CHAPTER 355

H.B. No. 1193

AN ACT
relating to ballot certification of a political party presidential candidate.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 192.031, Election Code, is amended to read as follows:

Sec. 192.031. PARTY CANDIDATE'S ENTITLEMENT TO PLACE ON BALLOT. (a) A political party is entitled to have the names of its nominees for president and vice-president of the United States placed on the ballot in a presidential general election if:

(1) the nominees possess the qualifications for those offices prescribed by federal law;
(2) [before 5 p.m. of the 70th day before presidential election day,] the party's state chair signs [and delivers to the secretary of state] a written certification of:
   (A) the names of the party's nominees for president and vice-president; and
   (B) the names and residence addresses of presidential elector candidates nominated by the party, in a number equal to the number of presidential electors that federal law allocates to this state; [and]
(3) the party's state chair delivers the written certification to the secretary of state before the later of:
   (A) 5 p.m. of the 70th day before presidential election day; or
   (B) 5 p.m. of the first business day after the date of final adjournment of the party's national presidential nominating convention; and
(4) the party is:
   (A) required or authorized by Subchapter A of Chapter 172 to make its nominations by primary election; or
   (B) entitled to have the names of its nominees placed on the general election ballot under Chapter 181.

(b) If the state chair's certification of the party's nominees is delivered by mail, it is considered to be delivered at the time of its receipt by the secretary of state.

SECTION 2. Section 192.033(b), Election Code, is amended to read as follows:

(b) The [Not later than the 62nd day before presidential election day, the] secretary of state shall deliver the certification to the authority responsible for having the official ballot prepared in each county before the later of the 62nd day before presidential election day or the second business day after the date of final adjournment of the party's national presidential nominating convention.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on May 12, 2009: Yeas 149, Nays 0, 1 present, not voting; passed by the Senate on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 356

H.B. No. 1232

AN ACT
relating to establishing a local behavioral health intervention pilot project.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (a) The Department of State Health Services shall establish a local behavioral health intervention pilot project for children in Bexar County.
(b) In implementing the pilot project, the department shall require a local mental health authority serving Bexar County to:

(1) enter into a memorandum of understanding or other agreement with state and local agencies that work directly with children, including the Department of State Health Services, the Department of Family and Protective Services, the Texas Youth Commission, and the Texas Education Agency, to:

(A) permit collaboration in the provision of uniform early intervention behavioral health services to children;

(B) identify children, with written consent from parents or guardians, who are at risk of placement in an alternative setting for behavior management, in accordance with behavioral standards established by the Texas Education Agency and local school district policy, or intervention by the juvenile justice or child protective services systems; and

(C) with written consent from parents or guardians, divert children identified under Paragraph (B) to a system of care services to reduce gaps or inefficiencies in the provision of care;

(2) develop, in collaboration with the state and local agencies, a best practices plan regarding:

(A) informed consent and confidentiality practices;

(B) a consent form:

(i) by which parents may give or refuse consent to share information with a specific agency or provider that collaborates in the provision of treatment or service to a child;

(ii) that informs a parent that the parent has the right to withhold consent and may withdraw consent at any time; and

(iii) that informs the parent of the type of information that an agency or provider may share if the parent consents;

(C) uniform referral processes between systems and agencies related to behavioral health services;

(D) the delivery of early intervention and treatment services;

(E) an information exchange process between agencies to facilitate faster identification and assessment of behavioral health problems and integrate service delivery; and

(F) an information exchange process between each parent of a child participating in the pilot project and the agencies and providers involved in the project to assist the parent in remaining informed regarding the evaluations performed in relation to the child and any conclusions or recommended treatment options resulting from those evaluations or decisions that need to be made by the parent as a result of an evaluation;

(3) identify outcome measures that may be used to measure the efficiency of coordination;

(4) ensure that an extensive listing of providers is available for children and their families, including information regarding the services offered and the behavioral health issues addressed by the provider; and

(5) ensure that parents, agencies, and providers participating in the pilot project are informed that a parent or child may not be penalized for refusing to consent to the information sharing or services under the pilot project.

c) In order to facilitate the pilot project and identify children in accordance with Subsection (b)(1)(B), a local mental health authority serving Bexar County, the Department of State Health Services, the Department of Family and Protective Services, the Texas Youth Commission, the Texas Education Agency, and local school districts may, with the consent of the child’s parents or guardians:

(1) disclose information relating to a child, including information concerning the child’s identity, needs, treatment, social, criminal, and educational history, probation or supervision status and compliance with the conditions of the child’s probation or supervision, and medical or mental health history, if the disclosure serves a purpose of the pilot project;
(2) accept information relating to a child that serves a purpose of the pilot project, regardless of whether other state law makes that information confidential; and

(3) before sharing information under this section, enter into a memorandum of understanding with another local or state governmental entity to specify:

(A) the types of information that may be exchanged among agencies under this section without violating any applicable provisions of federal law, including any federal funding requirements; and

(B) the protocols for information sharing, including methods for ensuring the continued protection of confidential information by the recipient of the information.

(d) This section does not affect the confidential status of the information being shared.

(e) The department may use funds for crisis prevention programs in collaboration with funds from local authorities, including school districts and criminal justice agencies, to implement the pilot project.

(f) Not later than December 1, 2010, the local mental health authority involved in the pilot project shall submit a report to the department regarding the local behavioral health intervention pilot project, including:

(1) a comprehensive analysis of the efficacy of the project; and

(2) the local authority’s findings and recommendations.

(g) In implementing the pilot project, the Department of State Health Services shall ensure that a parent of a child involved in the project is provided with reasonable, standardized complaint procedures for making complaints regarding the pilot project or an agency or provider involved in the pilot project.

(h) The Department of State Health Services shall ensure that the pilot project:

(1) is operated without regard to the race, color, disability, sex, age, national origin, or religion of the individuals involved in the pilot project; and

(2) does not disproportionately target or negatively impact minorities.

(i) This section does not authorize the implementation of school-based mental health screening.

(j) This Act expires September 1, 2011.

SECTION 2. This Act takes effect September 1, 2009.

Passed by the House on April 9, 2009: Yeas 148, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1232 on May 21, 2009: Yeas 138, Nays 2, 2 present, not voting; passed by the Senate, with amendments, on May 18, 2009: Yeas 30, Nays 1.

Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 357

H.B. No. 1255

AN ACT
relating to an interlocal contract for a relief highway route around certain municipalities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 791, Government Code, is amended by adding Section 791.034 to read as follows:

Sec. 791.034. INTERLOCAL CONTRACT FOR RELIEF HIGHWAY ROUTE AROUND CERTAIN MUNICIPALITIES. (a) The governing body of a municipality located in a county in which is located a facility licensed to dispose of low-level radioactive waste under Chapter 401, Health and Safety Code, may enter into an interlocal contract with the county...