

By: Alders

H.B. No. 4856

A BILL TO BE ENTITLED

AN ACT

relating to the governance of local mental health authorities and the composition of the governing bodies of local mental health authorities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 533.035, Health and Safety Code, is amended by adding Subsection (f) to read as follows:

(f) A local mental health authority shall make available a monthly expense report in an electronic format, detailing every expenditure as reasonably practical by the local mental health authority, to each member of the governing body, including ex officio nonvoting members.

SECTION 2. The heading to Section 533.0351, Health and Safety Code, is amended to read as follows:

Sec. 533.0351. REQUIRED COMPOSITION AND GOVERNANCE OF LOCAL MENTAL HEALTH AUTHORITY GOVERNING BODY.

SECTION 3. Section 533.0351, Health and Safety Code, is amended by amending Subsections (a), (b), (c), and (c-1) and adding Subsections (a-1), (a-2), and (c-2) to read as follows:

(a) Each [~~If a~~] local mental health authority must have [~~has~~] a governing body.

(a-1) The [~~the~~] governing body must include:

(1) for a local authority that serves only one county, the sheriff of the county as an ex officio nonvoting member; and

1 (2) for a local authority that serves two or more
2 counties, two sheriffs chosen in accordance with Subsection (b) as
3 ex officio nonvoting members.

4 (a-2) At least one member of the governing board must be a
5 member of the public, have experience owning or operating a private
6 business, and not have served in elected office.

7 (b) In selecting sheriffs to serve as members under
8 Subsection (a-1)(2), a [A] local mental health authority that
9 serves two or more counties shall take the median population size
10 of each of those counties and choose:

11 (1) one sheriff of a county with a population above the
12 median population size to serve as an ex officio nonvoting member
13 under Subsection (a); and

14 (2) one sheriff of a county with a population below the
15 median population size to serve as an ex officio nonvoting member
16 under Subsection (a).

17 (c) A sheriff who is made a member of a governing body in
18 accordance with this section may designate a representative to
19 serve as a member of the body in the sheriff's place as an ex
20 officio nonvoting member under Subsection (a). Except as provided
21 by Subsection (c-1), a sheriff or the designated representative of
22 the sheriff serves as an ex officio nonvoting member under
23 Subsection (a) for the duration of the applicable sheriff's term
24 in office.

25 (c-1) A local mental health authority may rotate the
26 positions of sheriffs who serve as ex officio nonvoting members
27 [~~as~~] chosen in accordance with Subsection (b) among the other

1 sheriffs of the counties served by the local authority. A local
2 authority shall consult with each sheriff of the counties served
3 by the local authority in rotating the positions of sheriffs
4 serving as ex officio nonvoting members under this subsection.

5 (c-2) A local mental health authority shall allow a sheriff
6 selected under this section to be a voting member of the governing
7 board upon request of the sheriff, pursuant to the sheriff agreeing
8 to comply with all standards and rules applicable to voting board
9 members.

10 (c-3) A person employed by a local mental health authority
11 may not serve as a member of the authority's governing body.

12 SECTION 4. Subchapter B, Chapter 533, Health and Safety
13 Code, is amended by adding Section 533.0355 to read as follows:

14 Sec. 533.0355. PROHIBITION ON DIVERSITY, EQUITY, AND
15 INCLUSION INITIATIVES IN LOCAL MENTAL HEALTH AUTHORITIES. (a) In
16 this section:

17 (1) "Diversity, equity, and inclusion initiative" means
18 an initiative that:

19 (A) is based on the belief that identity
20 classifications are central to understanding social, professional,
21 and political disparities;

22 (B) requires, encourages, or otherwise promotes
23 organizational practices such as employee hiring and promotion,
24 resource allocation, or policy formulation to achieve proportional
25 representation of identity classification groups or to eliminate
26 perceived systemic differences between them; or

27 (C) otherwise promotes discriminatory treatment

1 of a person on the basis of the person's identity classification.

2 (2) "Identity classification" means a classification of
3 a person based on the race, color, religion, national origin, or
4 ethnicity of the person.

5 (b) A local mental health authority may not, except to the
6 extent required by federal law:

7 (1) formulate, promote, or implement a diversity,
8 equity, and inclusion initiative; or

9 (2) give preference on the basis of an identity
10 classification to an applicant for employment, an employee, or a
11 participant in any function of the local mental health authority.

12 SECTION 5. Section 533.0351 (e), Health and Safety Code is
13 repealed.

14 SECTION 6. This Act takes effect September 1, 2025.