

By: Middleton

H.B. No. 4411

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the functions of and membership on nonprofit statewide
3 associations of counties.

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

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

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

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

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

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

18 (2) [~~one representative designated by the Texas~~
19 ~~Association of Counties,~~

20 [~~3~~] two representatives designated by the Texas
21 Council of Community Centers, including one representative of an
22 urban local service area and one representative of a rural local
23 service area;

24 (3) [~~4~~] two representatives designated by the

1 County Judges and Commissioners Association of Texas, including one
2 representative who is the presiding judge of a court with
3 jurisdiction over mental health matters;

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

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

9 (6) [~~(7)~~] one representative designated by the Texas
10 Conference of Urban Counties;

11 (7) [~~(8)~~] two representatives designated by the Texas
12 Hospital Association, including one representative who is a
13 physician;

14 (8) [~~(9)~~] one representative designated by the Texas
15 Catalyst for Empowerment; and

16 (9) [~~(10)~~] four representatives designated by the
17 department's Council for Advising and Planning for the Prevention
18 and Treatment of Mental and Substance Use Disorders, including:

19 (A) the chair of the council;

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

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

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

27 SECTION 3. Section [614.002\(c\)\(1\)](#), Health and Safety Code,

1 is amended to read as follows:

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

6 (A) the Texas District and County Attorneys
7 Association;

8 (B) the Texas Criminal Defense Lawyers
9 Association;

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

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

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

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

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

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

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

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

21 SECTION 4. Section [81.026](#), Local Government Code, is
22 amended to read as follows:

23 Sec. 81.026. COMMISSIONERS COURT MEMBERSHIP ON BOARDS OF
24 CERTAIN TRUSTS OR ENTITIES ~~[ASSOCIATIONS AND NONPROFIT~~

25 ORGANIZATIONS]. (a) ~~[A county judge or county commissioner may~~

26 ~~serve on the governing body of or any committee serving an~~

27 ~~association of counties created or operating pursuant to the~~

1 ~~provisions of Section 89.002.]~~ A county judge or county
2 commissioner may serve as a member of any board of trustees or board
3 of directors or other governing body of any trust or other entity
4 created pursuant to interlocal contract for the purpose of forming
5 or administering any governmental pool, self-insurance pool,
6 insurance pool, or any other fund or joint endeavor created for the
7 benefit of member counties and political subdivisions.

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

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

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

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

26 (a) The committee consists of the following members:

27 (1) one county judge or commissioner appointed by the

1 Texas Conference of Urban Counties;

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

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

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

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

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

13 (6) ~~[(7)]~~ the comptroller or the comptroller's
14 designee;

15 (7) ~~[(8)]~~ the executive director of the Texas
16 Conference of Urban Counties or the executive director's designee;

17 (8) ~~[(9)] the executive director of the Texas
18 Association of Counties or the executive director's designee;~~

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

22 (9) ~~[(11)]~~ any nonvoting members the other committee
23 members consider appropriate.

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

26 (a) The comptroller ~~[, the Texas Association of Counties,~~
27 and the Texas Conference of Urban Counties shall provide by

1 agreement for the staff and other resources necessary for the
2 operations of the committee.

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

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

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

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

19 (3) the State Bar of Texas.

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

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

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

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

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