

1-1 By: Nelson S.B. No. 52
1-2 (In the Senate - Filed November 8, 2004; January 31, 2005,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 4, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 April 4, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 52 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a competitive grant program for aging and disability
1-11 services.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 142.0174, Health and Safety Code, is
1-14 amended to read as follows:

1-15 Sec. 142.0174. USE OF ADMINISTRATIVE PENALTY [~~DEPOSITED TO~~
1-16 ~~STATE TREASURY~~]. An administrative penalty collected under this
1-17 subchapter may [~~shall~~] be appropriated for the purpose of funding
1-18 the grant program established under Section 161.074, Human
1-19 Resources Code [~~deposited in the state treasury to the credit of the~~
1-20 ~~general revenue fund~~].

1-21 SECTION 2. Subchapter C, Chapter 242, Health and Safety
1-22 Code, is amended by adding Section 242.0695 to read as follows:

1-23 Sec. 242.0695. USE OF ADMINISTRATIVE PENALTY. Money from
1-24 an administrative penalty collected under this subchapter may be
1-25 appropriated for the purpose of funding the grant program
1-26 established under Section 161.074, Human Resources Code.

1-27 SECTION 3. Subchapter C, Chapter 247, Health and Safety
1-28 Code, is amended by adding Section 247.0458 to read as follows:

1-29 Sec. 247.0458. USE OF ADMINISTRATIVE PENALTY. Money from
1-30 an administrative penalty collected under this subchapter may be
1-31 appropriated for the purpose of funding the grant program
1-32 established under Section 161.074, Human Resources Code.

1-33 SECTION 4. Section 252.069, Health and Safety Code, is
1-34 amended to read as follows:

1-35 Sec. 252.069. USE OF ADMINISTRATIVE PENALTY [~~DEPOSITED TO~~
1-36 ~~STATE TREASURY~~]. An administrative penalty collected under this
1-37 subchapter may [~~shall~~] be appropriated for the purpose of funding
1-38 the grant program established under Section 161.074, Human
1-39 Resources Code [~~deposited in the state treasury to the credit of the~~
1-40 ~~general revenue fund~~].

1-41 SECTION 5. Subchapter D, Chapter 161, Human Resources Code,
1-42 is amended by adding Section 161.074 to read as follows:

1-43 Sec. 161.074. COMPETITIVE GRANT PROGRAM. (a) The
1-44 department shall establish a competitive grant program that
1-45 promotes innovation in the delivery of aging and disability
1-46 services and improves the quality of life for individuals receiving
1-47 those services.

1-48 (b) A grant awarded by the department under the program
1-49 shall be used to:

1-50 (1) test innovative practices in the provision of
1-51 aging and disability services; or

1-52 (2) disseminate information regarding innovative
1-53 practices being used to provide aging and disability services.

1-54 (c) The department shall request proposals for the award of
1-55 a grant under the program. The department shall evaluate the
1-56 proposals and award a grant based on a proposal's academic
1-57 soundness, quantifiable effectiveness, and potentially positive
1-58 impact on the delivery of aging and disability services.

1-59 (d) A grant awarded under Subsection (b)(1) must be made to
1-60 an institution of higher education working in cooperation with a
1-61 private entity that has committed resources to the project
1-62 described in the proposal.

1-63 (e) A grant recipient may use grant money received under

2-1 this section only to pay for activities directly related to the
2-2 purpose of the grant program as described by Subsection (b) and may
2-3 not use grant money for fees or advertising.

2-4 (f) The department shall establish procedures to administer
2-5 the grant program, including a procedure for the submission of a
2-6 proposal and a procedure to be used by the department to evaluate a
2-7 proposal.

2-8 (g) The department shall enter into a contract that includes
2-9 performance requirements with each grant recipient. The department
2-10 shall monitor and enforce the terms of the contract. The contract
2-11 must authorize the department to recoup grant money from a grant
2-12 recipient for failure of the grant recipient to comply with the
2-13 terms of the contract.

2-14 (h) The department shall post on its website a summary of
2-15 each grant awarded under this section.

2-16 (i) The legislature may appropriate money described by
2-17 Sections 142.0174, 242.0695, 247.0458, and 252.069, Health and
2-18 Safety Code, including unexpended and unobligated amounts
2-19 collected during a previous state fiscal biennium, to fund the
2-20 grant program authorized by this section.

2-21 SECTION 6. Section 242.405, Health and Safety Code, is
2-22 repealed.

2-23 SECTION 7. It is the intent of the legislature that the
2-24 Department of Aging and Disability Services shall establish the
2-25 grant program authorized by Section 161.074, Human Resources Code,
2-26 as added by this Act, only if the department determines that the
2-27 administrative penalties described by Sections 142.0174, 242.0695,
2-28 247.0458, and 252.069, Health and Safety Code, are sufficient to
2-29 fund the grants to be awarded.

2-30 SECTION 8. This Act takes effect September 1, 2005.

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