

BILL ANALYSIS

Senate Research Center

H.J.R. 5
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Finance
5/7/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised about a lack of funding for research, treatment, and access to services for behavioral health, mental health, and substance abuse in Texas. H.J.R. 5 seeks to address these concerns by establishing the Texas mental and behavioral health research fund and directing the comptroller to deposit \$100 million in excess revenues from the sales and use tax on the sale, storage, use, and other consumption to the credit of the fund for research into, treatment of, and access to those services.

H.J.R. 5 proposes a constitutional amendment providing for the dedication of certain sales and use tax revenue to the Texas mental and behavioral health research fund established to fund research, treatment, and access to services in this state for behavioral health, mental health, and substance use and addiction issues.

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 Article III, Texas Constitution, by adding Section 68, as follows:

Sec. 68. Provides that the Texas mental and behavioral health research fund is established in the state treasury and consists of money transferred or deposited to the fund as provided by Section 7-c (Dedication of Revenue From State Sales and Use Tax and Taxes Imposed on Sale, Use, or Rental of Motor Vehicle to State Highway Fund), Article VIII, of this constitution, appropriations made to the fund by the legislature, and all interest, dividends, and other income of the fund. Authorizes money from the fund to be used as provided by general law for the purpose of funding programs:

- (1) to research behavioral health issues generally, including causes of behavioral health issues, public health trends and strategies regarding behavioral health issues, and new behavioral health treatments, interventions, and other solutions;
- (2) to research substance use and addiction issues, including genetic determinates of addiction, identification of and mitigation of substance use and addiction risk factors, addiction recovery, pain management strategies, and prescription practices;
- (3) to research behavioral health and mental health issues affecting children and adolescents, including unidentified and untreated mental illness, involvement in the juvenile justice system, and suicide prevention; and
- (4) to address the shortage of mental health professionals in this state, including programs to increase access to mental health professionals in this state, programs to increase the use of telemedicine in the treatment of behavioral health or mental health issues, and programs to provide loan repayment assistance and other funding for mental health professionals, including physicians and advanced

practice nurses trained in the prevention, diagnosis, and treatment of mental illness in children and adolescents.

SECTION 2. Amends Section 7-c, Article VIII, Texas Constitution, by adding Subsections (b-1) and (d-1), as follows:

(b-1) Requires the comptroller of public accounts of the State of Texas (comptroller), subject to Subsection (d-1) of this section, in each state fiscal year, to deposit to the credit of the Texas mental and behavioral health research fund \$100 million of the net revenue derived from the imposition of the state sales and use tax on the sale, storage, use, or other consumption in this state of taxable items under Chapter 151 (Limited Sales, Excise, and Use Tax), Tax Code, or its successor, that exceeds the amount of \$30.5 billion of that revenue coming into the treasury in that state fiscal year.

(d-1) Authorizes the legislature by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature to direct the comptroller to reduce the amount of money deposited to the credit of the Texas mental and behavioral health research fund under Subsection (b-1) of this section. Authorizes the comptroller to be directed to make that reduction only:

(1) in the state fiscal year in which the resolution is adopted, or in either of the following two state fiscal years; and

(2) by an amount or percentage that does not result in a reduction of more than 50 percent of the amount that would otherwise be deposited to the fund in the affected state fiscal year under Subsection (b-1) of this section.

SECTION 3. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 5, 2019. Sets forth the required language of the ballot.