract for construction services in an amount of less than \$100,000 or a contract for other purchases in an amount of less than \$500,000 with:

(1) the lowest bidder; or
(2) the bidder whose principal place of business is in the municipality or county if the governing body of the municipality or county determines, in writing, that the local bidder offers the municipality or county the best combination of contract price and additional economic development opportunities for the municipality or county created by the contract award, including the employment of residents of the municipality or county and increased tax revenues to the municipality or county.

(c) This section does not prohibit a municipality or county from rejecting all bids.

No equivalent provision.

SECTION 7. Section 271.9051, Local Government Code, as amended by this Act, applies only to a contract for which the initial notice soliciting bids is given on or after the effective date of this Act. A contract for which the initial notice soliciting bids is given before the effective date of this Act is governed by the law in effect when the initial notice is given, and the former law is continued in effect for that purpose.

SECTION 15. This Act takes effect September 1, 2013.

SECTION 8. This Act takes effect September 1, 2015.