

By: Sparks

S.B. No. 2446

A BILL TO BE ENTITLED

AN ACT

relating to the governance of local mental health authorities and the composition of the governing bodies of local mental health authorities.

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

SECTION 1. Section 533.035, Health and Safety Code, is amended by adding Subsection (f) to read as follows:

(f) A local mental health authority shall make available a monthly expense report in an electronic format, detailing every expenditure as reasonably practical by the local mental health authority, to each member of the governing body, including ex officio nonvoting members.

SECTION 2. The heading to Section 533.0351, Health and Safety Code, is amended to read as follows:

Sec. 533.0351. REQUIRED COMPOSITION AND GOVERNANCE OF LOCAL MENTAL HEALTH AUTHORITY GOVERNING BODY.

SECTION 3. Section 533.0351, Health and Safety Code, is amended by amending Subsections (a), (b), (c), and (c-1) and adding Subsections (a-1), (a-2), and (c-2) to read as follows:

(a) Each ~~[If a]~~ local mental health authority must have ~~[has]~~ a governing body.

(a-1) The ~~[, the]~~ governing body must include:

(1) for a local authority that serves only one county, the sheriff of the county as an ex officio nonvoting member; and

1 (2) for a local authority that serves two or more
2 counties, two sheriffs chosen in accordance with Subsection (b) as
3 ex officio nonvoting members.

4 (a-2) At least one member of the governing board must be a
5 member of the public, have experience owning or operating a private
6 business, and not have served in elected office.

7 (b) In selecting sheriffs to serve as members under
8 Subsection (a-1)(2), a ~~[A]~~ local mental health authority that
9 serves two or more counties shall take the median population size of
10 each of those counties and choose:

11 (1) one sheriff of a county with a population above the
12 median population size to serve as an ex officio nonvoting member
13 under Subsection (a); and

14 (2) one sheriff of a county with a population below the
15 median population size to serve as an ex officio nonvoting member
16 under Subsection (a).

17 (c) A sheriff who is made a member of a governing body in
18 accordance with this section may designate a representative to
19 serve as a member of the body in the sheriff's place as an ex officio
20 nonvoting member under Subsection (a). Except as provided by
21 Subsection (c-1), a sheriff or the designated representative of the
22 sheriff serves as an ex officio nonvoting member under Subsection
23 (a) for the duration of the applicable sheriff's term in office.

24 (c-1) A local mental health authority may rotate the
25 positions of sheriffs who serve as ex officio nonvoting members
26 ~~[as]~~ chosen in accordance with Subsection (b) among the other
27 sheriffs of the counties served by the local authority. A local

1 authority shall consult with each sheriff of the counties served by
2 the local authority in rotating the positions of sheriffs serving
3 as ex officio nonvoting members under this subsection.

4 (c-2) A local mental health authority shall allow a sheriff
5 selected under this section to be a voting member of the governing
6 board upon request of the sheriff, pursuant to the sheriff agreeing
7 to comply with all standards and rules applicable to voting board
8 members.

9 (c-3) A person employed by a local mental health authority
10 may not serve as a member of the authority's governing body.

11 SECTION 4. Subchapter B, Chapter 533, Health and Safety
12 Code, is amended by adding Section 533.0355 to read as follows:

13 Sec. 533.0355. PROHIBITION ON DIVERSITY, EQUITY, AND
14 INCLUSION INITIATIVES IN LOCAL MENTAL HEALTH AUTHORITIES. (a) In
15 this section:

16 (1) "Diversity, equity, and inclusion initiative"
17 means an initiative that:

18 (A) is based on the belief that identity
19 classifications are central to understanding social, professional,
20 and political disparities;

21 (B) requires, encourages, or otherwise promotes
22 organizational practices such as employee hiring and promotion,
23 resource allocation, or policy formulation to achieve proportional
24 representation of identity classification groups or to eliminate
25 perceived systemic differences between them; or

26 (C) otherwise promotes discriminatory treatment
27 of a person on the basis of the person's identity classification.

1 (2) "Identity classification" means a classification
2 of a person based on the race, color, religion, national origin, or
3 ethnicity of the person.

4 (b) A local mental health authority may not, except to the
5 extent required by federal law:

6 (1) formulate, promote, or implement a diversity,
7 equity, and inclusion initiative; or

8 (2) give preference on the basis of an identity
9 classification to an applicant for employment, an employee, or a
10 participant in any function of the local mental health authority.

11 SECTION 5. Section [533.0351](#) (e), Health and Safety Code is
12 repealed.

13 SECTION 6. This Act takes effect September 1, 2025.