

By: Delisi

H.B. No. 65

A BILL TO BE ENTITLED

AN ACT

relating to the expansion of faith- and community-based health and human services initiatives.

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

SECTION 1. Chapter 401, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. TEXAS MENTORING INITIATIVE

Sec. 401.151. ESTABLISHMENT AND PURPOSE OF TEXAS MENTORING INITIATIVE. (a) The office of the governor shall establish the Texas mentoring initiative to fund activities that:

(1) create or expand mentoring opportunities in this state;

(2) promote responsible fatherhood and healthy marriages; and

(3) increase the capacity of faith- and community-based organizations, as defined by Section 535.001, to provide mentoring services to persons in this state and increase the participation of those organizations in providing those services.

(b) The office of the governor shall administer the Texas mentoring initiative subject to the availability of funds appropriated for that purpose.

Sec. 401.152. COORDINATION WITH STATE AGENCIES. To implement activities of the Texas mentoring initiative, the office

1 of the governor may coordinate with:

2 (1) the Health and Human Services Commission;

3 (2) the Office of the Attorney General;

4 (3) the Texas Education Agency;

5 (4) the Texas Workforce Commission; and

6 (5) other state agencies as appropriate.

7 Sec. 401.153. COORDINATION WITH OTHER ENTITIES. To better
8 integrate the activities of the Texas mentoring initiative, the
9 office of the governor may coordinate those activities with:

10 (1) agencies of the federal government and political
11 subdivisions of this state;

12 (2) faith- and community-based organizations, as
13 defined by Section 535.001; and

14 (3) other persons with expertise or interest in
15 mentoring services.

16 Sec. 401.154. GRANTS. The office of the governor shall
17 provide grants through the Texas mentoring initiative to fund
18 activities that:

19 (1) expand mentoring opportunities in this state;

20 (2) provide mentoring to at-risk youth to help those
21 youth with leadership skills and personal success;

22 (3) serve children of persons who are incarcerated;

23 (4) improve school attendance and performance;

24 (5) promote responsible fatherhood by educating
25 fathers regarding their critical role with respect to their
26 families and children;

27 (6) expand the involvement of businesses, schools, and

1 faith- and community-based organizations, as defined by Section
2 535.001, in providing mentoring services and increase partnership
3 opportunities between those entities and state government;

4 (7) discourage the use of drugs and alcohol by youth;

5 (8) promote healthy marriages through education and
6 marriage skills programs; and

7 (9) support the renewing our communities account under
8 Subchapter D, Chapter 535.

9 SECTION 2. (a) Subchapter B, Chapter 531, Government Code,
10 is amended by adding Section 531.088 to read as follows:

11 Sec. 531.088. DATABASE OF VOLUNTEER OPPORTUNITIES. (a)

12 The commission shall establish a searchable Internet database that
13 lists opportunities throughout this state for volunteers to provide
14 assistance to agencies of this state in delivering services to
15 persons in this state and to faith- and community-based
16 organizations that partner with a state agency to deliver those
17 services. The commission shall adopt rules regarding:

18 (1) minimum requirements the state agency or faith- or
19 community-based organization must meet to submit an opportunity for
20 listing on the database, including:

21 (A) the types of volunteer opportunities the
22 agency or organization may submit; and

23 (B) the minimum information that must be provided
24 for a listing on the database; and

25 (2) the method by which a prospective volunteer may
26 contact the appropriate person at the agency or organization that
27 lists an opportunity on the database.

1 (b) Each state agency that has a faith- and community-based
2 liaison designated under Section 535.051 shall provide to the
3 commission information regarding volunteer opportunities described
4 by Subsection (a) and shall regularly update that information.

5 (c) The commission may:

6 (1) provide on the Internet website containing the
7 database required by this section links to other appropriate
8 Internet websites that list volunteer opportunities with
9 charitable organizations; and

10 (2) create a link to the Internet website containing
11 the database that a person may download and use on another Internet
12 website to refer other persons to the database.

13 (d) The commission may:

14 (1) directly operate and maintain the database
15 required by this section; or

16 (2) contract or partner with another entity for the
17 operation and maintenance of the database.

18 (b) The Health and Human Services Commission shall
19 establish the database of volunteer opportunities required by
20 Section 531.088, Government Code, as added by this section, not
21 later than January 1, 2006.

22 SECTION 3. (a) Subtitle I, Title 4, Government Code, is
23 amended by adding Chapter 535 to read as follows:

24 CHAPTER 535. PROVISION OF HUMAN SERVICES THROUGH FAITH- AND
25 COMMUNITY-BASED ORGANIZATIONS

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 535.001. DEFINITIONS. In this chapter:

1 (1) "Community-based organization" means a nonprofit
2 corporation or association that is located in close proximity to
3 the population the organization serves.

4 (2) "Faith-based organization" means a nonprofit
5 corporation or association that:

6 (A) is operated through a religious or
7 denominational organization, including an organization that is
8 operated for religious, educational, or charitable purposes and
9 that is operated, supervised, or controlled, wholly or partly, by
10 or in connection with a religious organization; or

11 (B) clearly demonstrates through the
12 organization's mission statement, policies, or practices that the
13 organization is guided or motivated by religion.

14 Sec. 535.002. PURPOSE. The purpose of this chapter is to
15 strengthen the capacity of faith- and community-based
16 organizations and to forge stronger partnerships between those
17 organizations and state government for the legitimate public
18 purpose of providing charitable and social services to persons in
19 this state.

20 Sec. 535.003. CONSTRUCTION. This chapter may not be
21 construed to:

22 (1) exempt a faith- or community-based organization
23 from any applicable state or federal law; or

24 (2) be an endorsement or sponsorship by this state of
25 the religious character, expression, beliefs, doctrines, or
26 practices of a faith-based organization.

27 Sec. 535.004. APPLICABILITY OF CERTAIN FEDERAL LAW. A

1 power authorized or duty imposed under this chapter must be
2 performed in a manner that is consistent with 42 U.S.C. Section
3 604a.

4 [Sections 535.005-535.050 reserved for expansion]

5 SUBCHAPTER B. GOVERNMENTAL LIAISONS FOR FAITH- AND

6 COMMUNITY-BASED ORGANIZATIONS

7 Sec. 535.051. DESIGNATION OF FAITH- AND COMMUNITY-BASED
8 LIAISONS. (a) The executive commissioner, in consultation with
9 the governor, shall designate one employee from each health and
10 human services agency to serve as a liaison for faith- and
11 community-based organizations.

12 (b) The chief administrative officer of each of the
13 following state agencies, in consultation with the governor, shall
14 designate one employee from the agency to serve as a liaison for
15 faith- and community-based organizations:

- 16 (1) the Office of Rural Community Affairs;
17 (2) the Texas Commission on Environmental Quality;
18 (3) the Texas Department of Criminal Justice;
19 (4) the Texas Department of Housing and Community
20 Affairs;
21 (5) the Texas Education Agency;
22 (6) the Texas Juvenile Probation Commission;
23 (7) the Texas Veterans Commission;
24 (8) the Texas Workforce Commission;
25 (9) the Texas Youth Commission; and
26 (10) other state agencies as determined by the
27 governor.

1 Sec. 535.052. GENERAL DUTIES OF LIAISONS. A faith- and
2 community-based liaison designated under Section 535.051 shall:

3 (1) identify and remove unnecessary barriers to
4 partnerships between the state agency the liaison represents and
5 faith- and community-based organizations;

6 (2) provide information and training, if necessary,
7 for employees of the state agency the liaison represents regarding
8 equal opportunity standards for faith- and community-based
9 organizations seeking to partner with state government;

10 (3) facilitate the identification of practices with
11 demonstrated effectiveness for faith- and community-based
12 organizations that partner with the state agency the liaison
13 represents;

14 (4) work with the appropriate departments and programs
15 of the state agency the liaison represents to conduct outreach
16 efforts to inform and welcome faith- and community-based
17 organizations that have not traditionally formed partnerships with
18 the agency;

19 (5) coordinate all efforts with the governor's office
20 of faith-based and community initiatives and provide information,
21 support, and assistance to that office as requested to the extent
22 permitted by law and if feasible; and

23 (6) attend conferences sponsored by federal agencies
24 and offices and other relevant entities to become and remain
25 informed of issues and developments regarding faith- and
26 community-based initiatives.

27 Sec. 535.053. INTERAGENCY COORDINATING GROUP. (a) The

1 interagency coordinating group for faith- and community-based
2 initiatives is composed of each faith- and community-based liaison
3 designated under Section 535.051.

4 (b) The interagency coordinating group shall work across
5 state agencies to facilitate the removal of unnecessary interagency
6 barriers to partnerships between state agencies and faith- and
7 community-based organizations.

8 Sec. 535.054. REPORTS; MEETINGS. (a) A liaison designated
9 under Section 535.051 shall:

10 (1) provide periodic reports to the executive
11 commissioner or other chief executive officer who designated the
12 liaison, as applicable, on a schedule determined by the person who
13 designated the liaison; and

14 (2) report annually to the governor's office of
15 faith-based and community initiatives regarding the liaison's
16 efforts to comply with the duties imposed under Sections 535.052
17 and 535.053.

18 (b) Each report made under Subsection (a)(2) must be made
19 available to the public through posting on the office of the
20 governor's Internet website.

21 [Sections 535.055-535.100 reserved for expansion]

22 SUBCHAPTER C. CENTER FOR FAITH- AND COMMUNITY-BASED INITIATIVES

23 Sec. 535.101. DEFINITIONS. In this subchapter:

24 (1) "Community-based initiative" means a health or
25 human services initiative operated by a community-based
26 organization.

27 (2) "Faith-based initiative" means a health or human

1 services initiative operated by a faith-based organization.

2 (3) "Center" means the center for faith- and
3 community-based initiatives established under Section 535.102.

4 Sec. 535.102. ESTABLISHMENT OF CENTER FOR FAITH- AND
5 COMMUNITY-BASED INITIATIVES. The executive commissioner shall
6 establish within the commission a center for faith- and
7 community-based initiatives. The center must be operated in a
8 manner that promotes effective partnerships between the commission
9 or a health and human services agency and faith- and
10 community-based organizations to serve residents of this state who
11 need assistance.

12 Sec. 535.103. OPERATION OF CENTER. (a) In consultation
13 with the governor, the executive commissioner shall appoint a
14 director for the center.

15 (b) The commission shall provide the center with
16 appropriate staff, administrative support services, and other
17 resources to enable the center to perform the duties imposed under
18 this subchapter.

19 Sec. 535.104. GENERAL DUTIES OF CENTER. The center shall:

20 (1) identify and remove unnecessary barriers to
21 partnerships between the commission or a health and human services
22 agency and faith- and community-based organizations;

23 (2) provide information and training, if necessary,
24 for employees of the commission and health and human services
25 agencies regarding equal opportunity standards for faith- and
26 community-based organizations seeking to partner with state
27 government;

1 (3) facilitate the identification of practices with
2 demonstrated effectiveness for faith- and community-based
3 organizations that partner with the commission or a health and
4 human services agency;

5 (4) based on the practices identified under
6 Subdivision (3), develop proposals for innovative pilot programs
7 and initiatives;

8 (5) work with the appropriate departments and programs
9 of the commission and health and human services agencies to conduct
10 outreach efforts to inform and welcome faith- and community-based
11 organizations that have not traditionally formed partnerships with
12 the commission or a health and human services agency;

13 (6) if appropriate, coordinate the use of volunteers
14 from faith- and community-based organizations in providing health
15 and human services;

16 (7) coordinate all efforts with the governor's office
17 of faith-based and community initiatives and provide information,
18 support, and assistance to that office as requested to the extent
19 permitted by law and if feasible;

20 (8) send representatives to attend conferences
21 sponsored by federal agencies and offices and other relevant
22 entities to become and remain informed of issues and developments
23 regarding faith- and community-based initiatives; and

24 (9) serve as an informational resource for the
25 legislature on ongoing efforts by this state to enhance the role of
26 faith- and community-based organizations in providing human
27 services through partnerships with state agencies.

1 Sec. 535.105. REPORTS. (a) The director of the center
2 shall:

3 (1) provide periodic reports to the executive
4 commissioner regarding the center's performance of the duties
5 imposed under Section 535.104; and

6 (2) report annually to the governor's office of
7 faith-based and community initiatives regarding the center's
8 efforts to perform the duties imposed under Section 535.104 and the
9 center's outcomes on the performance measures determined by the
10 center.

11 (b) Each report made under Subsection (a)(2) must be made
12 available to the public through posting on the office of the
13 governor's Internet website.

14 [Sections 535.106-535.150 reserved for expansion]

15 SUBCHAPTER D. RENEWING OUR COMMUNITIES ACCOUNT

16 Sec. 535.151. DEFINITION. In this subchapter, "account"
17 means the renewing our communities account.

18 Sec. 535.152. PURPOSES OF SUBCHAPTER. Recognizing that
19 faith- and community-based organizations provide a range of vital
20 charitable services to persons in this state, the purposes of this
21 subchapter are to:

22 (1) increase the impact and effectiveness of those
23 organizations;

24 (2) forge stronger partnerships between those
25 organizations and state government so that communities are
26 empowered to serve persons in need and community capacity for
27 providing services is strengthened; and

1 (3) create a funding mechanism that builds on the
2 established efforts of those organizations and operates to create
3 new partnerships in local communities for the benefit of this
4 state.

5 Sec. 535.153. RENEWING OUR COMMUNITIES ACCOUNT. (a) The
6 renewing our communities account is an account in the general
7 revenue fund that may be appropriated only to the commission for the
8 purposes and activities authorized by this subchapter and for
9 reasonable administrative expenses under this subchapter.

10 (b) The account consists of:

11 (1) all money appropriated for the purposes of this
12 subchapter;

13 (2) any gifts, grants, or donations received for the
14 purposes of this subchapter; and

15 (3) interest earned on money in the account.

16 (c) The account is exempt from the application of Section
17 403.095.

18 (d) The purposes of the account are to:

19 (1) increase the capacity of and strengthen faith- and
20 community-based organizations to provide charitable services to
21 persons in this state who are in need of those services;

22 (2) assist local governmental entities in
23 establishing local offices for faith- and community-based
24 initiatives;

25 (3) foster better partnerships between state
26 government and faith- and community-based organizations to provide
27 charitable services to persons in this state; and

1 (4) leverage state and local resources to acquire
2 federal or private grant funds to provide charitable services in
3 this state.

4 Sec. 535.154. POWERS AND DUTIES REGARDING ACCOUNT. (a) The
5 commission shall:

6 (1) develop and implement a competitive process for
7 awarding grants from the account that is consistent with state law
8 and includes objective selection criteria;

9 (2) oversee the delivery of training and other
10 assistance activities under this subchapter;

11 (3) develop criteria limiting awards of grants under
12 Subsection (b)(1) to small and medium-sized faith- and
13 community-based organizations that provide charitable services to
14 persons in this state;

15 (4) establish general state priorities for the
16 account; and

17 (5) establish and monitor performance and outcome
18 measures for persons to whom grants are awarded under this
19 subchapter.

20 (b) The commission may:

21 (1) award grants from the account to faith- and
22 community-based organizations that provide charitable services to
23 persons in this state for capacity-building purposes;

24 (2) directly, or through agreements with one or more
25 entities that serve faith- and community-based organizations that
26 provide charitable services to persons in this state:

27 (A) assist faith- and community-based

1 organizations with:

2 (i) writing or managing grants through
3 workshops or other forms of guidance;

4 (ii) obtaining legal assistance related to
5 forming a corporation or obtaining an exemption from taxation under
6 the Internal Revenue Code; and

7 (iii) obtaining information about or
8 referrals to entities that provide expertise in accounting, legal,
9 or tax issues, program development matters, or other organizational
10 topics;

11 (B) provide information or assistance to faith-
12 and community-based organizations related to building the
13 organizations' capacity for providing services;

14 (C) facilitate the formation of networks, the
15 coordination of services, and the sharing of resources among faith-
16 and community-based organizations;

17 (D) in cooperation with existing efforts, if
18 possible, conduct needs assessments to identify gaps in services in
19 a community that present a need for developing or expanding
20 services;

21 (E) work with faith- and community-based
22 organizations to identify the organizations' needs for
23 improvements in their internal capacity for providing services;

24 (F) provide faith- and community-based
25 organizations with information on and assistance in identifying or
26 using practices with demonstrated effectiveness for delivering
27 charitable services to persons, families, and communities and in

1 replicating charitable services programs that have demonstrated
2 effectiveness; and

3 (G) encourage research into the impact of
4 organizational capacity on program delivery for faith- and
5 community-based organizations;

6 (3) award grants from the account to local
7 governmental entities to provide seed money for local offices for
8 faith- and community-based initiatives;

9 (4) assist a local governmental entity in creating a
10 better partnership between government and faith- and
11 community-based organizations to provide charitable services to
12 persons in this state;

13 (5) use the account to provide matching money for
14 federal or private grant programs that further the purposes of the
15 account as described by Section 535.153(d); and

16 (6) contract with the governor's office of faith-based
17 and community initiatives to administer programs or perform duties
18 or activities under this subchapter.

19 Sec. 535.155. FAITH- AND COMMUNITY-BASED INITIATIVES
20 ADVISORY COMMITTEE. (a) The executive commissioner shall appoint
21 faith and community leaders in this state to serve on the faith- and
22 community-based initiatives advisory committee. The advisory
23 committee members must be representative of the religious and
24 cultural diversity of this state.

25 (b) The advisory committee shall make recommendations to
26 the executive commissioner regarding the executive commissioner's
27 powers and duties with respect to the account as described by

1 Section 535.154.

2 (c) Except as otherwise provided by this subsection, the
3 advisory committee shall meet at least twice each calendar year.
4 The advisory committee is not required to meet if the remaining
5 amount appropriated from the account to the commission for the
6 state fiscal biennium is insufficient for the performance of any
7 duties or activities under this subchapter.

8 (d) Chapter 2110 does not apply to the advisory committee.

9 (e) The advisory committee is subject to Chapter 551.

10 (b) The executive commissioner of the Health and Human
11 Services Commission and the chief executive officers of the Office
12 of Rural Community Affairs, the Texas Commission on Environmental
13 Quality, the Texas Department of Criminal Justice, the Texas
14 Department of Housing and Community Affairs, the Texas Education
15 Agency, the Texas Juvenile Probation Commission, the Texas Veterans
16 Commission, the Texas Workforce Commission, the Texas Youth
17 Commission, and any other state agency as determined by the
18 governor shall designate the liaisons for faith- and
19 community-based initiatives as required under Section 535.051,
20 Government Code, as added by this section, not later than November
21 1, 2005.

22 (c) The executive commissioner of the Health and Human
23 Services Commission shall appoint the director of the center for
24 faith- and community-based initiatives as required by Section
25 535.103, Government Code, as added by this section, not later than
26 November 15, 2005.

27 (d) The center for faith- and community-based initiatives

1 established under Section 535.102, Government Code, as added by
2 this section, shall file a report with the governor's office of
3 faith- and community-based initiatives not later than January 15,
4 2006, that includes the center's performance measures on which the
5 center will report its outcomes in each annual report under Section
6 535.105, Government Code, as added by this section.

7 SECTION 4. If before implementing any provision of this Act
8 a state agency determines that a waiver or authorization from a
9 federal agency is necessary for implementation of that provision,
10 the agency affected by the provision shall request the waiver or
11 authorization and may delay implementing that provision until the
12 waiver or authorization is granted.

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect on the 91st day after the last day of the
18 legislative session.