H.B. No. 3088

AN ACT

relating to the administration of certain mental health grant programs established by the Health and Human Services Commission.

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

SECTION 1.  Section 531.0991, Government Code, is amended by amending Subsections (h) and (k) and adding Subsection (n) to read as follows:

(h)  A community that receives a grant under this section is required to leverage funds in an amount:

(1)  equal to 25 [~~50~~] percent of the grant amount if the community mental health program is located in a county with a population of less than 100,000 [~~250,000~~];

(2)  equal to 50 percent of the grant amount if the community mental health program is located in a county with a population of 100,000 or more but less than 250,000;

(3)  equal to 100 percent of the grant amount if the community mental health program is located in a county with a population of at least 250,000; and

(4) [~~(3)~~]  equal to the percentage of the grant amount otherwise required by this subsection for the largest county in which a community mental health program is located if the community mental health program is located in more than one county.

(k)  Not later than December 1 of each even-numbered [~~calendar~~] year, the executive commissioner shall submit to the governor, the lieutenant governor, and each member of the legislature a report evaluating the success of the matching grant program created by this section.

(n)  A reasonable amount not to exceed five percent of the money appropriated by the legislature for the purposes of this section may be used by the commission to pay administrative costs of implementing this section.

SECTION 2.  Section 531.0992, Government Code, is amended by amending Subsections (d-1) and (d-2) and adding Subsection (g) to read as follows:

(d-1)  For services and treatment provided in a single county, the commission shall condition each grant provided under this section on a potential grant recipient providing funds from non-state sources in a total amount at least equal to:

(1)  25 [~~50~~] percent of the grant amount if the community mental health program to be supported by the grant provides services and treatment in a county with a population of less than 100,000 [~~250,000~~]; [~~or~~]

(2)  50 percent of the grant amount if the community mental health program to be supported by the grant provides services and treatment in a county with a population of 100,000 or more but less than 250,000; or

(3)  100 percent of the grant amount if the community mental health program to be supported by the grant provides services and treatment in a county with a population of 250,000 or more.

(d-2)  For a community mental health program that provides services and treatment in more than one county, the commission shall condition each grant provided under this section on a potential grant recipient providing funds from non-state sources in a total amount at least equal to:

(1)  25 [~~50~~] percent of the grant amount if the county with the largest population [~~county~~] in which the community mental health program to be supported by the grant provides services and treatment has a population of less than 100,000 [~~250,000~~]; [~~or~~]

(2)  50 [~~100~~] percent of the grant amount if the county with the largest population [~~county~~] in which the community mental health program to be supported by the grant provides services and treatment has a population of 100,000 or more but less than 250,000; or

(3)  100 percent of the grant amount if the county with the largest population in which the community mental health program to be supported by the grant provides services and treatment has a population of 250,000 or more.

(g)  A reasonable amount not to exceed five percent of the money appropriated by the legislature for the purposes of this section may be used by the commission to pay administrative costs of implementing this section.

SECTION 3.  Section 531.0993, Government Code, is amended by amending Subsection (c) and adding Subsection (j) to read as follows:

(c)  The commission shall condition each grant provided to a community collaborative under this section on the collaborative providing funds from non-state sources in a total amount at least equal to:

(1)  25 [~~50~~] percent of the grant amount if the collaborative includes a county with a population of less than 100,000 [~~250,000~~];

(2)  50 percent of the grant amount if the collaborative includes a county with a population of 100,000 or more but less than 250,000;

(3)  100 percent of the grant amount if the collaborative includes a county with a population of 250,000 or more; and

(4) [~~(3)~~]  the percentage of the grant amount otherwise required by this subsection for the largest county included in the collaborative, if the collaborative includes more than one county.

(j)  A reasonable amount not to exceed five percent of the money appropriated by the legislature for the purposes of this section may be used by the commission to pay administrative costs of implementing this section.

SECTION 4.  Sections 539.002(b) and (c), Government Code, are amended to read as follows:

(b)  Except as provided by Subsection (c), the department shall require each entity awarded a grant under this section to:

(1)  leverage additional funding or in-kind contributions from private contributors or local governments, excluding state or federal funds, [~~sources~~] in an amount that is at least equal to the amount of the grant awarded under this section;

(2)  provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3)  provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

(c)  The department may award a grant under this chapter to an entity for the purpose of establishing a community mental health program in a county with a population of less than 250,000, if the entity leverages additional funding or in-kind contributions from private contributors or local governments, excluding state or federal funds, [~~sources~~] in an amount equal to one-quarter of the amount of the grant to be awarded under this section, and the entity otherwise meets the requirements of Subsections (b)(2) and (3).

SECTION 5.  Section 539.003, Government Code, is amended to read as follows:

Sec. 539.003.  ACCEPTABLE USES OF GRANT MONEY. An entity shall use money received from a grant made by the department and private funding sources for the establishment or expansion of a community collaborative[~~, provided that the collaborative must be self-sustaining within seven years~~]. Acceptable uses for the money include:

(1)  the development of the infrastructure of the collaborative and the start-up costs of the collaborative;

(2)  the establishment, operation, or maintenance of other community service providers in the community served by the collaborative, including intake centers, detoxification units, sheltering centers for food, workforce training centers, microbusinesses, and educational centers;

(3)  the provision of clothing, hygiene products, and medical services to and the arrangement of transitional and permanent residential housing for persons served by the collaborative;

(4)  the provision of mental health services and substance abuse treatment not readily available in the community served by the collaborative;

(5)  the provision of information, tools, and resource referrals to assist persons served by the collaborative in addressing the needs of their children; and

(6)  the establishment and operation of coordinated intake processes, including triage procedures, to protect the public safety in the community served by the collaborative.

SECTION 6.  Section 539.007, Government Code, is amended to read as follows:

Sec. 539.007.  REDUCTION AND CESSATION OF FUNDING. The department shall establish processes by which the department may reduce or cease providing funding to an entity if the community collaborative operated by the entity does not meet the outcome measures selected by the entity for the collaborative under Section 539.005 [~~or is not self-sustaining after seven years~~]. The department shall redistribute any funds withheld from an entity under this section to other entities operating high-performing collaboratives on a competitive basis.

SECTION 7.  Chapter 539, Government Code, is amended by adding Section 539.009 to read as follows:

Sec. 539.009.  ADMINISTRATIVE COSTS. A reasonable amount not to exceed five percent of the money appropriated by the legislature for the purposes of this subchapter may be used by the commission to pay administrative costs of implementing this subchapter.

SECTION 8.  The changes in law made by this Act apply to a grant awarded on or after the effective date of this Act. A grant awarded under a provision amended by this Act is governed by the law in effect on the date the grant was awarded, and the former law is continued in effect for that purpose.

SECTION 9.  If before implementing any provision of 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 10.  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, 2021.

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    President of the Senate Speaker of the House

I certify that H.B. No. 3088 was passed by the House on May 8, 2021, by the following vote:  Yeas 101, Nays 38, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3088 was passed by the Senate on May 25, 2021, by the following vote:  Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor