

## **BILL ANALYSIS**

Senate Research Center

H.B. 3793  
By: Coleman (Hinojosa)  
Intergovernmental Relations  
5/14/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties contend that statutes governing counties and the entities serving counties need to be updated relating to payments for the compensation of local justices, district judges, and district attorneys, expenditures for indigent health care and treatment, and the recording and indexing of property owners' association management certificates.

H.B. 3793 amends current law relating to powers, duties, and services of counties and entities serving counties.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 25.0005(c), Government Code, to require that the annual salary required to be paid to a statutory county court judge, other than a statutory county court judge who engages in the private practice of law, by the commissioners court be paid in equal monthly installments or equal biweekly installments if authorized by the commissioners court and to make nonsubstantive changes.

SECTION 2. Amends Section 31.004, Government Code, as follows:

Sec. 31.004. New heading: EQUAL INSTALLMENTS. Requires that the compensation authorized by this chapter (Additional Compensation of Justices of Courts of Appeal) be paid in equal monthly installments or equal biweekly installments if authorized by the commissioners courts in the counties of the court of appeals district. Makes nonsubstantive changes.

SECTION 3. Amends Section 32.001(b), Government Code, to require that the compensation be paid from the county general fund or other available funds of the county in monthly installments or biweekly installments if authorized by the commissioners court, rather than requiring that the compensation be paid in monthly installments from the county general fund or other available funds of the county.

SECTION 4. Amends Section 43.180(e), Government Code, to require that the county salary required to be paid to the district attorney by the Commissioners Court of Harris County be paid in equal biweekly installments, rather than in equal monthly installments.

SECTION 5. Amends Section 61.036, Health and Safety Code, by adding Subsections (d) and (e), as follows:

(d) Authorizes a county, regardless of the application, documentation, and verification procedures or eligibility standards established by the Texas Department of Health under Subchapter A (General Provisions), to credit an intergovernmental transfer to the state toward eligibility for state assistance if the transfer was made:

(1) to provide health care services as part of a waiver program under 42 U.S.C. Section 1315 or 1396n; or

(2) as part of the state plan for disproportionate share hospitals under 42 U.S.C. Section 1396r-4 or 1 T.A.C. Section 355.8065.

(e) Prohibits a county from crediting toward eligibility for state assistance any intergovernmental transfer made under Subsection (d)(1) or (2) that, separately or in combination, exceeds six percent of the county's general revenue levy in any state fiscal year.

SECTION 6. Amends Section 152.904(e), Local Government Code, to require that the annual salary of the county judge required to be set by the Commissioners Court of Harris County be paid in equal biweekly installments, rather than in 12 equal monthly installments.

SECTION 7. Amends Section 209.004, Property Code, by adding Subsection (a-1), to require the county clerk of each county in which a management certificate is filed as required by this section (Management Certificates) to record the management certificate in the real property records of the county and index the document as a "Property Owners' Association Management Certificate."

SECTION 8. (a) Provides that the change in law made by this Act to Section 61.036, Health and Safety Code, applies only to state assistance for health care services under Chapter 61, Health and Safety Code, as amended by this Act, that are delivered on or after the effective date of this Act. Provides that state assistance for health care services under Chapter 61, Health and Safety Code, that are delivered before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Requires each property owners' association that is subject to Section 209.004, Property Code, immediately before September 1, 2013, to ensure that all management certificates are recorded and indexed in accordance with Section 209.004(a-1), Property Code, as added by this Act, on or after September 1, 2013, and not later than January 1, 2014, to file the association's management certificate under that section, regardless of whether the association filed a management certificate before September 1, 2013. Provides that this section does not affect the time in which a property owners' association is required to file the association's management certificate under Section 209.004, Property Code, as amended by this Act, if the association's initial duty to file the management certificate arises on or after September 1, 2013.

SECTION 9. Effective date: September 1, 2013.