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By:  Middleton H.B. No. 4411

A BILL TO BE ENTITLED

AN ACT

relating to the functions of and membership on nonprofit statewide associations of counties.

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

SECTION 1.  Section 54.1172(d), Government Code, is amended to read as follows:

(d)  A magistrate appointed under Subsection (a) must complete every two years at least eight hours of continuing education conducted by [~~the Texas Association of Counties,~~] the State Bar of Texas[~~,~~] or the Texas Justice Court Training Center.

SECTION 2.  Section 533.051(c), Health and Safety Code, is amended to read as follows:

(c)  To assist in the development of the plan under Subsection (a), the department shall establish and meet at least monthly with an advisory panel composed of the following persons:

(1)  one representative designated by the Texas Department of Criminal Justice;

(2)  [~~one representative designated by the Texas Association of Counties;~~

[~~(3)~~]  two representatives designated by the Texas Council of Community Centers, including one representative of an urban local service area and one representative of a rural local service area;

(3) [~~(4)~~]  two representatives designated by the County Judges and Commissioners Association of Texas, including one representative who is the presiding judge of a court with jurisdiction over mental health matters;

(4) [~~(5)~~]  one representative designated by the Sheriffs' Association of Texas;

(5) [~~(6)~~]  two representatives designated by the Texas Municipal League, including one representative who is a municipal law enforcement official;

(6) [~~(7)~~]  one representative designated by the Texas Conference of Urban Counties;

(7) [~~(8)~~]  two representatives designated by the Texas Hospital Association, including one representative who is a physician;

(8) [~~(9)~~]  one representative designated by the Texas Catalyst for Empowerment; and

(9) [~~(10)~~]  four representatives designated by the department's Council for Advising and Planning for the Prevention and Treatment of Mental and Substance Use Disorders, including:

(A)  the chair of the council;

(B)  one representative of the council's members who is a consumer of or advocate for mental health services;

(C)  one representative of the council's members who is a consumer of or advocate for substance abuse treatment; and

(D)  one representative of the council's members who is a family member of or advocate for persons with mental health and substance abuse disorders.

SECTION 3.  Section 614.002(c)(1), Health and Safety Code, is amended to read as follows:

(c)(1)  The following entities, by September 1 of each even-numbered year, shall submit to the governor for consideration a list of five candidates from their respective fields for at-large membership on the committee:

(A)  the Texas District and County Attorneys Association;

(B)  the Texas Criminal Defense Lawyers Association;

(C)  [~~the Texas Association of Counties;~~

[~~(D)~~]  the Texas Medical Association;

(D) [~~(E)~~]  the Texas Society of Psychiatric Physicians;

(E) [~~(F)~~]  the Texas Psychological Association;

(F) [~~(G)~~]  the Sheriffs' Association of Texas;

(G) [~~(H)~~]  the court of criminal appeals;

(H) [~~(I)~~]  the County Judges and Commissioners Association of Texas; and

(I) [~~(J)~~]  the Texas Conference of Urban Counties.

SECTION 4.  Section 81.026, Local Government Code, is amended to read as follows:

Sec. 81.026.  COMMISSIONERS COURT MEMBERSHIP ON BOARDS OF CERTAIN TRUSTS OR ENTITIES [~~ASSOCIATIONS AND NONPROFIT ORGANIZATIONS~~]. (a) [~~A county judge or county commissioner may serve on the governing body of or any committee serving an association of counties created or operating pursuant to the provisions of Section 89.002.~~] A county judge or county commissioner may serve as a member of any board of trustees or board of directors or other governing body of any trust or other entity created pursuant to interlocal contract for the purpose of forming or administering any governmental pool, self-insurance pool, insurance pool, or any other fund or joint endeavor created for the benefit of member counties and political subdivisions.

(b)  A [~~In addition, a~~] county judge or county commissioner may serve as a member of the board of directors of any nonprofit corporation that is created and exists solely for the purpose of providing administrative or other services to such trust or other entity.

(c)  A county judge or county commissioner, acting as a member of any such board or committee, may perform any act necessary or appropriate for the rendition of such service, including the casting of votes and deliberations concerning and execution of contracts or claims with or against any county.

(d)  A county judge or commissioner may participate in deliberations concerning and cast any vote on any matter before the commissioners court affecting the execution of any contract with or the payment of claims, premiums, dues, or contributions to any such trust, [~~association,~~] nonprofit corporation, or entity or any related matter.

SECTION 5.  Section 114.083(a), Local Government Code, is amended to read as follows:

(a)  The committee consists of the following members:

(1)  one county judge or commissioner appointed by the Texas Conference of Urban Counties;

(2)  one county judge or commissioner appointed by the County Judges and Commissioners Association of Texas;

(3)  two county auditors appointed by the Texas Association of County Auditors;

(4)  two county treasurers appointed by the Texas Association of County Treasurers;

(5)  [~~one county official, other than a county judge, commissioner, auditor, or treasurer, appointed by the executive director of the Texas Association of Counties;~~

[~~(6)~~]  one county budget officer appointed by the Texas Conference of Urban Counties;

(6) [~~(7)~~]  the comptroller or the comptroller's designee;

(7) [~~(8)~~]  the executive director of the Texas Conference of Urban Counties or the executive director's designee;

(8)  [~~(9) the executive director of the Texas Association of Counties or the executive director's designee;~~

[~~(10)~~]  the general counsel of the County Judges and Commissioners Association of Texas or the general counsel's designee; and

(9) [~~(11)~~]  any nonvoting members the other committee members consider appropriate.

SECTION 6.  Section 114.085(a), Local Government Code, is amended to read as follows:

(a)  The comptroller[~~, the Texas Association of Counties,~~] and the Texas Conference of Urban Counties shall provide by agreement for the staff and other resources necessary for the operations of the committee.

SECTION 7.  Section 118.131(f), Local Government Code, is amended to read as follows:

(f)  On or before October 15 of the year in which the fees are initially set, the commissioners court shall provide written notice of the amounts of the fees to the comptroller. If the commissioners court changes the amount of a fee set under this section, the commissioners court shall provide to the comptroller, on or before October 15 of the year in which the amount is changed, a written notice of the change in the amount of the fee. Before December 15 of each year, the comptroller shall compile the fee information provided by counties and send the compilation to:

(1)  the commissioners court of each county in this state;

(2)  any statewide association of [~~counties or of~~] officers of counties that requests in writing before December 15 to be informed; and

(3)  the State Bar of Texas.

SECTION 8.  Section 89.002, Local Government Code, is repealed.

SECTION 9.  (a) Section 54.1172(d), Government Code, as amended by this Act, applies only to continuing education hours completed on or after the effective date of this Act. Continuing education hours completed before the effective date of this Act are governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

(b)  If a vacancy in the office of the presiding officer of the county financial data advisory committee is created under Section 114.083(a), Local Government Code, as amended by this Act, the vacancy shall be filled for the remainder of the unexpired term in the manner provided by Section 114.083(b), Local Government Code.

(c)  The repeal of Section 89.002, Local Government Code, by this Act does not apply to a county's pledge of revenue for membership dues and fees on a nonprofit state association of counties made before the effective date of this Act. A county's pledge of revenue described by this subsection is governed by the law in effect when the revenue was first pledged, and that law is continued in effect for that purpose.

SECTION 10.  This Act takes effect September 1, 2019.