

BILL ANALYSIS

C.S.H.B. 4180
By: Coleman
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that there are a number of issues affecting counties and other governmental entities and residents that need to be addressed. C.S.H.B. 4180 seeks to address some of these issues, including issues relating to health care and emergency services districts.

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. 4180 amends the Health and Safety Code to provide for a county health care provider participation program in a county that is not served by a hospital district or a public hospital, has a population of more than 75,000, and borders or includes a portion of the Sam Rayburn Reservoir. The bill establishes that such a program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. The bill authorizes money in the fund to be used by the county to fund certain intergovernmental transfers and indigent care programs. The bill authorizes the commissioners court of a county to adopt an order authorizing a county to participate in the program, subject to certain limitations. The bill defines, among other terms, "institutional health care provider" as a nonpublic hospital that provides inpatient hospital services.

C.S.H.B. 4180 sets out the powers and duties of a commissioners court with respect to the county health care provider participation program. The bill provides for an annual public hearing on the amounts of any mandatory payments that the commissioners court intends to require during the year and how the revenue derived from those payments is to be spent. The bill provides for the designation of one or more banks located in the county as the depository for mandatory payments and for the creation, composition, and use of a county's local provider participation fund.

C.S.H.B. 4180 provides for the amount, assessment, and collection of a mandatory payment. The bill establishes that interest, penalties, and discounts on mandatory payments are governed by the law applicable to county property taxes. The bill authorizes a county to provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services to the extent any provision or procedure under the bill's county health care provider participation program provisions causes a mandatory payment to be

ineligible for federal matching funds.

C.S.H.B. 4180 establishes that a five-member board of emergency services commissioners serves as the governing body of an emergency services district that was authorized to have a board of emergency services commissioners appointed under certain former law and that is located partly in a county with a population of less than 22,000 and partly in a county with a population of more than 54,000. The bill establishes that a commissioner serves a two-year term. The bill requires the commissioners court of the smallest county in which the district is located to appoint two commissioners to the board, requires the commissioners court of the largest county in which the district is located to appoint three commissioners to the board, and sets out eligibility and residency requirements for the commissioners. The bill requires a commissioners court, on January 1 of each year, to appoint a successor for each commissioner appointed by that commissioners court whose term has expired. The bill requires the appropriate commissioners court to fill a vacancy on the board for the remainder of the unexpired term. The bill exempts such an emergency services district from statutory provisions relating to the election of the board of a district located in more than one county. The bill provides for the validation, ratification, and confirmation of certain actions and proceedings of an emergency services district to which certain former law applied taken between January 1, 2012, and the bill's effective date.

C.S.H.B. 4180 authorizes the board for an emergency services district located wholly in a county with a population of 75,000 or less by resolution to determine to hold the board's regular meetings less frequently than monthly. The bill requires the resolution to require the board to meet either quarterly or every other month and requires the board to meet as required by the resolution.

C.S.H.B. 4180 amends the Local Government Code to make the statutory provision establishing the county judge, if present, as the presiding officer of the county commissioners court inapplicable to a meeting held by videoconference call if the county judge is not located at the physical space made available to the public for the meeting.

C.S.H.B. 4180 repeals Section 250.006(b), Local Government Code, which requires a county order or municipal ordinance requiring a property owner to remove graffiti from the owner's property on receipt of notice from the county or municipality to provide that the county or municipality may not give such notice unless the county or municipality has offered to remove the graffiti from the owner's property free of charge and the property owner has refused the offer.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4180 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. Article 26.05(b), Code of Criminal Procedure, is amended to read as follows:

(b) All payments made under this article shall be paid in accordance with a schedule of fees adopted by formal action of the judges of the county courts, statutory county

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

courts, and district courts trying criminal cases in each county. Not later than the 90th day before the first day of the county's fiscal year, [On adoption of] a schedule of fees for that fiscal year must be adopted and [as provided by this subsection,] a copy of the schedule must [shall] be sent to the commissioners court of the county.

SECTION 2. Section 3, Article 42.09, Code of Criminal Procedure, is amended to read as follows:

Sec. 3. If a defendant [~~is~~] convicted of a felony ~~is [and] sentenced to death or to [-] life [-, or a term of more than ten years]~~ in the Texas Department of Criminal Justice or is ineligible for release on bail pending appeal under Article 44.04(b) and [he] gives notice of appeal, the defendant [he] shall be transferred to the department on a commitment pending a mandate from the court of appeals or the Court of Criminal Appeals.

No equivalent provision.

SECTION 3. The heading to Section 31.092, Election Code, is amended to read as follows:

Sec. 31.092. CONTRACT FOR ELECTION SERVICES AUTHORIZED FOR COUNTY ELECTION OFFICER.

No equivalent provision.

SECTION 4. Section 31.092, Election Code, is amended by adding Subsection (f) to read as follows:

(f) The county election officer may set a deadline for the submission of a request to enter into a contract to perform election services under this section.

No equivalent provision.

SECTION 5. The heading to Section 31.093, Election Code, is amended to read as follows:

Sec. 31.093. [DUTY TO] CONTRACT FOR ELECTION SERVICES AUTHORIZED FOR COUNTY ELECTIONS ADMINISTRATOR.

No equivalent provision.

SECTION 6. Section 31.093, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) If requested to do so by a political subdivision or political party, the county elections administrator may [shall] enter into a contract to furnish the election

No equivalent provision.

services requested, in accordance with a cost schedule agreed on by the contracting parties.

(c) The county elections administrator may set a deadline for the submission of a request to enter into a contract to provide election services under this section.

SECTION 7. Section 84.001(d), Election Code, is amended to read as follows:

(d) An application must be submitted [~~by mail~~] to the early voting clerk for the election who serves the election precinct of the applicant's residence.

No equivalent provision.

SECTION 8. Section 84.007(b), Election Code, is amended to read as follows:

(b) An application must be submitted to the early voting clerk by:

- (1) mail;
- (2) common or contract carrier; [~~or~~]
- (3) telephonic facsimile machine, if a machine is available in the clerk's office; or
- (4) electronic submission of the application, if authorized by the clerk.

No equivalent provision.

SECTION 9. Subchapter B, Chapter 84, Election Code, is amended by adding Section 84.038 to read as follows:

Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION FOR CERTAIN VOTERS. The cancellation of an application for a ballot to be voted by mail under Section 84.032(c), (d), or (e) does not cancel the application with respect to a subsequent election to which the same application applies under Section 86.0015(b).

No equivalent provision.

SECTION 10. Section 86.006, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by:

- (1) mail;
 - (2) [~~or by~~] common or contract carrier; or
 - (3) subject to Subsection (a-1), in-person delivery by the voter who voted the ballot.
- (a-1) The voter may deliver a marked ballot in person to the early voting clerk's office

No equivalent provision.

only while the polls are open on election day. A voter who delivers a marked ballot in person must present an acceptable form of identification described by Section 63.0101.

SECTION 11. Subchapter B, Chapter 826, Health and Safety Code, is amended by adding Section 826.018 to read as follows:

Sec. 826.018. LOCAL RABIES CONTROL PROGRAMS. (a) This section applies to a veterinarian who:

(1) is employed by a county; and
(2) administers or supervises the administration of rabies vaccine as part of a local rabies control program established by a county or municipality under this chapter.

(b) A veterinarian described by Subsection (a) is not required to establish a veterinarian-client-patient relationship before administering rabies vaccine or supervising the administration of rabies vaccine.

(c) To the extent of any conflict between this section and any other law or rule relating to the administration of rabies vaccine, this section controls.

No equivalent provision.

SECTION 12. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.0375 to read as follows:

Sec. 232.0375. ALTERNATIVE ENFORCEMENT; CITATION. (a) As an alternative to an action to recover a civil penalty under Section 232.037(a)(3) for the enforcement of a rule or requirement adopted by the commissioners court under this subchapter that prohibits more than one single-family, detached dwelling to be located on each lot, the commissioners court may authorize a county employee to issue a citation to a subdivider for a violation of the rule or requirement.

(b) The commissioners court may designate the county employee as a county inspector.

(c) The commissioners court may adopt a standard civil penalty, in an amount authorized under Section 232.035(c), to be assessed for the violation for which the citation may be issued by the county employee under Subsection (a), except the penalty amount assessed by each citation may not exceed a total penalty of \$10,000. Each day a violation continues or occurs may be considered a separate violation for

No equivalent provision.

purposes of imposing a penalty.

(d) The county employee may issue subsequent citations to a subdivider for a violation if the subdivider fails to correct the violation for which a citation has been issued.

(e) A subdivider who is issued a citation under this section may pay the civil penalty or contest the penalty in justice court. Venue for an action under this subsection is the justice court in the justice precinct in which the violation occurred.

(f) A civil penalty recovered under this section shall be deposited in the county treasury to the credit of the general fund.

(g) The commissioners court by order may adopt rules to implement this section.

SECTION 13. Subchapter C, Chapter 232, Local Government Code, is amended by adding Section 232.0805 to read as follows:

Sec. 232.0805. ALTERNATIVE ENFORCEMENT; CITATION. (a) As an alternative to an action to recover a civil penalty under Section 232.080(a)(3) for the enforcement of a rule or requirement adopted by the commissioners court under this subchapter that prohibits more than one single-family, detached dwelling to be located on each lot, the commissioners court may authorize a county employee to issue a citation to a subdivider for a violation of the rule or requirement.

(b) The commissioners court may designate the county employee as a county inspector.

(c) The commissioners court may adopt a standard civil penalty, in an amount authorized under Section 232.079(b), to be assessed for the violation for which the citation may be issued by the county employee under Subsection (a), except the penalty amount assessed by each citation may not exceed a total penalty of \$10,000. Each day a violation continues or occurs may be considered a separate violation for purposes of imposing a penalty.

(d) The county employee may issue subsequent citations to a subdivider for a violation if the subdivider fails to correct the violation for which a citation has been issued.

(e) A subdivider who is issued a citation under this section may pay the civil penalty or contest the penalty in justice court. Venue for an action under this subsection is

No equivalent provision.

the justice court in the justice precinct in which the violation occurred.

(f) A civil penalty recovered under this section shall be deposited in the county treasury to the credit of the general fund.

(g) The commissioners court by order may adopt rules to implement this section.

SECTION 14. Section 233.061(a), Local Government Code, is amended to read as follows:

(a) The commissioners court of a county [~~with a population of over 250,000 or a county adjacent to a county with a population of over 250,000~~] may adopt a fire code and rules necessary to administer and enforce the fire code.

No equivalent provision.

SECTION 15. Section 263.251(a), Local Government Code, is amended to read as follows:

(a) The commissioners court of a county may adopt a procedure by which the county may:

(1) lease to another entity advertising space located:

(A) in or on a building or part of a building owned by the county;

(B) on personal property [~~a vehicle~~] owned by the county;

(C) on an official county website; [~~or~~]

(D) in or on a building or part of a building leased by the county, with the building owner's consent; or

(E) on personal property [~~a vehicle~~] leased by the county, with the property [~~vehicle~~] owner's consent; or

(2) sell advertising space located on correspondence distributed by the county through the United States Postal Service.

No equivalent provision.

SECTION 16. 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 17. 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

No equivalent provision.

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.

SECTION 18. Section 72.101(a), Property Code, is amended to read as follows:

(a) Except as provided by this section and Sections 72.1015, 72.1016, 72.1017, [~~and~~] 72.102, and 72.104, personal property is presumed abandoned if, for longer than three years:

(1) the existence and location of the owner of the property is unknown to the holder of the property; and

(2) according to the knowledge and records of the holder of the property, a claim to the property has not been asserted or an act of ownership of the property has not been exercised.

SECTION 19. Subchapter B, Chapter 72, Property Code, is amended by adding Section 72.104 to read as follows:

Sec. 72.104. TANGIBLE PERSONAL

No equivalent provision.

No equivalent provision.

PROPERTY HELD BY COUNTY.

Tangible personal property that is found on county land or in a county park, facility, or right-of-way is presumed abandoned if, for longer than 60 days:

- (1) the personal property is held by the county;
- (2) the existence and location of the owner of the personal property is unknown to the county; and
- (3) according to the knowledge and records of the county, a claim to the personal property has not been asserted or an act of ownership of the personal property has not been exercised.

SECTION 20. Section 644.101(c), Transportation Code, is amended to read as follows:

(c) A sheriff or a deputy sheriff of a county bordering the United Mexican States or of a county with a population of 700,000 [~~one million~~] or more is eligible to apply for certification under this section.

No equivalent provision.

SECTION 21. (a) In this section, "task force" means the Task Force to Study Population Growth in Texas established under this section.

(b) The Task Force to Study Population Growth in Texas is established for the purposes of assessing the effects of population growth in this state on:

- (1) housing;
 - (2) businesses in this state;
 - (3) available land resources; and
 - (4) the state's economy.
- (c) The task force is composed of the following nine members:
- (1) three state or local officials appointed by the governor;
 - (2) three state or local officials appointed by the lieutenant governor; and
 - (3) three state or local officials appointed by the speaker of the house of representatives.
- (d) The members of the task force shall elect a presiding officer.
- (e) The offices of the governor, lieutenant governor, and speaker of the house of representatives shall provide staff support to the task force.
- (f) The task force shall hold public hearings to achieve the purposes described by Subsection (b).

No equivalent provision.

(g) A member of the task force is not entitled to receive compensation for service on the task force but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the task force.

(h) The task force may accept gifts and grants from any source to be used to carry out a function of the task force.

(i) Not later than November 1, 2018, the task force shall submit a final report to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the legislature. The report shall include a summary and analysis of:

(1) hearings and studies conducted by the task force;

(2) legislation proposed by the task force; and

(3) other findings and recommendations made by the task force.

(j) Not later than December 1, 2019, the governor, the lieutenant governor, and the speaker of the house of representatives shall make the appointments to the task force as described under Subsection (c).

(k) The task force is abolished and this section expires August 31, 2021.

SECTION 22. (a) Article 26.05(b), Code of Criminal Procedure, as amended by this Act, applies only to the adoption of a schedule of fees for a county fiscal year starting on or after January 1, 2020.

(b) Sections 232.0375 and 232.0805, Local Government Code, as added by this Act, apply only to a violation that occurs on or after the effective date of this Act. A violation that occurs before that date is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose. For purposes of this section, each day a violation continues or occurs is considered a separate violation.

(c) 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

No equivalent provision.

continued in effect for that purpose.

No equivalent provision.

SECTION 1. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 291A to read as follows:

CHAPTER 291A. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM IN CERTAIN COUNTIES BORDERING OR INCLUDING THE SAM RAYBURN RESERVOIR

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 291A.001. DEFINITIONS. In this chapter:

(1) "Institutional health care provider" means a nonpublic hospital that provides inpatient hospital services.

(2) "Paying hospital" means an institutional health care provider required to make a mandatory payment under this chapter.

(3) "Program" means the county health care provider participation program authorized by this chapter.

Sec. 291A.002. APPLICABILITY. This chapter applies only to a county that:

(1) is not served by a hospital district or a public hospital;

(2) has a population of more than 75,000; and

(3) borders or includes a portion of the Sam Rayburn Reservoir.

Sec. 291A.003. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM.

(a) A county health care provider participation program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Money in the fund may be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by this chapter.

(b) The commissioners court of a county may adopt an order authorizing a county to participate in the program, subject to the limitations provided by this chapter.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSIONERS COURT

Sec. 291A.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT.

The commissioners court of a county may require a mandatory payment authorized

under this chapter by an institutional health care provider in the county only in the manner provided by this chapter.

Sec. 291A.052. MAJORITY VOTE REQUIRED. The commissioners court of a county may not authorize the county to collect a mandatory payment authorized under this chapter without an affirmative vote of a majority of the members of the commissioners court.

Sec. 291A.053. RULES AND PROCEDURES. After the commissioners court of a county has voted to require a mandatory payment authorized under this chapter, the commissioners court may adopt rules relating to the administration of the mandatory payment.

Sec. 291A.054. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING; INSPECTION OF RECORDS. (a) The commissioners court of a county that collects a mandatory payment authorized under this chapter shall require each institutional health care provider to submit to the county a copy of any financial and utilization data required by and reported to the Department of State Health Services under Sections 311.032 and 311.033 and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those sections.

(b) The commissioners court of a county that collects a mandatory payment authorized under this chapter may inspect the records of an institutional health care provider to the extent necessary to ensure compliance with the requirements of Subsection (a).

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 291A.101. HEARING. (a) Each year, the commissioners court of a county that collects a mandatory payment authorized under this chapter shall hold a public hearing on the amounts of any mandatory payments that the commissioners court intends to require during the year and how the revenue derived from those payments is to be spent.

(b) Not later than the 10th day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general

circulation in the county.

(c) A representative of a paying hospital is entitled to appear at the time and place designated in the public notice and to be heard regarding any matter related to the mandatory payments authorized under this chapter.

Sec. 291A.102. DEPOSITORY. (a) The commissioners court of each county that collects a mandatory payment authorized under this chapter by resolution shall designate one or more banks located in the county as the depository for mandatory payments received by the county. A bank designated as a depository serves for two years or until a successor is designated.

(b) All income received by a county under this chapter, including the revenue from mandatory payments remaining after discounts and fees for assessing and collecting the payments are deducted, shall be deposited with the county depository in the county's local provider participation fund and may be withdrawn only as provided by this chapter.

(c) All funds under this chapter shall be secured in the manner provided for securing county funds.

Sec. 291A.103. LOCAL PROVIDER PARTICIPATION FUND; AUTHORIZED USES OF MONEY. (a) Each county that collects a mandatory payment authorized under this chapter shall create a local provider participation fund.

(b) The local provider participation fund of a county consists of:

(1) all revenue received by the county attributable to mandatory payments authorized under this chapter, including any penalties and interest attributable to delinquent payments;

(2) money received from the Health and Human Services Commission as a refund of an intergovernmental transfer from the county to the state for the purpose of providing the nonfederal share of Medicaid supplemental payment program payments, provided that the intergovernmental transfer does not receive a federal matching payment; and

(3) the earnings of the fund.

(c) Money deposited to the local provider participation fund may be used only to:

(1) fund intergovernmental transfers from the county to the state to provide the

nonfederal share of a Medicaid supplemental payment program authorized under the state Medicaid plan, including through the Medicaid managed care program, under the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315), or under a successor waiver program authorizing similar Medicaid supplemental payment programs;

(2) subsidize indigent programs;

(3) pay the administrative expenses of the county solely for activities under this chapter;

(4) refund a portion of a mandatory payment collected in error from a paying hospital; and

(5) refund to paying hospitals the proportionate share of money received by the county from the Health and Human Services Commission that is not used to fund the nonfederal share of Medicaid supplemental payment program payments.

(d) Money in the local provider participation fund may not be commingled with other county funds.

(e) An intergovernmental transfer of funds described by Subsection (c)(1) and any funds received by the county as a result of an intergovernmental transfer described by that subsection may not be used by the county or any other entity to expand Medicaid eligibility under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152).

SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 291A.151. MANDATORY PAYMENTS BASED ON PAYING HOSPITAL NET PATIENT REVENUE.

(a) Except as provided by Subsection (e), the commissioners court of a county that collects a mandatory payment authorized under this chapter may require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the county. The commissioners court may provide for the mandatory payment to be assessed quarterly. In the first year in which the mandatory payment is required, the mandatory payment is assessed on the net

patient revenue of an institutional health care provider as determined by the data reported to the Department of State Health Services under Sections 311.032 and 311.033 in the fiscal year ending in 2015 or, if the institutional health care provider did not report any data under those sections in that fiscal year, as determined by the institutional health care provider's Medicare cost report submitted for the 2015 fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report. The county shall update the amount of the mandatory payment on an annual basis.

(b) The amount of a mandatory payment authorized under this chapter must be uniformly proportionate with the amount of net patient revenue generated by each paying hospital in the county. A mandatory payment authorized under this chapter may not hold harmless any institutional health care provider, as required under 42 U.S.C. Section 1396b(w).

(c) The commissioners court of a county that collects a mandatory payment authorized under this chapter shall set the amount of the mandatory payment. The amount of the mandatory payment required of each paying hospital may not exceed an amount that, when added to the amount of the mandatory payments required from all other paying hospitals in the county, equals an amount of revenue that exceeds six percent of the aggregate net patient revenue of all paying hospitals in the county.

(d) Subject to the maximum amount prescribed by Subsection (c), the commissioners court of a county that collects a mandatory payment authorized under this chapter shall set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the county for activities under this chapter, to fund the nonfederal share of a Medicaid supplemental payment program as described by Section 291A.103(c)(1), and to pay for indigent programs, except that the amount of revenue from mandatory payments used for administrative expenses of the county for activities under this chapter in a year may not exceed the lesser of four percent of the total revenue generated from the mandatory payment or \$20,000.

(e) A paying hospital may not add a mandatory payment required under this section as a surcharge to a patient.

Sec. 291A.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. The county may collect or contract for the assessment and collection of mandatory payments authorized under this chapter.

Sec. 291A.153. INTEREST, PENALTIES, AND DISCOUNTS. Interest, penalties, and discounts on mandatory payments required under this chapter are governed by the law applicable to county ad valorem taxes.

Sec. 291A.154. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE. (a) The purpose of this chapter is to generate revenue by collecting from institutional health care providers a mandatory payment to be used to provide the nonfederal share of a Medicaid supplemental payment program.

(b) To the extent any provision or procedure under this chapter causes a mandatory payment authorized under this chapter to be ineligible for federal matching funds, the county may provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services.

No equivalent provision.

SECTION 2. Subchapter C, Chapter 775, Health and Safety Code, is amended by adding Section 775.0341 to read as follows:

Sec. 775.0341. APPOINTMENT OF BOARD IN CERTAIN DISTRICTS LOCATED IN MORE THAN ONE COUNTY. (a) This section applies only to a district that was authorized to have a board of emergency services commissioners appointed under former Section 776.0345 and that is located:

(1) partly in a county with a population of less than 22,000; and

(2) partly in a county with a population of more than 54,000.

(b) A five-member board of emergency services commissioners appointed under this section serves as the district's governing body. A commissioner serves a two-year term.

(c) The commissioners court of the smallest county in which the district is located shall appoint two commissioners to the board.

The commissioners court of the largest county in which the district is located shall appoint three commissioners to the board.

(d) To be eligible for appointment as an emergency services commissioner under this section, a person must be at least 18 years of age and reside in the district. Two commissioners must reside in the smallest county in which the district is located, and three commissioners must reside in the largest county in which the district is located.

(e) On January 1 of each year, a commissioners court shall appoint a successor for each emergency services commissioner appointed by that commissioners court whose term has expired.

(f) The appropriate commissioners court shall fill a vacancy on the board for the remainder of the unexpired term.

No equivalent provision.

SECTION 3. Section 775.035, Health and Safety Code, is amended by adding Subsection (j) to read as follows:

(j) This section does not apply to a district described by Section 775.0341.

No equivalent provision.

SECTION 4. Section 775.036, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a)(1), the board for a district located wholly in a county with a population of 75,000 or less may by resolution determine to hold the board's regular meetings less frequently than prescribed by that subsection. The resolution must require the board to meet either quarterly or every other month. The board shall meet as required by the resolution.

No equivalent provision.

SECTION 5. Section 81.001(b), Local Government Code, is amended to read as follows:

(b) If present, the county judge is the presiding officer of the commissioners court. This subsection does not apply to a meeting held under Section 551.127, Government Code, if the county judge is not located at the physical space made available to the public for the meeting.

No equivalent provision.

SECTION 6. (a) All governmental acts and proceedings of an emergency services district to which former Section 776.0345,

Health and Safety Code, applied before that section was repealed and that relate to the selection of emergency services commissioners of the district and that were taken between January 1, 2012, and the effective date of this Act are validated, ratified, and confirmed in all respects as if they had been taken as authorized by law.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

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

No equivalent provision.

SECTION 7. Section 250.006(b), Local Government Code, is repealed.

No equivalent provision.

SECTION 8. If before implementing any provision of Chapter 291A, Health and Safety Code, as added by this Act, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 23. This Act takes effect September 1, 2017.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.