

By: Kolkhorst, et al.  
(Lambert, Guillen)

S.B. No. 633

A BILL TO BE ENTITLED

AN ACT

relating to an initiative to increase the capacity of local mental health authorities to provide access to mental health services in certain counties.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0221 to read as follows:

Sec. 531.0221. INITIATIVE TO INCREASE MENTAL HEALTH SERVICES CAPACITY IN RURAL AREAS. (a) In this section, "local mental health authority group" means a group of local mental health authorities established under Subsection (b)(2).

(b) Not later than January 1, 2020, the commission, using existing resources, shall:

(1) identify each local mental health authority that is located in a county with a population of 250,000 or less or that the commission determines provides services predominantly in a county with a population of 250,000 or less;

(2) in a manner that the commission determines will best achieve the reductions described by Subsection (d), assign the authorities identified under Subdivision (1) to regional groups of at least two authorities; and

(3) notify each authority identified under Subdivision (1):

(A) that the commission has identified the

1 authority under that subdivision; and

2 (B) which local mental health authority group the  
3 commission assigned the authority to under Subdivision (2).

4 (c) The commission, using existing resources, shall develop  
5 a mental health services development plan for each local mental  
6 health authority group that will increase the capacity of the  
7 authorities in the group to provide access to needed services.

8 (d) In developing a plan under Subsection (c), the  
9 commission shall focus on reducing:

10 (1) the cost to local governments of providing  
11 services to persons experiencing a mental health crisis;

12 (2) the transportation of persons served by an  
13 authority in the local mental health authority group to mental  
14 health facilities;

15 (3) the incarceration of persons with mental illness  
16 in county jails that are located in an area served by an authority  
17 in the local mental health authority group; and

18 (4) the number of hospital emergency room visits by  
19 persons with mental illness at hospitals located in an area served  
20 by an authority in the local mental health authority group.

21 (e) In developing a plan under Subsection (c):

22 (1) the commission shall assess the capacity of the  
23 authorities in the local mental health authority group to provide  
24 access to needed services; and

25 (2) the commission and the local mental health  
26 authority group shall evaluate:

27 (A) whether and to what degree increasing the

1 capacity of the authorities in the local mental health authority  
2 group to provide access to needed services would offset the cost to  
3 state or local governmental entities of:

4 (i) the transportation of persons for  
5 mental health services to facilities that are not local providers;

6 (ii) admissions to and inpatient  
7 hospitalizations at state hospitals or other treatment facilities;

8 (iii) the provision of services by hospital  
9 emergency rooms to persons with mental illness who are served by or  
10 reside in an area served by an authority in the local mental health  
11 authority group; and

12 (iv) the incarceration in county jails of  
13 persons with mental illness who are served by or reside in an area  
14 served by an authority in the local mental health authority group;

15 (B) whether available state funds or grant  
16 funding sources could be used to fund the plan; and

17 (C) what measures would be necessary to ensure  
18 that the plan aligns with the statewide behavioral health strategic  
19 plan and the comprehensive inpatient mental health plan.

20 (f) In each mental health services development plan  
21 produced under this section, the commission, in collaboration with  
22 the local mental health authority group, shall determine a method  
23 of increasing the capacity of the authorities in the local mental  
24 health authority group to provide access to needed services.

25 (g) The commission shall compile and evaluate each mental  
26 health services development plan produced under this section and  
27 determine:

1           (1) the cost-effectiveness of each plan; and

2           (2) how each plan would improve the delivery of mental  
3 health treatment and care to residents in the service areas of the  
4 authorities in the local mental health authority group.

5           (h) Not later than December 1, 2020, the commission, using  
6 existing resources, shall produce and publish on its Internet  
7 website a report containing:

8           (1) the commission's evaluation of each plan under  
9 Subsection (g);

10           (2) each mental health services development plan  
11 evaluated by the commission under Subsection (g); and

12           (3) a comprehensive statewide analysis of mental  
13 health services in counties with a population of 250,000 or less,  
14 including recommendations to the legislature for implementing the  
15 plans developed under this section.

16           (i) The commission and the authorities in each local mental  
17 health authority group may implement a mental health services  
18 development plan evaluated by the commission under this section if  
19 the commission and the local mental health authority group to which  
20 the plan applies identify a method of funding that implementation.

21           (j) This section expires September 1, 2021.

22           SECTION 2. The Health and Human Services Commission is  
23 required to implement a provision of this Act only if the  
24 legislature appropriates money specifically for that purpose. If  
25 the legislature does not appropriate money specifically for that  
26 purpose, the Health and Human Services Commission may, but is not  
27 required to, implement a provision of this Act using other

1 appropriations available for that purpose.

2       SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2019.

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 633 by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 1061, Special District Local Laws Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SALES AND USE TAX

Sec. 1061.301. TAX AUTHORIZED. (a) The district may adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

(b) The district may not adopt a tax under this subchapter or increase the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of this state having territory in the district would exceed two percent in any location in the district.

Sec. 1061.302. APPLICABILITY OF OTHER LAW. Except to the extent that a provision of this subchapter applies, Chapter 323, Tax Code, applies to a tax authorized by this subchapter in the same manner as that chapter applies to the tax authorized by that chapter.

Sec. 1061.303. TAX RATE; CHANGE IN RATE. (a) The district may impose a tax authorized by this subchapter in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent.

(b) The district may increase the rate of a tax authorized by this subchapter to a maximum of two percent or decrease the rate

1 of the tax to a minimum of one-eighth of one percent if the change is  
2 approved by a majority of the voters of the district at an election  
3 called for that purpose.

4 Sec. 1061.304. ELECTION PROCEDURE. An election to adopt,  
5 change the rate of, or abolish a tax authorized by this subchapter  
6 is called by the adoption of an order of the board. The board may  
7 call an election on its own motion and shall call an election if a  
8 number of qualified voters in the district equal to at least five  
9 percent of the number of registered voters in the district  
10 petitions the board to call the election.

11 Sec. 1061.305. ELECTION IN OTHER TAXING AUTHORITY. (a) In  
12 this section, "taxing authority" means any entity authorized to  
13 impose a local sales and use tax.

14 (b) If the district is included within the boundaries of  
15 another taxing authority and the adoption or increase in the rate of  
16 a tax under this subchapter would result in a combined tax rate by  
17 the district and other political subdivisions of this state of more  
18 than two percent at any location in the district, an election to  
19 approve or increase the rate of the tax has no effect unless:

20 (1) one or more of the other taxing authorities holds  
21 an election in accordance with the law governing that authority on  
22 the same date as the election under this subchapter to reduce the  
23 tax rate of that authority to a rate that will result in a combined  
24 tax rate by the district and other political subdivisions of not  
25 more than two percent at any location in the district; and

26 (2) the combined tax rate is reduced to not more than  
27 two percent as a result of that election.

1        (c) This section does not permit a taxing authority to  
2 impose taxes at differential tax rates within the territory of the  
3 authority.

4        Sec. 1061.306. TAX EFFECTIVE DATE. (a) The adoption,  
5 change in the rate of, or abolition of a tax under this subchapter  
6 takes effect on the first day of the first calendar quarter  
7 occurring after the expiration of the first complete calendar  
8 quarter occurring after the date on which the comptroller receives  
9 notice of the results of an election to adopt, change the rate of,  
10 or abolish the tax.

11        (b) If the comptroller determines that an effective date  
12 provided by Subsection (a) will occur before the comptroller can  
13 reasonably take the action required to begin collecting the tax or  
14 to implement the change in the rate of the tax or the abolition of  
15 the tax, the effective date may be extended by the comptroller until  
16 the first day of the next calendar quarter.

17        Sec. 1061.307. USE OF TAX REVENUE. Revenue from a tax  
18 imposed under this subchapter may be used by the district for any  
19 purpose of the district authorized by law.

20        SECTION \_\_\_\_\_. Section 1061.151(b), Special District Local  
21 Laws Code, is amended to read as follows:

22        (b) The proposed budget must contain a complete financial  
23 statement of:

- 24            (1) the outstanding obligations of the district;  
25            (2) the cash on hand in each district fund;  
26            (3) the money received by the district from all  
27 sources during the previous year;



(4) the money available to the district from all sources during the ensuing year;

(5) the balances expected at the end of the year in which the budget is being prepared;

(6) the estimated revenue and balances available to cover the proposed budget;

(7) the estimated ad valorem tax rate required; and

(8) the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year.

SECTION \_\_\_\_\_. The heading to Subchapter F, Chapter 1061, Special District Local Laws Code, is amended to read as follows:

SUBCHAPTER F. AD VALOREM TAXES

SECTION \_\_\_\_\_. Section 26.012(1), Tax Code, is amended to read as follows:

(1) "Additional sales and use tax" means an additional sales and use tax imposed by:

(A) a city under Section 321.101(b);

(B) a county under Chapter 323; or

(C) a hospital district, other than a hospital district:

(i) created on or after September 1, 2001, that:

(a) [~~(i)~~] imposes the sales and use tax under Subchapter I, Chapter 286, Health and Safety Code; or

(b) [~~(i)~~] imposes the sales and use tax under Subchapter L, Chapter 285, Health and Safety Code; or

S.B. No. 633

(ii) that imposes the sales and use tax under Subchapter G, Chapter 1061, Special District Local Laws Code.

3 Price