

SUBJECT: Including sheriffs in LMHAs and community center boards of trustees

COMMITTEE: Public Health — committee substitute recommended

VOTE: 7 ayes — S. Thompson, Wray, Allison, Coleman, Frank, Price, Zedler

0 nays

4 absent — Guerra, Lucio, Ortega, Sheffield

SENATE VOTE: On final passage, March 26 — 31-0

WITNESSES: No public hearing

BACKGROUND: Health and Safety Code sec. 571.003(11) defines a local mental health authority (LMHA) as an entity to which the executive commissioner of the Health and Human Services Commission has delegated the authority and responsibility to ensure the provision of mental health services in an appropriate setting in one or more local service areas.

Concerned parties have suggested that greater collaboration between local law enforcement and LMHAs could increase the effectiveness of the services they provide, especially in rural areas.

DIGEST: CSSB 632 would establish requirements for the composition of local mental health authority (LMHA) governing bodies and the boards of trustees of community centers operated by local agencies.

**LMHA governing body.** The governing body of an LMHA that served only one county would have to include the county sheriff as an ex officio nonvoting member. An LMHA that served two or more counties would have to include in its governing body two sheriffs as ex officio nonvoting members. For such LMHAs, one sheriff would have to be from a county with a population above the median population size of counties in the LMHA, and the other sheriff would have to be from a county with a population below the median population size.

A sheriff chosen to serve on the governing board as an ex officio nonvoting member could designate a representative to serve in the sheriff's place. The sheriff or representative would serve for the duration of the applicable sheriff's term in office. An LMHA could not bar or restrict a sheriff or sheriff's representative from speaking or providing input at a meeting of the LMHA's governing body.

An LMHA that did not have a governing body and served only one county would be required to consult with the county sheriff or sheriff's representative regarding the use of funds received for community mental health and intellectual disability services and chemical dependency services. If the LMHA did not have a governing body and served two or more counties, the local authority would be required to consult with a sheriff or sheriff's representative from counties with populations above and below the median population size of counties in the LMHA regarding the use of funds for these services.

These provisions would not prevent a sheriff or representative of a sheriff from being included in an LMHA's governing body as a voting member.

**Local service area plan.** The bill would add local law enforcement agencies to the list of entities from which an LMHA would have to solicit information regarding community needs in developing the authority's local service area plan.

**Community center board of trustees.** The bill would require that the board of trustees of a community center established by one local agency included a sheriff or sheriff's representative of a county in the region served by the center who was appointed by the local agency's governing body to serve as an ex officio nonvoting member.

If a qualified voter appointed to a community center was a sheriff in the multi-county region served by the center, the local agency's governing body would appoint a sheriff or sheriff's representative from a different county in the region as an ex officio voting member. If a qualified voter

appointed to a community center was the sheriff of the only county in the region served by a community center, these provisions would not apply.

The board of trustees of a community center established by two or more local agencies would have to include sheriffs or their representatives from at least two counties served by the center to serve as ex officio nonvoting members. If the region served by the center consisted of only one county, the board of trustees would have to include that county's sheriff or sheriff's representative to serve as an ex officio nonvoting member.

The bill would not prevent a sheriff or sheriff's representative from being included in a community center's board of trustees as a voting member.

If the governing body of an LMHA or the board of trustees of a community center included a sheriff or sheriff's representative as a voting member of the body or board prior to the bill's effective date, the sheriff or representative could continue serving as a voting member after that date.

The bill would take effect September 1, 2019.