

## BILL ANALYSIS

Senate Research Center  
85R31657 JCG-D

C.S.H.B. 4180  
By: Coleman (Kolkhorst)  
Intergovernmental Relations  
5/22/2017  
Committee Report (Substituted)

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. H.B. 4180 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. H.B. 4180 authorizes money in the fund to be used by the county to fund certain intergovernmental transfers and indigent care programs. H.B. 4180 authorizes the commissioners court of a county to adopt an order authorizing a county to participate in the program, subject to certain limitations. H.B. 4180 defines, among other terms, "institutional health care provider" as a nonpublic hospital that provides inpatient hospital services.

H.B. 4180 sets out the powers and duties of a commissioners court with respect to the county health care provider participation program. H.B. 4180 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. H.B. 4180 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.

H.B. 4180 provides for the amount, assessment, and collection of a mandatory payment. H.B. 4180 establishes that interest, penalties, and discounts on mandatory payments are governed by the law applicable to county property taxes. H.B. 4180 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.

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. H.B. 4180 establishes that a commissioner serves a two-year term. H.B. 4180 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. H.B. 4180 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. H.B. 4180 requires the appropriate commissioners court to fill a vacancy on the board for the remainder of the unexpired term. H.B. 4180 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. H.B. 4180 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.

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. H.B. 4180 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.

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.

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.

H.B. 4180 has language from S.B. 325 by Burton as engrossed. Relating to the procedure for expunction of arrest records and files for certain persons who are tried for an offense and subsequently acquitted. C.S.S.B. 325 amends Article 55.02 of the Code of Criminal procedure to allow the state to stand in the place of the defendant and request an expunction from the court upon a defendant's acquittal. Passed Senate 31-0 on 4/3.

H.B. 4180 has language from S.B. 326 by Burton as engrossed. Relating to the authority of a court to return certain fees to a person whose criminal record has been expunged. S.B. 326 amends Article 102.006, Code of Criminal Procedure, to allow a judge to order the fees, wholly or partially, to be returned to the individual pursuing an order of expunction. Passed Senate 31-0 on 3/26.

H.B. 4180 has language from S.B. 327 by Burton as engrossed. Relating to the authority of a court to return certain fees to a person who is the subject of an order of nondisclosure of criminal history record information. S.B. 327 amends the Government Code to authorize a court that issues an order of nondisclosure of criminal history record information to order that any fee, or portion of a fee, required to be paid in relation to the order be returned to the person who is the subject of that order. Passed Senate 31-0 on 4/3.

H.B. 4180 has language from S.B. 368 by Garcia as engrossed. Relating to the regulation of automotive wrecking and salvage yards in certain counties. S.B. 368 amends Chapter 397, Transportation Code, to increase the maximum civil penalty for violations of Harris County salvage yard regulations from \$1,000 to \$5,000. This is a truly local bill, as Chapter 397 applies only to unincorporated areas of Harris County. Passed Senate 26-5 on 4/19.

H.B. 4180 has language from an updated version of S.B. 397 by Kolkhorst. Relating to the consultation policies of local mental health authorities with respect to sheriffs and their representatives. S.B. 397 amends the Health and Safety Code to require a local mental health authority, at least once per year, to consult with the sheriff or a representative of the sheriff of each county in the local authority's service area regarding the use of federal and Department of State Health Services funds disbursed to the authority to be spent in the local service area for community mental health and intellectual disability services and for chemical dependency services for persons who are dually diagnosed as having both chemical dependency and mental illness or an intellectual disability. Passed Senate 31-0 on 5/4.

H.B. 4180 has language from S.B. 400 by Kolkhorst as engrossed. Relating to the verification of information provided to the comptroller and contained in reports on compliance with agreements under the Texas Economic Development Act. S.B. 400 amends the Tax Code to require the comptroller to verify submitted data with the Texas Workforce Commission, the chief appraiser of the applicable appraisal district, or another reliable source. Passed Senate 31-0 on 4/26.

H.B. 4180 has language from S.B. 445 by Burton as engrossed. Relating to the authorization and reporting of expenditures for lobbying activities by certain political subdivisions and other public entities. S.B. 445 requires any lobby expenditure by a political subdivision or public institution of higher education to be specifically authorized by the governing body of a subdivision in an

open meeting by a majority vote of the governing body as a stand-alone measure. It requires that public disclosure be placed on the subdivision's Internet website containing the exact amount spent on lobbying efforts, and the firm or lobbyists hired. It requires political subdivisions to report to TEC the exact amount spent on lobbying efforts, the names of the lobbyists or firms hired, and the contract used to retain the lobbyist or firm that is hired. Finally, S.B. 445 mandates that this requirement applies to payments of public funds made as dues to organizations of similarly situated entities that lobby. Passed Senate 24-7 on 4/18.

H.B. 4180 has language from S.B. 448 by Burton as engrossed. Relating to the procedure for canceling a deferral or abatement of collection of ad valorem taxes on the residence homestead of an elderly person. S.B. 448 amends Section 33.06, Tax Code, to prevent an appraisal district from canceling a property tax deferral from someone over the age of 65 until first providing written notice of the cancellation to the individual receiving the deferral. This notice must include a form on which the individual may indicate if they remain qualified to receive the deferral, and a self-addressed postage-paid envelope with instructions for returning to the appraisal district. Passed Senate 29-0 on 3/22.

H.B. 4180 has language from S.B. 625, by Kolkhorst as engrossed. Relating to public access to financial and tax rate information of certain special purpose districts; imposing a civil penalty. S.B. 625 amends the Government Code to require the comptroller of public accounts to create and make accessible on the Internet, not later than September 1, 2018, a database to be known as the special purpose district public information database that contains information regarding all special purpose districts of Texas. Passed Senate 31-0 on 5/1.

H.B. 4180 has language from S.B. 823 by Burton as engrossed. Relating to the powers and compensation of criminal law magistrates in Tarrant County. S.B. 823 amends certain sections of Chapter 54, Subchapter H, Government Code, to grant explicit authorization for certain referrals, powers, and duties not currently provided in statute as well as modify the ability of Tarrant County to compensate magistrates, providing for the part-time employment of criminal law magistrates. New powers granted to criminal law magistrates under this proposal include the ability to discharge certain routine motions and oversee specialty court proceedings. Passed Senate 31-0 on 4/4.

H.B. 4180 has language from S.B. 824 by Burton as engrossed. Relating to compensation of certain justices and judges for performing extrajudicial services. H.B. 4180 amends the Government Code to exclude compensation for any extrajudicial services performed on behalf of the county from the combined salary from state and county sources of a district judge or a justice of a court of appeals other than the chief justice who is serving in a county with a population of 1.8 million or more that is adjacent to a county with a population of 2.2 million or more for purposes of the cap on such salary. It was voted out of the Senate 25-5 on 5/1.

H.B. 4180 has language from S.B. 884 by Whitmire as engrossed. Relating to the authority of certain counties to use county revenue or incur debt to improve or redevelop certain sports facilities. S.B. 884 requires approval by Harris County voters before Harris County can expend county revenue to improve or redevelop the Houston Astrodome.

H.B. 4180 has language from S.B. 1544 by Kolkhorst, house committee report. Relating to financial reporting requirements of regional planning commissions. S.B. 1544 amends the Local Government Code to specify that the annual reporting of a regional planning commission to the state auditor as required by the governor's audit and reporting requirements for such a commission pertains to the commission's preceding fiscal year or next fiscal year, as applicable. Passed Senate 31-0 on 4/19.

H.B. 4180 has language from S.B. 1987 by Lucio as engrossed. Relating to the notice requirements for bills proposing the creation of or annexation of land to certain special purpose districts. C.S.S.B. 1987 amends the Government Code to extend the applicability of provisions relating to notice for proposed laws establishing municipal management districts to proposed laws adding territory to such districts. The bill requires notice regarding the introduction of a law in the legislature establishing or adding territory to a special district that incorporates a municipal management district power to be timely mailed in a specified manner to each person who owns

real property proposed to be included in a new district or to be added to an existing district. H.B. 4180 establishes that if similar bills are filed in both chambers of the legislature, a person is only required to timely provide a single notice. Passed Senate 31-0 on 4/11.

H.B. 4180 has language from S.B. 2174 by Hughes House Committee Report. Relating to the appointment of a bailiff by district courts and county courts at law in Bowie County. S.B. 2174 provides for the appointment of a bailiff by district courts and county courts at law in Bowie County. Passed Senate 31-0 on 5/4.

Additionally, the substitute amends SECTION 9 of the engrossed version of H.B. 4180. Currently, that SECTION repeals Section 250.006(b). Instead, the substitute limits the applicability of Section 250.006(b) to commercial property only.

This section would prohibit a municipality from requiring a business to clean graffiti before the city cleaned it itself.

C.S.H.B. 4180 amends current law relating to the creation, operations, functions, and regulatory authority of certain governmental entities and officials, changes in certain judicial procedures, and imposes civil penalties.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas comptroller of public accounts in SECTION 11 (Section 403.0241, Government Code) of this bill.

Rulemaking authority is expressly granted to the commissioners court of a county in SECTION 15 (Section 291A.053, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to a county in SECTION 15 (Section 291A.154, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1, Article 55.02, Code of Criminal Procedure, effective September 1, 2017, as follows:

Sec. 1. Requires that, at the request of the acquitted person, rather than the defendant, and after notice to the state, or at the request of the attorney for the state, certain trial courts presiding over the case in which the person was acquitted, enter an order of expunction for a person entitled to expunction not later than the 30th day after the date of the acquittal. Requires the trial court, on acquittal, to advise the acquitted person of the right to expunction. Requires the party requesting the order of expunction, rather than the defendant, to provide to the district court all of the information required in a petition for expunction. Requires the attorney for the acquitted person, rather than defendant, in the case in which the person was acquitted, if the person was represented by counsel, or the attorney for the state, if the person was not represented by counsel or if the attorney for the state requested the order of expunction, to prepare the order for the court's signature. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Article 102.006, Code of Criminal Procedure, effective September 1, 2017, by adding Subsection (c), to authorize a court granting a petition for expunction of a criminal record to order that any fee, or portion of a fee, required to be paid under this Article or other law in relation to the petition be returned to the petitioner.

SECTION 3. Amends Section 53.001, Government Code, effective September 1, 2017, by adding Subsection (k), to require the judges of the 5th, 102nd, and 202nd district courts and the judges of the county courts at law of Bowie County to appoint one or more bailiffs to serve the courts in Bowie County.

SECTION 4. Amends Section 53.007(a), Government Code, effective September 1, 2017, to provide that this section applies to the 5th, 102nd, and 202nd district courts and the county courts at law of Bowie County.

SECTION 5. Amends Section 53.0071, Government Code, effective September 1, 2017, as follows:

Sec. 53.0071. BAILIFF AS A PEACE OFFICER. Provides that unless the appointing judge provides otherwise in the order of appointment, a bailiff appointed under certain sections, including Section 53.001(k) is a "peace officer" for purposes of Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure.

SECTION 6. Amends Section 54.653, Government Code, effective September 1, 2017, as follows:

Sec. 54.653. COMPENSATION. (a) Provides that a full-time magistrate, rather than a magistrate, is entitled to the salary determined by the Commissioners Court of Tarrant County.

(b) Prohibits the salary of a full-time magistrate from exceeding 90 percent of the sum of the salary paid to a district judge by the state under Section 659.012 (Judicial Salaries) and the maximum amount of county contributions and supplements allowed by law to be paid to a district judge under Section 659.012, rather than prohibiting the salary from being less than the salary authorized to be paid to a master for family law cases appointed under Subchapter A.

(c) Provides that the salary of a part-time magistrate is equal to the per-hour salary of a full-time magistrate. Provides that the per-hour salary is determined by dividing the annual salary by a 2,080 work-hour year. Requires the judges of the courts trying criminal cases in Tarrant County to approve the number of hours for which a part-time magistrate is to be paid.

(d) Creates this subsection from existing text and makes nonsubstantive changes.

SECTION 7. Amends Section 54.656(a), Government Code, effective September 1, 2017, as follows:

(a) Authorizes a judge to refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1) a negotiated plea of guilty or no contest and sentencing before the court, rather than a negotiated plea of guilty before the court;

(2) a bond forfeiture, remittitur, and related proceedings, rather than a bond forfeiture;

(3) makes no changes to this subdivision;

(4) a writ of habeas corpus, rather than a postconviction writ of habeas corpus;

(5) and (6) makes no changes to these subdivisions;

(7) a petition for an order of expunction under Chapter 55 (Expunction of Criminal Records), Code of Criminal Procedure, rather than an agreed order of expunction, under Chapter 55, Code of Criminal Procedure;

(8) makes no change to this subdivision;

(9) a petition for an order of nondisclosure of criminal history record information, rather than an agreed order of nondisclosure of criminal history record

information, or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1 (Order of Nondisclosure of Criminal History Record Information), Chapter 411 (Department of Public Safety of the State of Texas);

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt, rather than a motion to revoke probation;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition; and

(14) creates this subdivision from existing text and makes no change to this subdivision.

SECTION 8. Amends Section 54.658, Government Code, effective September 1, 2017, as follows:

Sec. 54.658. POWERS. (a) Creates this subsection from existing text. Authorizes a magistrate, except as limited by an order of referral, to whom a case is referred, among certain other actions, in an any case referred under Section 54.656(a)(1), to accept a negotiated plea of guilty or no contest and enter a finding of guilt and impose or suspend the sentence, or defer adjudication of guilt. Makes nonsubstantive changes.

(b) Authorizes a magistrate to sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and to consider unadjudicated cases at sentencing under Section 12.45 (Admission of Unadjudicated Offense), Penal Code.

(c) Provides that a magistrate has all the powers of a magistrate under the laws of this state and is authorized to administer an oath for any purpose.

(d) Provides that a magistrate does not have authority under Article 18.01(c) (relating to authorizing only certain judges to issue a search warrant under certain circumstances), Code of Criminal Procedure, to issue a subsequent search warrant under Article 18.02(a)(10) (relating to authorizing a search warrant to be issued to search for and seize certain property or items), Code of Criminal Procedure.

SECTION 9. Amends the heading to Section 313.006, Government Code, to read as follows:

Sec. 313.006. NOTICE FOR LAWS ESTABLISHING OR ADDING TERRITORY TO MUNICIPAL MANAGEMENT DISTRICTS.

SECTION 10. Amends Sections 313.006, Government Code, by amending Subsections (a), (b), and (d) and adding Subsections (e) and (f), as follows:

(a) Requires a person, other than a member of the legislature, who intends to apply for the passage of a law establishing or adding territory to a special district, rather than establishing a special district, that incorporates a power from Chapter 375 (Municipal Management Districts in General), Local Government Code, in addition to other requirements of this chapter (Notice for Local and Special Laws), to provide notice as provided by this section (Notice for Laws Establishing Municipal Management Districts).

(b) Requires the person to notify by mail each person who owns real property proposed to be included in a new district or to be added to an existing district, rather than each person who owns real property in the proposed district, according to the most recent certified tax appraisal roll for the county in which the real property is owned.

(d) Provides that the person is not required to mail notice under Subsection (b) or (e) to a person who owns real property in the proposed district or in the area proposed to be added to a district, rather than in the proposed district, if the property cannot be subject to an assessment by the district.

(e) Requires the person, after the introduction of a law in the legislature establishing or adding territory to a special district that incorporates a power from Chapter 375, Local Government Code, to mail to each person who owns real property proposed to be included in a new district or to be added to an existing district a notice that the legislation has been introduced, including the applicable bill number. Requires that the notice, properly addressed with postage paid, be deposited with the United States Postal Service not later than the 30th day after the date on which the intended law is introduced in the legislature. Authorizes a person, if the person has not mailed the notice required under this subsection on the 31st day after the date on which the intended law is introduced in the legislature, to cure the deficiency by immediately mailing the notice, but requires that the person in no event mail the notice later than the date on which the intended law is reported out of committee in the chamber other than the chamber in which the intended law was introduced. Provides that if similar bills are filed in both chambers of the legislature, a person is only required to provide a single notice under this subsection not later than the 30th day after the date the first of the bills is filed.

(f) Authorizes a landowner to waive any notice required under this section at any time.

SECTION 11. Amends Subchapter B, Chapter 403, Government Code, effective September 1, 2017, by adding Sections 403.0241 and 403.0242, as follows:

Sec. 403.0241. SPECIAL PURPOSE DISTRICT PUBLIC INFORMATION DATABASE. (a) Defines "special purpose district" and "tax year."

(b) Requires the Texas comptroller of public accounts (comptroller) to create and make accessible on the Internet a database, to be known as the Special Purpose District Public Information Database (database), that contains information regarding active special purpose districts (districts) of this state that are authorized by the state by a general or special law to impose an ad valorem tax or a sales and use tax, to impose an assessment, or to charge a fee, and during the most recent fiscal year had bonds outstanding, had gross receipts from operations, loans, taxes, or contributions in excess of \$250,000 or had cash and temporary investments in excess of \$250,000.

(c) Requires that the database include certain information for each district described by Subsection (b).

(d) Authorizes the comptroller to consult with the appropriate officer of, or other person representing, each district to obtain the information necessary to operate and update the database.

(e) Authorizes the comptroller, to the extent information required in the database is otherwise collected or maintained by a state agency or district, to require the state agency or district to provide that information and updates to the information as necessary for inclusion in the database.

(f) Requires the comptroller to update information in the database annually.

(g) Prohibits the comptroller from charging a fee to the public to access the database.

(h) Authorizes the comptroller to establish procedures and adopt rules to implement this section.

Sec. 403.0242. SPECIAL PURPOSE DISTRICT NONCOMPLIANCE LIST. Requires the comptroller to prepare and maintain a noncompliance list of districts that have not timely complied with a requirement to provide information under Section 203.062, Local Government Code.

SECTION 12. Amends Subchapter E-1, Chapter 411, Government Code, effective September 1, 2017, by adding Section 411.0746, as follows:

Sec. 411.0746. RETURN OF FEES. Authorizes a court that issues an order of nondisclosure of criminal history record information under this subchapter to order that any fee, or portion of a fee, required to be paid under this subchapter or other law in relation to the order be returned to the person who is the subject of that order.

SECTION 13. Amends Section 659.012(a), Government Code, effective September 1, 2017, as follows:

(a) Provides that, notwithstanding Section 659.011 (Salaries Set in Appropriations Act):

(1) a judge of a district court is entitled to an annual salary from the state of at least \$125,000, except that the combined salary of a district judge from state and county sources, not including compensation, rather than including compensation, for any extrajudicial services performed on behalf of the county, may not exceed the amount that is \$5,000 less than the salary provided for a justice of a court of appeals other than a chief justice;

(2) a justice of a court of appeals other than the chief justice is entitled to an annual salary from the state that is equal to 110 percent of the salary of a district judge, except that the combined salary of a justice of the court of appeals other than the chief justice from all state and county sources, not including compensation for any extrajudicial services performed on behalf of the county, may not exceed the amount that is \$5,000 less than the salary provided for justice of the Texas Supreme Court;

(3) and (4) makes no changes to these subdivisions.

SECTION 14. Amends Subchapter A, Chapter 264, Health and Safety Code, by adding Section 264.004, as follows:

Sec. 264.004. DISSOLUTION. (a) Authorizes the commissioners court of a county by order to dissolve a county hospital authority (authority) created by the commissioners court if the commissioners court and the authority provide for the sale or transfer of the authority's assets and liabilities to the county.

(b) Prohibits the dissolution of an authority and the sale or transfer of the authority's assets and liabilities from violating a trust indenture or bond resolution relating to the outstanding bonds of the authority or diminishing or impairing the rights of the holders of outstanding bonds, warrants, or other obligations of the authority.

(c) Provides that an order dissolving an authority takes effect on the 31st day after the date the commissioners court adopts the order.

(d) Requires that all records of the authority remaining when the authority is dissolved be transferred to the county clerk of the county in which the authority is located.

SECTION 15. Amends Subtitle D, Title 4, Health and Safety Code, by adding Chapter 291A, as follows:

CHAPTER 291A. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM IN CERTAIN COUNTIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 291A.001. DEFINITIONS. Defines "institutional health care provider," "paying hospital," and "program."

Sec. 291A.002. APPLICABILITY. Provides that this chapter applies only to 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, and a county that has a population of more than 200,000 and less than 220,000.

Sec. 291A.003. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. (a) Provides that a county health care provider participation program authorizes a county to collect a mandatory payment from each institutional health care provider (IHCP) located in the county to be deposited in a local provider participation fund established by the county. Authorizes money in the fund to be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by this chapter.

(b) Authorizes the commissioners court to 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. Authorizes the commissioners court of a county to require a mandatory payment authorized under this chapter by an IHCP in the county only in the manner provided by this chapter.

Sec. 291A.052. MAJORITY VOTE REQUIRED. Prohibits the commissioners court of a county from authorizing 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. Authorizes the commissioners court, after the commissioners court has voted to require a mandatory payment authorized under this chapter, to adopt rules relating to the administration of the mandatory payment.

Sec. 291A.054. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING; INSPECTION OF RECORDS. (a) Requires the commissioners court of a county that collects a mandatory payment authorized under this chapter to require each IHCP to submit to the county a copy of any financial and utilization data required by and reported to the Department of State Health Services (DSHS) under Sections 311.032 (Department Administration of Hospital Reporting and Collection System) and 311.033 (Financial and Utilization Data Required) and any rules adopted by the executive commissioner of the Health and Human Services Commission (HHSC) to implement those sections.

(b) Authorizes the commissioners court of a county that collects a mandatory payment authorized under this chapter to inspect the records of an IHCP to the extent necessary to ensure compliance with the requirements of Subsection (a).

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 291A.101. HEARING. (a) Requires the commissioners court of a county that collects a mandatory payment authorized under this chapter, each year, to hold a public hearing on the amounts of any mandatory payments that the commissioners court intends to require during the year.

(b) Requires the commissioners court of the county, not later than the 10th day before the date of the hearing required under Subsection (a), to publish notice of the hearing in a newspaper of general circulation in the county.

(c) Provides that 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) Requires the commissioners court of each county that collects a mandatory payment authorized under this chapter by resolution to designate one or more banks located in the county as the depository for mandatory payments received by the county.

(b) Requires 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, to be deposited with the county depository in the county's local provider participation fund and provides that it is authorized to be withdrawn only as provided by this chapter.

(c) Requires that all funds under this chapter be secured in the manner provided for securing county funds.

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

(b) Provides that the local provider participation fund of a county consists of all revenue received by the county attributable to mandatory payments authorized under this chapter, including any penalties and interest attributable to delinquent payments, money received from HHSC 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 the earnings of the fund.

(c) Authorizes money deposited to the local provider participation fund to be used only for certain purposes.

(d) Prohibits money in the local provider participation fund from being commingled with other county funds.

(e) Prohibits an intergovernmental transfer of funds described by Subsection (c)(1) (relating to the local provider participation fund being used to fund certain intergovernmental transfers to provide for Medicaid) and any funds received by the county as a result of an intergovernmental transfer described by that subsection from being 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) Authorizes the commissioners court of a county that collects a mandatory payment authorized under this chapter, except as provided by Subsection (e), to require an annual mandatory payment to be assessed on the net patient revenue of each IHCP located in the county. Authorizes the commissioners court to provide for the mandatory payment to be assessed quarterly. Provides that, in the first year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an IHCP as determined by the data reported to DSHS under Sections 311.032

and 311.033 in the fiscal year ending in 2015 or, if the IHCP did not report any data under those sections in that fiscal year, as determined by the IHCP'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. Requires the county to update the amount of the mandatory payment on an annual basis.

(b) Requires that the amount of a mandatory payment authorized under this chapter be uniformly proportionate with the amount of net patient revenue generated by each paying hospital in the county. Prohibits a mandatory payment authorized under this chapter from holding harmless any IHCP, as required under 42 U.S.C. Section 1396b(w).

(c) Requires the commissioners court of a county that collects a mandatory payment authorized under this chapter to set the amount of the mandatory payment. Prohibits the amount of the mandatory payment required of each paying hospital from exceeding six percent of the paying hospital's net patient revenue.

(d) Requires the commissioners court of a county that collects a mandatory payment authorized under this chapter, subject to the maximum amount prescribed by Subsection (c), to 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 an intergovernmental transfer 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 is prohibited to exceed the lesser of four percent of the total revenue generated from the mandatory payment or \$20,000.

(e) Prohibits a paying hospital from adding a mandatory payment required under this section as a surcharge to a patient.

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

Sec. 291A.153. INTEREST, PENALTIES, AND DISCOUNTS. Provides that 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) Provides that the purpose of this chapter is to generate revenue by collecting from IHCPs a mandatory payment to be used to provide the nonfederal share of a Medicaid supplemental payment program.

(b) Authorizes the county, 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, to provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services.

SECTION 16. Amends Section 533.035, Health and Safety Code, effective September 1, 2017, by adding Subsection (b-1), as follows:

(b-1) Requires a local mental health authority to, at least once per year, consult with the sheriff or a representative of the sheriff of each county in the local authority's service area regarding the use of the funds received under Subsection (b) (relating to the disbursement to a local mental health authority of federal and state funds to be spent in the local service area for certain purposes). Requires the local authority to prove to the sheriff or the sheriff's representative a detailed statement of the amount and use of the funds.

SECTION 17. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.0341, as follows:

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

(b) Provides that a five-member board appointed under this section serves as the district's governing body. Provides that a commissioner serves a two-year term.

(c) 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.

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

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

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

SECTION 18. Amends Section 775.035, Health and Safety Code, by adding Subsection (j), to provide that this section does not apply to a district described by Section 775.0341.

SECTION 19. Amends Section 775.036, Health and Safety Code, by adding Subsection (a-1), as follows:

(a-1) Authorizes the board for an emergency services district located wholly in a county with a population of 75,000 or less, notwithstanding Subsection (a)(1) (relating to the board holding regular monthly meetings and other meetings as necessary), by resolution, to determine to hold the board's regular meetings less frequently than prescribed by that subsection. Requires the resolution to require the board to meet either quarterly or every other month. Requires the board to meet as required by the resolution.

SECTION 20. Amends Section 81.001(b), Local Government Code, to provide that this subsection does not apply to a meeting held under Section 551.127 (Videoconference Call), Government Code, if the county judge is not located at the physical space made available to the public for the meeting.

SECTION 21. Amends Chapter 140, Local Government Code, effective September 1, 2017, by adding Section 140.012, as follows:

Sec.140.012. EXPENDITURES FOR LOBBYING ACTIVITIES. (a) Provides that this section applies only to certain political subdivisions and entities.

(b) Authorizes a political subdivision or entity described by Subsection (a) to enter into a contract to spend money to directly or indirectly influence or attempt to influence the outcome of any legislation only if certain items are authorized by a majority vote of the governing body of the political subdivision or entity in an open meeting of the governing body. Requires the contract expenditure to be

voted on by the governing body as a stand-alone item on the agenda at the meeting. Authorizes the governing body to approve multiple contract expenditures for the purpose described by this subsection by a single vote of the governing body, if the total amount of those expenditures is stated as a separate item on the meeting agenda.

(c) Requires a political subdivision or entity described by Subsection (a) to report to the Texas Ethics Commission (TEC) and publish on the subdivision's or entity's Internet website the amount of money authorized for the purpose of directly or indirectly influencing or attempting to influence the outcome of any pending legislation; the name of any person required to register under Chapter 305 (Registration of Lobbyists), Government Code, retained or employed by the subdivision or entity; and an electronic copy of any contract for services entered into by the subdivision or entity with each listed person.

(d) Requires a political subdivision or entity, in addition to the requirements of Subsection (c), to report to TEC and publish on the subdivision's or entity's Internet website the amount of public money spent for membership fees and dues of any nonprofit state association or organization of similarly situated political subdivisions or entities that directly or indirectly influences or attempts to influence the outcome of any legislation pending before the legislature.

(e) Requires TEC to make available to the public an online searchable database on TEC's Internet website containing the reports submitted to TEC under Subsection (c).

(f) Provides that if any political subdivision or entity does not comply with the requirements of this section, an interested party is entitled to appropriate injunctive relief to prevent any further activity in violation of this section. Defines "interested party."

(g) Provides that this section does not apply to expenditures or contracts of a political subdivision or entity describe by Subsection (a) that are related to a person who is a full-time employee of the political subdivision or entity, or to the reimbursement of expenses for a full-time employee of the political subdivision or entity.

SECTION 22. Amends Chapter 203, Local Government Code, effective September 1, 2017, by adding Subchapter D, as follows:

#### SUBCHAPTER D. RECORDS AND INFORMATION PROVIDED TO COMPTROLLER

Sec. 203.061. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter applies only to a district described by Section 403.0241(b), Government Code.

Sec. 203.062. PROVISION OF CERTAIN RECORDS AND OTHER INFORMATION TO COMPTROLLER. (a) Requires a district to transmit records and other information to the comptroller annually for purposes of providing the comptroller with information to operate and update the database under Section 403.0241, Government Code.

(b) Authorizes the district to comply with Subsection (a) by affirming that records and other information previously transmitted are current.

(c) Requires the district to transmit the records and other information in a form and in the manner prescribed by the comptroller.

Sec. 203.063. PENALTIES FOR NONCOMPLIANCE. (a) Requires the comptroller, if a district does not timely comply with Section 203.062, to provide a certain written notice to the district.

(b) Requires the district, not later than the 30th day after the date the comptroller provides notice to a district under Subsection (a), to report the required information.

(c) Provides that if a district does not report the required information as prescribed by Subsection (b), the district is liable to the state for a civil penalty of \$1,000 and the comptroller is required to provide a certain written notice to the district.

(d) Requires the district, not later than the 30th day after the date the comptroller provides notice to a district under Subsection (c), to report the required information.

(e) Provides that if a district does not report the required information as prescribed by Subsection (d) the district is liable to the state for a civil penalty of \$1,000 and the comptroller is required to reflect the noncompliance in the list maintained under Section 403.0242, Government Code, until the district reports all information required under Section 203.062 and to provide written notice to the district that the noncompliance will be reflected in the list until the district reports the required information.

(f) Authorizes the Texas attorney general to sue to collect a civil penalty imposed by this section.

SECTION 23. Amends Section 250.006(a), Local Government Code, effective September 1, 2017, as follows:

(a) Provides that this section applies only to commercial property. Provides that nothing in this section may be construed as applying to residential property.

SECTION 24. Amends Subchapter Z, Chapter 271, Local Government Code, by adding Section 271.909, as follows:

Sec. 271.909. PURCHASES: DEVICES THAT UTILIZE ELECTRONIC CAPTURE. Provides that devices that utilize electronic capture to produce a physical record, as it relates to purchases by political subdivisions and notwithstanding any provision under Texas law, are considered interchangeable with devices that utilize electronic capture to produce an electronic record.

SECTION 25. Amends Chapter 330, Local Government Code, by adding Section 330.002, as follows:

Sec. 330.002. LIMITATION ON AUTHORITY OF CERTAIN COUNTIES TO IMPROVE OR REDEVELOP CERTAIN SPORTS FACILITIES. (a) Defines "county revenue" and "obsolete sports facility."

(b) Provides that this section applies only to a county with a population of 3.3 million or more.

(c) Prohibits a county from funding, in whole or in part, the improvement or redevelopment of an obsolete sports facility with county revenue or debt, if the improvement or redevelopment will cost \$10 million or more, unless the funding is approved by the voters of the county at an election held for that purpose.

SECTION 26. Amends Section 375.022(b), Local Government Code, to delete existing text requiring that the petition requesting creation of a municipal management district be signed by 50 persons who own real property in the proposed district if, according to the most recent certified county property tax rolls, more than 50 persons own real property in the proposed district. Makes nonsubstantive changes.

SECTION 27. Amends Section 391.0095, Local Government Code, effective September 1, 2017, by amending Subsections (a), (d), and (e) and adding Subsections (c-1), (d-1), and (f), as follows:

(a) Requires the audit and reporting requirements under Section 391.009(a) (relating to the governor drafting and adopting certain regulations to protect the public interest) to include a requirement that a regional planning commission (commission) submit an annual report to the state auditor that includes:

(1) the amount and source of funds received by the commission during the commission's preceding fiscal year;

(2) the amount and source of funds expended by the commission during the commission's preceding fiscal year, including, for each commission program for which an expenditure is made:

(A) a description of the program;

(B) the name of the program and the name of each eligible recipient, governmental unit, or other person who received funds approved by the governing body of the commission under the program; and

(C) the amount spent for each eligible governmental unit;

(3) makes no changes to this subdivision;

(4) a report of the commission's productivity and performance during the commission's preceding fiscal year, rather than annual reporting period;

(5) a projection of the commission's productivity and performance during the commission's next fiscal year, rather than annual reporting period;

(6) makes no changes to this subdivision; and

(7) a report of any assets disposed of by the commission during the commission's preceding fiscal year.

(c-1) Requires that the report submitted under this section note any governmental units that are ineligible to receive money under a commission program.

(d) Makes a nonsubstantive change.

(d-1) Prohibits the receiver or the commission, if the governor appoints a receiver, from spending any of the commission's funds until the failure is corrected.

(e) Requires a commission to send to the governor, the state auditor, the comptroller, the members of the legislature that represent a district located wholly or partly in the region of the commission, each participating governmental unit in the region, and the Legislative Budget Board a copy of each report and audit required under this section or under Section 391.009 (Role of State Auditor, Governor, and State Agencies).

(f) Requires a commission's Internet website home page to contain a prominently placed direct link to the most recent report and audit required under this section.

SECTION 28. Amends Section 1.07(d), Tax Code, effective September 1, 2017, to include Section 33.06(h) in a list of certain sections whose required notices must be sent by certified mail.

SECTION 29. Amends Section 33.06, Tax Code, effective September 1, 2017, by adding Subsection (h), as follows:

(h) Prohibits the chief appraiser (appraiser) from making a determination that an individual who is 65 years of age or older is no longer entitled to receive a deferral or abatement because the property for which the deferral or abatement was obtained is no longer the individual's principal residence, without first providing written notice to the individual stating that the appraiser believes the property may no longer be the individual's principal residence. Requires the notice to include a form on which the individual is authorized to indicate that the property remains the individual's principal residence and a self-addressed postage prepaid envelope with instructions for returning the form to the appraiser. Requires the appraiser to consider the individual's response on the form in determining whether the property remains the individual's principal residence. Authorizes the appraiser, if the appraiser does not receive a response on or before the 60th day after the date the notice is mailed, to make a determination that the property is no longer the individual's principal residence on or after the 30th day after the expiration of the 60-day period, but only after making a reasonable effort to locate the individual and determine whether the property remains the individual's principal residence. Provides that sending an additional notice that includes certain requirements constitutes a reasonable effort on the appraiser's part. Authorizes the appraiser to include a required notice in a notice required under Section 11.43(g) (relating to a notification to the appraiser that an entitlement to an exemption has ended), if applicable.

SECTION 30. Amends Section 313.032(c), Tax Code, effective September 1, 2017, as follows:

(c) Requires the recipient or former recipient of a limitation on appraised value under this chapter (Texas Economic Development Act) to contract with an independent certified public accountant to verify the data in a certain report certified to the comptroller. Authorizes the data to be verified using information from any reliable source, including the Texas Workforce Commission, the chief appraiser of the applicable appraisal district.

SECTION 31. Amends Section 397.0125(a), Transportation Code, effective September 1, 2017, to increase from \$1,000 to \$5,000 the maximum civil penalty for each violation of this chapter (Automobile Wrecking and Salvage Yards in Certain Counties), in addition to the penalty provided by Section 397.012 (Penalty).

SECTION 32. Amends Section 49.302(b), Water Code, effective September 1, 2017, to delete existing text requiring that a petition requesting the annexation of a defined area signed by 50 landowners, if the number of landowners is more than 50, describe the land in a certain manner.

SECTION 33. Amends Section 54.014, Water Code, to delete existing text providing that, if there are more than 50 persons holding title to the land in the proposed municipal utility district (MUD), as indicated by the tax rolls of the central appraisal district, the petition is sufficient if it is signed by 50 holders of title to the land in the MUD.

SECTION 34. Amends Section 54.016(a), Water Code, to delete existing text providing that, if there are more than 50 persons holding title to the land in the proposed MUD as indicated by the county tax rolls, the request to the city will be sufficient if it is signed by 50 holders of title to the land in the MUD.

SECTION 35. (a) Provides that 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) Provides that this section does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

SECTION 36. Makes application of Section 1, Article 55.02, Code of Criminal Procedure, as amended by this Act, prospective to September 1, 2017.

SECTION 37. Makes application of Article 102.006, Code of Criminal Procedure, as amended by this Act, prospective to September 1, 2017.

SECTION 38. Makes application of Sections 54.656 and 54.658, Government Code, as amended by this Act, prospective to September 1, 2017.

SECTION 39. Makes application of Section 411.0746, Government Code, as added by this Act, prospective to September 1, 2017.

SECTION 40. Requires the state agency affected a provision of Chapter 291A, Health and Safety Code, as added by this Act, if before implementing any provision of that chapter a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, to request the waiver or authorization and is authorized to delay implementing that provision until the waiver or authorization is granted.

SECTION 41. (a) Requires the comptroller to create and post on the Internet the database required by Section 403.0241, Government Code, as added by this Act, not later than January 1, 2018.

(b) Requires the comptroller, not later than January 1, 2018, to send written notice to each district described by Section 403.0241(b), Government Code, as added by this Act, that describes the changes in law made by this Act. Requires each district that receives notice to submit to the comptroller any information required under Section 403.0241, Government Code, or Section 203.062, Local Government Code, as added by this Act, not later than the 90th day after the date the district receives the notice.

(c) Provides that the comptroller, notwithstanding another provision of this Act, including Subsections (a) and (b) of this section, is required to implement this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, the comptroller, if the legislature does not appropriate money specifically for that purpose, to implement this Act using other appropriations available for that purpose.

SECTION 42. Makes application of Sections 1.07 and 33.06, Tax Code, as amended by this Act, prospective to September 1, 2017.

SECTION 43. Makes application of Section 397.0125, Transportation Code, as amended by this Act, prospective to September 1, 2017.

SECTION 44. Effective date: upon passage or September 1, 2017.