

By: Coleman, Hernandez, Price

H.B. No. 3088

Substitute the following for H.B. No. 3088:

By: Klick

C.S.H.B. No. 3088

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

19 (4) [~~(3)~~] equal to the percentage of the grant amount  
20 otherwise required by this subsection for the largest county in  
21 which a community mental health program is located if the community  
22 mental health program is located in more than one county.

23 (k) Not later than December 1 of each even-numbered  
24 [~~calendar~~] year, the executive commissioner shall submit to the

1 governor, the lieutenant governor, and each member of the  
2 legislature a report evaluating the success of the matching grant  
3 program created by this section.

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

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

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

15 (1) 25 ~~[50]~~ percent of the grant amount if the  
16 community mental health program to be supported by the grant  
17 provides services and treatment in a county with a population of  
18 less than 100,000 ~~[250,000]~~; ~~[or]~~

19 (2) 50 percent of the grant amount if the community  
20 mental health program to be supported by the grant provides  
21 services and treatment in a county with a population of 100,000 or  
22 more but less than 250,000; or

23 (3) 100 percent of the grant amount if the community  
24 mental health program to be supported by the grant provides  
25 services and treatment in a county with a population of 250,000 or  
26 more.

27 (d-2) For a community mental health program that provides

1 services and treatment in more than one county, the commission  
2 shall condition each grant provided under this section on a  
3 potential grant recipient providing funds from non-state sources in  
4 a total amount at least equal to:

5 (1) 25 [~~50~~] percent of the grant amount if the county  
6 with the largest population [~~county~~] in which the community mental  
7 health program to be supported by the grant provides services and  
8 treatment has a population of less than 100,000 [~~250,000~~]; [~~or~~]

9 (2) 50 [~~100~~] percent of the grant amount if the county  
10 with the largest population [~~county~~] in which the community mental  
11 health program to be supported by the grant provides services and  
12 treatment has a population of 100,000 or more but less than 250,000;  
13 or

14 (3) 100 percent of the grant amount if the county with  
15 the largest population in which the community mental health program  
16 to be supported by the grant provides services and treatment has a  
17 population of 250,000 or more.

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

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

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

1 equal to:

2 (1) 25 [~~50~~] percent of the grant amount if the  
3 collaborative includes a county with a population of less than  
4 100,000 [~~250,000~~];

5 (2) 50 percent of the grant amount if the  
6 collaborative includes a county with a population of 100,000 or  
7 more but less than 250,000;

8 (3) 100 percent of the grant amount if the  
9 collaborative includes a county with a population of 250,000 or  
10 more; and

11 (4) [~~3~~] the percentage of the grant amount otherwise  
12 required by this subsection for the largest county included in the  
13 collaborative, if the collaborative includes more than one county.

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

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

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

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

26 (2) provide evidence of significant coordination and  
27 collaboration between the entity, local mental health authorities,

1 municipalities, local law enforcement agencies, and other  
2 community stakeholders in establishing or expanding a community  
3 collaborative funded by a grant awarded under this section; and

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

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

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

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

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

26 (2) the establishment, operation, or maintenance of  
27 other community service providers in the community served by the

1 collaborative, including intake centers, detoxification units,  
2 sheltering centers for food, workforce training centers,  
3 microbusinesses, and educational centers;

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

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

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

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

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

19 Sec. 539.007. REDUCTION AND CESSATION OF FUNDING. The  
20 department shall establish processes by which the department may  
21 reduce or cease providing funding to an entity if the community  
22 collaborative operated by the entity does not meet the outcome  
23 measures selected by the entity for the collaborative under Section  
24 539.005 [~~or is not self-sustaining after seven years~~]. The  
25 department shall redistribute any funds withheld from an entity  
26 under this section to other entities operating high-performing  
27 collaboratives on a competitive basis.

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

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

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

13 SECTION 9. If before implementing any provision of this Act  
14 a state agency determines that a waiver or authorization from a  
15 federal agency is necessary for implementation of that provision,  
16 the agency affected by the provision shall request the waiver or  
17 authorization and may delay implementing that provision until the  
18 waiver or authorization is granted.

19 SECTION 10. This Act takes effect immediately if it  
20 receives a vote of two-thirds of all the members elected to each  
21 house, as provided by Section 39, Article III, Texas Constitution.  
22 If this Act does not receive the vote necessary for immediate  
23 effect, this Act takes effect September 1, 2021.