

1-1 By: Coleman, Hernandez, Price H.B. No. 3088
 1-2 (Senate Sponsor - Kolkhorst)
 1-3 (In the Senate - Received from the House May 10, 2021;
 1-4 May 14, 2021, read first time and referred to Committee on Health &
 1-5 Human Services; May 20, 2021, reported favorably by the following
 1-6 vote: Yeas 8, Nays 0; May 20, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the administration of certain mental health grant
 1-21 programs established by the Health and Human Services Commission.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 531.0991, Government Code, is amended by
 1-24 amending Subsections (h) and (k) and adding Subsection (n) to read
 1-25 as follows:

1-26 (h) A community that receives a grant under this section is
 1-27 required to leverage funds in an amount:

1-28 (1) equal to 25 [~~50~~] percent of the grant amount if the
 1-29 community mental health program is located in a county with a
 1-30 population of less than 100,000 [~~250,000~~];

1-31 (2) equal to 50 percent of the grant amount if the
 1-32 community mental health program is located in a county with a
 1-33 population of 100,000 or more but less than 250,000;

1-34 (3) equal to 100 percent of the grant amount if the
 1-35 community mental health program is located in a county with a
 1-36 population of at least 250,000; and

1-37 (4) [~~3~~] equal to the percentage of the grant amount
 1-38 otherwise required by this subsection for the largest county in
 1-39 which a community mental health program is located if the community
 1-40 mental health program is located in more than one county.

1-41 (k) Not later than December 1 of each even-numbered
 1-42 [~~calendar~~] year, the executive commissioner shall submit to the
 1-43 governor, the lieutenant governor, and each member of the
 1-44 legislature a report evaluating the success of the matching grant
 1-45 program created by this section.

1-46 (n) A reasonable amount not to exceed five percent of the
 1-47 money appropriated by the legislature for the purposes of this
 1-48 section may be used by the commission to pay administrative costs of
 1-49 implementing this section.

1-50 SECTION 2. Section 531.0992, Government Code, is amended by
 1-51 amending Subsections (d-1) and (d-2) and adding Subsection (g) to
 1-52 read as follows:

1-53 (d-1) For services and treatment provided in a single
 1-54 county, the commission shall condition each grant provided under
 1-55 this section on a potential grant recipient providing funds from
 1-56 non-state sources in a total amount at least equal to:

1-57 (1) 25 [~~50~~] percent of the grant amount if the
 1-58 community mental health program to be supported by the grant
 1-59 provides services and treatment in a county with a population of
 1-60 less than 100,000 [~~250,000~~]; [~~or~~]

1-61 (2) 50 percent of the grant amount if the community

2-1 mental health program to be supported by the grant provides
2-2 services and treatment in a county with a population of 100,000 or
2-3 more but less than 250,000; or

2-4 (3) 100 percent of the grant amount if the community
2-5 mental health program to be supported by the grant provides
2-6 services and treatment in a county with a population of 250,000 or
2-7 more.

2-8 (d-2) For a community mental health program that provides
2-9 services and treatment in more than one county, the commission
2-10 shall condition each grant provided under this section on a
2-11 potential grant recipient providing funds from non-state sources in
2-12 a total amount at least equal to:

2-13 (1) 25 [50] percent of the grant amount if the county
2-14 with the largest population [county] in which the community mental
2-15 health program to be supported by the grant provides services and
2-16 treatment has a population of less than 100,000 [250,000]; [or]

2-17 (2) 50 [100] percent of the grant amount if the county
2-18 with the largest population [county] in which the community mental
2-19 health program to be supported by the grant provides services and
2-20 treatment has a population of 100,000 or more but less than 250,000;
2-21 or

2-22 (3) 100 percent of the grant amount if the county with
2-23 the largest population in which the community mental health program
2-24 to be supported by the grant provides services and treatment has a
2-25 population of 250,000 or more.

2-26 (g) A reasonable amount not to exceed five percent of the
2-27 money appropriated by the legislature for the purposes of this
2-28 section may be used by the commission to pay administrative costs of
2-29 implementing this section.

2-30 SECTION 3. Section 531.0993, Government Code, is amended by
2-31 amending Subsection (c) and adding Subsection (j) to read as
2-32 follows:

2-33 (c) The commission shall condition each grant provided to a
2-34 community collaborative under this section on the collaborative
2-35 providing funds from non-state sources in a total amount at least
2-36 equal to:

2-37 (1) 25 [50] percent of the grant amount if the
2-38 collaborative includes a county with a population of less than
2-39 100,000 [250,000];

2-40 (2) 50 percent of the grant amount if the
2-41 collaborative includes a county with a population of 100,000 or
2-42 more but less than 250,000;

2-43 (3) 100 percent of the grant amount if the
2-44 collaborative includes a county with a population of 250,000 or
2-45 more; and

2-46 (4) [3] the percentage of the grant amount otherwise
2-47 required by this subsection for the largest county included in the
2-48 collaborative, if the collaborative includes more than one county.

2-49 (j) A reasonable amount not to exceed five percent of the
2-50 money appropriated by the legislature for the purposes of this
2-51 section may be used by the commission to pay administrative costs of
2-52 implementing this section.

2-53 SECTION 4. Sections 539.002(b) and (c), Government Code,
2-54 are amended to read as follows:

2-55 (b) Except as provided by Subsection (c), the department
2-56 shall require each entity awarded a grant under this section to:

2-57 (1) leverage additional funding or in-kind
2-58 contributions from private contributors or local governments,
2-59 excluding state or federal funds, [sources] in an amount that is at
2-60 least equal to the amount of the grant awarded under this section;

2-61 (2) provide evidence of significant coordination and
2-62 collaboration between the entity, local mental health authorities,
2-63 municipalities, local law enforcement agencies, and other
2-64 community stakeholders in establishing or expanding a community
2-65 collaborative funded by a grant awarded under this section; and

2-66 (3) provide evidence of a local law enforcement policy
2-67 to divert appropriate persons from jails or other detention
2-68 facilities to an entity affiliated with a community collaborative
2-69 for the purpose of providing services to those persons.

3-1 (c) The department may award a grant under this chapter to
 3-2 an entity for the purpose of establishing a community mental health
 3-3 program in a county with a population of less than 250,000, if the
 3-4 entity leverages additional funding or in-kind contributions from
 3-5 private contributors or local governments, excluding state or
 3-6 federal funds, [sources] in an amount equal to one-quarter of the
 3-7 amount of the grant to be awarded under this section, and the entity
 3-8 otherwise meets the requirements of Subsections (b)(2) and (3).

3-9 SECTION 5. Section 539.003, Government Code, is amended to
 3-10 read as follows:

3-11 Sec. 539.003. ACCEPTABLE USES OF GRANT MONEY. An entity
 3-12 shall use money received from a grant made by the department and
 3-13 private funding sources for the establishment or expansion of a
 3-14 community collaborative~~[, provided that the collaborative must be~~
 3-15 ~~self-sustaining within seven years]~~. Acceptable uses for the money
 3-16 include:

3-17 (1) the development of the infrastructure of the
 3-18 collaborative and the start-up costs of the collaborative;

3-19 (2) the establishment, operation, or maintenance of
 3-20 other community service providers in the community served by the
 3-21 collaborative, including intake centers, detoxification units,
 3-22 sheltering centers for food, workforce training centers,
 3-23 microbusinesses, and educational centers;

3-24 (3) the provision of clothing, hygiene products, and
 3-25 medical services to and the arrangement of transitional and
 3-26 permanent residential housing for persons served by the
 3-27 collaborative;

3-28 (4) the provision of mental health services and
 3-29 substance abuse treatment not readily available in the community
 3-30 served by the collaborative;

3-31 (5) the provision of information, tools, and resource
 3-32 referrals to assist persons served by the collaborative in
 3-33 addressing the needs of their children; and

3-34 (6) the establishment and operation of coordinated
 3-35 intake processes, including triage procedures, to protect the
 3-36 public safety in the community served by the collaborative.

3-37 SECTION 6. Section 539.007, Government Code, is amended to
 3-38 read as follows:

3-39 Sec. 539.007. REDUCTION AND CESSATION OF FUNDING. The
 3-40 department shall establish processes by which the department may
 3-41 reduce or cease providing funding to an entity if the community
 3-42 collaborative operated by the entity does not meet the outcome
 3-43 measures selected by the entity for the collaborative under Section
 3-44 539.005 ~~[or is not self-sustaining after seven years]~~. The
 3-45 department shall redistribute any funds withheld from an entity
 3-46 under this section to other entities operating high-performing
 3-47 collaboratives on a competitive basis.

3-48 SECTION 7. Chapter 539, Government Code, is amended by
 3-49 adding Section 539.009 to read as follows:

3-50 Sec. 539.009. ADMINISTRATIVE COSTS. A reasonable amount
 3-51 not to exceed five percent of the money appropriated by the
 3-52 legislature for the purposes of this subchapter may be used by the
 3-53 commission to pay administrative costs of implementing this
 3-54 subchapter.

3-55 SECTION 8. The changes in law made by this Act apply to a
 3-56 grant awarded on or after the effective date of this Act. A grant
 3-57 awarded under a provision amended by this Act is governed by the law
 3-58 in effect on the date the grant was awarded, and the former law is
 3-59 continued in effect for that purpose.

3-60 SECTION 9. If before implementing any provision of this Act
 3-61 a state agency determines that a waiver or authorization from a
 3-62 federal agency is necessary for implementation of that provision,
 3-63 the agency affected by the provision shall request the waiver or
 3-64 authorization and may delay implementing that provision until the
 3-65 waiver or authorization is granted.

3-66 SECTION 10. This Act takes effect immediately if it
 3-67 receives a vote of two-thirds of all the members elected to each
 3-68 house, as provided by Section 39, Article III, Texas Constitution.
 3-69 If this Act does not receive the vote necessary for immediate

4-1 effect, this Act takes effect September 1, 2021.

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