

By: Solis

H.B. No. 2750

A BILL TO BE ENTITLED

AN ACT

relating to the creation and funding of the child support oversight council.

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

SECTION 1. Subtitle D, Title 5, Family Code, is amended by adding Chapter 237 to read as follows:

CHAPTER 237. CHILD SUPPORT OVERSIGHT COUNCIL

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 237.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the Child Support Oversight Council.

(2) "Council" means the Child Support Oversight Council.

(3) "Executive director" means the executive director of the council.

Sec. 237.002. APPLICATION OF SUNSET ACT. The council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2015.

Sec. 237.003. COUNCIL FUNDING. The council is funded through the assessment of the annual administrative fee collected on each child support order rendered by a court under Section 154.014.

[Sections 237.004-237.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 237.051. BOARD OF DIRECTORS. (a) The council is
3 governed by a board of directors that consists of:

4 (1) three senators, appointed by the lieutenant
5 governor;

6 (2) three members of the house of representatives,
7 appointed by the speaker of the house of representatives; and

8 (3) the director of the attorney general's child
9 support division.

10 (b) A member of the board may not receive compensation for
11 serving on the board but is entitled to reimbursement for actual and
12 necessary expenses incurred by the member in performing functions
13 as a board member, as provided by the General Appropriations Act.

14 (c) A member of the board is not liable in a civil action for
15 an act performed in good faith in executing duties as a board
16 member.

17 Sec. 237.052. CONFLICT OF INTEREST. A person may not be a
18 member of the board or act as the general counsel to the board or the
19 council if the person is required to register as a lobbyist under
20 Chapter 305, Government Code, because of the person's activities
21 for compensation on behalf of a profession related to the operation
22 of the attorney general's child support division.

23 Sec. 237.053. SERVICE AT-WILL; VACANCY. (a) A person
24 appointed to the board serves at the will of the appointing state
25 officer or agency.

26 (b) If a vacancy occurs on the board, the appointing officer
27 or agency shall appoint a replacement who meets the qualifications

1 of the vacated office.

2 Sec. 237.054. PRESIDING OFFICERS. (a) The council shall
3 have a presiding officer and assistant presiding officer, who shall
4 serve in that capacity for a period of two years. The lieutenant
5 governor and the speaker of the house of representatives shall
6 alternate the designation of the presiding officer and assistant
7 presiding officer, with the lieutenant governor designating the
8 first presiding officer and the speaker the first assistant
9 presiding officer.

10 (b) The terms as presiding officer and assistant presiding
11 officer expire on February 1 of each even-numbered year. The
12 presiding officer and assistant presiding officer may vote on all
13 matters before the board.

14 Sec. 237.055. MEETINGS. The board shall meet as necessary
15 at the call of the presiding officer.

16 Sec. 237.056. DIVISION OF POLICY AND MANAGEMENT
17 RESPONSIBILITIES. The board shall develop and implement policies
18 that clearly separate the policymaking responsibilities of the
19 board and the management responsibilities of the executive director
20 and the staff of the council.

21 [Sections 237.057-237.100 reserved for expansion]

22 SUBCHAPTER C. EXECUTIVE DIRECTOR AND OTHER BOARD PERSONNEL

23 Sec. 237.101. EXECUTIVE DIRECTOR; PERSONNEL. (a) The
24 board shall employ an executive director, who shall administer the
25 council in accordance with board policies. The executive director
26 serves at the will of the board.

27 (b) The executive director shall hire personnel as

1 necessary to accomplish the objectives of the council and may
2 delegate powers and duties to council personnel as necessary.

3 Sec. 237.102. EQUAL EMPLOYMENT OPPORTUNITY POLICY. (a)
4 The executive director shall prepare and maintain a written policy
5 statement to assure implementation of a program of equal employment
6 opportunity under which all personnel transactions are made without
7 regard to race, color, disability, sex, religion, age, or national
8 origin. The policy statement must include:

9 (1) personnel policies, including policies relating
10 to recruitment, evaluation, selection, appointment, training, and
11 promotion of personnel that are in compliance with the requirements
12 of Chapter 21, Labor Code;

13 (2) a comprehensive analysis of the council workforce
14 that meets federal and state guidelines;

15 (3) procedures by which a determination can be made
16 about the extent of underuse in the council workforce of all persons
17 for whom federal or state guidelines encourage a more equitable
18 balance; and

19 (4) reasonable methods to appropriately address those
20 areas of underuse.

21 (b) A policy statement prepared under Subsection (a) must:

22 (1) cover an annual period;

23 (2) be updated at least annually;

24 (3) be reviewed by the Commission on Human Rights for
25 compliance with Subsection (a)(1); and

26 (4) be filed with the governor.

27 (c) The governor's office shall deliver a biennial report to

1 the legislature based on the information received under Subsection
2 (b). The report may be made separately or as a part of other
3 biennial reports made to the legislature.

4 Sec. 237.103. QUALIFICATIONS AND STANDARDS OF CONDUCT
5 INFORMATION. The council shall provide its members and employees,
6 as often as necessary, information regarding their:

7 (1) qualification for office or employment under this
8 chapter; and

9 (2) responsibilities under applicable laws relating
10 to standards of conduct for state officers or employees.

11 [Sections 237.104-237.150 reserved for expansion]

12 SUBCHAPTER D. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

13 Sec. 237.151. PUBLIC INTEREST INFORMATION. (a) The
14 council shall prepare information of public interest describing the
15 functions of the council and the procedures by which complaints are
16 filed with and resolved by the council.

17 (b) The council shall make the information available to the
18 public and appropriate state agencies.

19 Sec. 237.152. PUBLIC PARTICIPATION. (a) The board shall
20 develop and implement policies that provide the public with a
21 reasonable opportunity to appear before the board and to speak on
22 any issue under the jurisdiction of the council.

23 (b) The board shall comply with federal and state laws
24 related to program and facility accessibility.

25 (c) The board shall prepare and maintain a written plan that
26 describes how a person who does not speak English can be provided
27 reasonable access to the council's programs and services.

1 Sec. 237.153. RECORD OF COMPLAINTS. (a) The council shall
2 keep information about each written complaint filed with the
3 council. The information shall include:

4 (1) the date the complaint is received;
5 (2) the name of the complainant;
6 (3) the subject matter of the complaint;
7 (4) a record of all persons contacted in relation to
8 the complaint;

9 (5) a summary of the results of the review or
10 investigation of the complaint; and

11 (6) for complaints for which the council took no
12 action, an explanation of the reason the complaint was closed
13 without action.

14 (b) For each written complaint filed with the council that
15 the council has authority to resolve, the council shall provide to
16 the person filing the complaint and the person about whom the
17 complaint is filed information about the council's policies and
18 procedures relating to complaint investigation and resolution. The
19 council, at least quarterly and until final disposition of the
20 complaint, shall notify those persons of the status of the
21 complaint unless the notice would jeopardize an undercover
22 investigation.

23 [Sections 237.154-237.200 reserved for expansion]

24 SUBCHAPTER E. POWERS AND DUTIES

25 Sec. 237.201. GENERAL POWERS AND DUTIES OF COUNCIL. (a)
26 The council is an advisory body to the attorney general. The
27 council shall be operated in a manner that ensures that its

1 research, findings, and conclusions are factual, fair, and
2 unbiased.

3 (b) The council shall conduct professional studies and
4 research related to:

5 (1) the collection of child support; and

6 (2) other matters relevant to the cost, quality, and
7 operational effectiveness of the child support system.

8 (c) The council shall identify, collect, maintain, and
9 analyze the key information required to assess the operational
10 effectiveness of the child support system. The council shall
11 provide the information obtained under this subsection to the
12 governor and the legislature on a quarterly basis.

13 (d) The council, with the approval of the board, may apply
14 for and spend federal funds to implement this chapter.

15 Sec. 237.202. GENERAL POWERS AND DUTIES OF BOARD. (a) The
16 board shall:

17 (1) approve the operating budget of the council;

18 (2) adopt rules for the operations of the board and the
19 council;

20 (3) conduct professional studies and research on all
21 matters relevant to the cost, quality, and operational
22 effectiveness of the child support system;

23 (4) hold regular public hearings and receive testimony
24 and reports from any person involved in the child support system;
25 and

26 (5) review specific recommendations for legislation
27 relating to the child support.

1 (b) The board shall report to the governor, lieutenant
2 governor, and speaker of the house of representatives not later
3 than December 31 of each even-numbered year. The report must
4 include:

5 (1) informaton on the activities of the council;

6 (2) identification of any problems in the child
7 support system, with recommendations for regulatory and
8 legislative action based on research or testimony; and

9 (3) the status of the effectiveness of the child
10 support system and recommendations for any additional necessary
11 research.

12 (c) The board shall publish and disseminate its studies to
13 interested persons and may determine charges for the publications
14 as necessary to achieve optimal dissemination.

15 (d) The board may:

16 (1) delegate powers to the executive director as it
17 considers appropriate, including general guidance on the
18 identification of information needs and the conduct of research;

19 (2) contract with other persons, including
20 institutions of higher education, for conducting economical
21 studies of high quality for the council;

22 (3) contract with the attorney general for fiscal,
23 personnel, or other support functions; and

24 (4) appoint expert advisory committees to provide
25 technical assistance in conducting research.

26 Sec. 237.203. RESEARCH AGENDA. (a) The executive director
27 annually shall prepare a research agenda for board review and

1 approval.

2 (b) The board shall publish annually in the Texas Register a
3 proposed research agenda and shall distribute the proposed agenda
4 to educational institutions in this state that have a demonstrated
5 research capacity.

6 (c) The board shall accept public comments on the proposed
7 agenda and shall conduct a public hearing on the agenda if a hearing
8 is requested by interested persons.

9 Sec. 237.204. APPROPRIATIONS REQUEST. The executive
10 director shall prepare a request for legislative appropriations for
11 the operations of the council. If the request is approved by the
12 board, the board shall submit the request to the attorney general.
13 The attorney general shall include the request in the attorney
14 general's legislative appropriations request.

15 SECTION 2. Subchapter A, Chapter 154, Family Code, is
16 amended by adding Section 154.014 to read as follows:

17 Sec. 154.014. FEE FOR CHILD SUPPORT OVERSIGHT COUNCIL.
18 Each child support obligor shall pay a \$1 annual administrative fee
19 to be paid to the clerk of the court having continuing jurisdiction.
20 The fees collected under this section shall be forwarded to the
21 comptroller for deposit in a special account to be used for the
22 operation of the council.

23 SECTION 3. This Act takes effect September 1, 2003.