

By: Zerwas, Kolthorst

H.B. No. 492

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. (a) Subtitle I, Title 4, Government Code, is amended by adding Chapter 535 to read as follows:

CHAPTER 535. PROVISION OF HUMAN SERVICES AND OTHER
SOCIAL SERVICES THROUGH FAITH- AND COMMUNITY-BASED ORGANIZATIONS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 535.001. DEFINITIONS. In this chapter:

(1) "Community-based initiative" includes a social, health, human services, or volunteer income tax assistance initiative operated by a community-based organization.

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

(3) "Faith-based initiative" means a social, health, or human services initiative operated by a faith-based organization.

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

(A) is operated through a religious or denominational organization, including an organization that is operated for religious, educational, or charitable purposes and

1 that is operated, supervised, or controlled, wholly or partly, by
2 or in connection with a religious organization; or

3 (B) clearly demonstrates through the
4 organization's mission statement, policies, or practices that the
5 organization is guided or motivated by religion.

6 (5) "State Commission on National and Community
7 Service" means the entity used as authorized by 42 U.S.C. Section
8 12638(a) to carry out the duties of a state commission under the
9 National and Community Service Act of 1990 (42 U.S.C. Section 12501
10 et seq.).

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

17 Sec. 535.003. CONSTRUCTION. This chapter may not be
18 construed to:

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

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

24 Sec. 535.004. APPLICABILITY OF CERTAIN FEDERAL LAW. A
25 power authorized or duty imposed under this chapter must be
26 performed in a manner that is consistent with 42 U.S.C. Section
27 604a.

1 [Sections 535.005-535.050 reserved for expansion]

2 SUBCHAPTER B. GOVERNMENTAL LIAISONS FOR FAITH- AND

3 COMMUNITY-BASED ORGANIZATIONS

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

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

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

25 Sec. 535.052. GENERAL DUTIES OF LIAISONS. (a) A faith- and
26 community-based liaison designated under Section 535.051 shall:

- 27 (1) identify and remove unnecessary barriers to

1 partnerships between the state agency the liaison represents and
2 faith- and community-based organizations;

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

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

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

16 (5) 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 as feasible; and

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

24 (b) A faith- and community-based liaison designated under
25 Section 535.051 may coordinate and interact with statewide
26 organizations that represent faith- or community-based
27 organizations as necessary to accomplish the purposes of this

1 chapter.

2 Sec. 535.053. INTERAGENCY COORDINATING GROUP. (a) The
3 interagency coordinating group for faith- and community-based
4 initiatives is composed of each faith- and community-based liaison
5 designated under Section 535.051 and a liaison from the State
6 Commission on National and Community Service.

7 (b) The commission employee designated as a liaison under
8 Section 535.051 is the presiding officer of the interagency
9 coordinating group.

10 (c) The interagency coordinating group shall:

11 (1) meet periodically at the call of the presiding
12 officer;

13 (2) work across state agencies and with the State
14 Commission on National and Community Service to facilitate the
15 removal of unnecessary interagency barriers to partnerships
16 between state agencies and faith- and community-based
17 organizations; and

18 (3) operate in a manner that promotes effective
19 partnerships between those agencies and organizations to serve
20 residents of this state who need assistance.

21 Sec. 535.054. REPORTS. (a) A liaison designated under
22 Section 535.051 shall:

23 (1) provide periodic reports to the executive
24 commissioner or other chief executive officer who designated the
25 liaison, as applicable, on a schedule determined by the person who
26 designated the liaison; and

27 (2) report annually to the governor's office of

1 faith- and community-based initiatives and as necessary to the
2 State Commission on National and Community Service regarding the
3 liaison's efforts to comply with the duties imposed under Sections
4 535.052 and 535.053.

5 (b) Each report made under Subsection (a)(2) must be made
6 available to the public through posting on the office of the
7 governor's Internet website, and the reports may be aggregated into
8 a single report for that purpose.

9 [Sections 535.055-535.100 reserved for expansion]

10 SUBCHAPTER C. RENEWING OUR COMMUNITIES ACCOUNT

11 Sec. 535.101. DEFINITION. In this subchapter, "account"
12 means the renewing our communities account.

13 Sec. 535.102. PURPOSES OF SUBCHAPTER. Recognizing that
14 faith- and community-based organizations provide a range of vital
15 charitable services to persons in this state, the purposes of this
16 subchapter are to:

17 (1) increase the impact and effectiveness of those
18 organizations;

19 (2) forge stronger partnerships between those
20 organizations and state government so that communities are
21 empowered to serve persons in need and community capacity for
22 providing services is strengthened; and

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

27 Sec. 535.103. RENEWING OUR COMMUNITIES ACCOUNT. (a) The

renewing our communities account is an account in the general revenue fund that may be appropriated only to the commission for the purposes and activities authorized by this subchapter and for reasonable administrative expenses under this subchapter.

(b) The account consists of:

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

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

(3) interest earned on money in the account.

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

(d) The purposes of the account are to:

(1) increase the capacity of faith- and community-based organizations to provide charitable services and to manage human resources and funds;

(2) assist local governmental entities in establishing local offices to promote faith- and community-based initiatives; and

(3) foster better partnerships between state government and faith- and community-based organizations.

Sec. 535.104. POWERS AND DUTIES REGARDING ACCOUNT. (a) The commission shall:

(1) contract with the State Commission on National and Community Service to administer funds appropriated from the account in a manner that:

(A) consolidates the capacity of and strengthens

national service and community and faith- and community-based initiatives; and

(B) leverages public and private funds to benefit this state;

(2) develop a competitive process to be used in awarding grants from account funds that is consistent with state law and includes objective selection criteria;

(3) oversee the delivery of training and other assistance activities under this subchapter;

(4) develop criteria limiting awards of grants under Section 535.105(1)(A) to small and medium-sized faith- and community-based organizations that provide charitable services to persons in this state;

(5) establish general state priorities for the account;

(6) establish and monitor performance and outcome measures for persons to whom grants are awarded under this subchapter;

(7) establish policies and procedures to ensure that any money appropriated from the account to the commission that is allocated to build the capacity of a faith-based organization or for a faith-based initiative, including money allocated for the establishment of the advisory committee under Section 535.108, is not used to advance a sectarian purpose or to engage in any form of proselytization; and

(8) establish policies and procedures to ensure that any money appropriated from the account to the commission that is

1 allocated to an organization or initiative that receives a grant or
2 assistance under this chapter may not discriminate on the basis of
3 race, religion, color, national origin, sex, age, sexual
4 orientation, or political affiliation, or on the basis of
5 disability, against:

6 (A) an employee or volunteer of such organization
7 or initiative; or

8 (B) a recipient of services provided by such
9 organization or initiative.

10 (b) Instead of contracting with the State Commission on
11 National and Community Service under Subsection (a)(1), the
12 commission may award account funds appropriated to the commission
13 to the State Commission on National and Community Service in the
14 form of a grant.

15 (c) Any funds awarded to the State Commission on National
16 and Community Service under a contract or through a grant under this
17 section must be administered in the manner required by this
18 subchapter, including Subsection (a)(1).

19 (d) The commission or the State Commission on National and
20 Community Service, in accordance with the terms of the contract or
21 grant, as applicable, may:

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

25 (A) assist faith- and community-based
26 organizations with:

27 (i) writing or managing grants through

1 workshops or other forms of guidance;

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

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

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

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

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

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

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

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

4 (2) assist a local governmental entity in creating a
5 better partnership between government and faith- and
6 community-based organizations to provide charitable services to
7 persons in this state; and

8 (3) use funds appropriated from the account to provide
9 matching money for federal or private grant programs that further
10 the purposes of the account as described by Section 535.103(d).

11 (e) The commission shall monitor the use of the funds
12 administered by the State Commission on National and Community
13 Service under a contract or through a grant under this section to
14 ensure that the funds are used in a manner consistent with the
15 requirements of this subchapter. Records relating to the award of a
16 contract or grant to the State Commission on National and Community
17 Service, or to grants awarded by that entity, and records relating
18 to other uses of the funds are public information subject to Chapter
19 552.

20 (f) If the commission contracts with or awards a grant to
21 the State Commission on National and Community Service under this
22 section, this subchapter may not be construed to:

23 (1) release that entity from any regulations or
24 reporting or other requirements applicable to a contractor or
25 grantee of the commission;

26 (2) impose regulations or reporting or other
27 requirements on that entity that do not apply to other contractors

or grantees of the commission solely because of the entity's status;

(3) alter the nonprofit status of that entity or the requirements for maintaining that status; or

(4) convert that entity into a governmental entity because of the receipt of account funds through the contract or grant.

Sec. 535.105. ADMINISTRATION OF ACCOUNT FUNDS. If under Section 535.104 the commission contracts with or awards a grant to the State Commission on National and Community Service, that entity:

(1) may award grants from funds appropriated from the account to:

(A) faith- and community-based organizations that provide charitable services to persons in this state for capacity-building purposes; and

(B) local governmental entities to provide seed money for local offices for faith- and community-based initiatives; and

(2) shall monitor performance and outcome measures for persons to whom that entity awards grants using the measures established by the commission under Section 535.104(a)(6).

Sec. 535.106. REPORTS AND PUBLIC INFORMATION. (a) The commission shall provide a link on the commission's Internet website to the Internet website of the State Commission on National and Community Service if the commission contracts with or awards a grant to that entity under Section 535.104. The entity's Internet

1 website must provide:

2 (1) a list of the names of each person to whom the
3 entity awarded a grant from money appropriated from the account and
4 the amount and purpose of the grant; and

5 (2) information regarding the methods by which the
6 public may request information about those grants.

7 (b) If awarded a contract or grant under Section 535.104,
8 the State Commission on National and Community Service must provide
9 to the commission periodic reports on a schedule determined by the
10 executive commissioner. The schedule of periodic reports must
11 include an annual report that includes:

12 (1) a specific accounting with respect to the use by
13 that entity of money appropriated from the account, including the
14 names of persons to whom grants have been awarded and the purposes
15 of those grants; and

16 (2) a summary of the efforts of the faith- and
17 community-based liaisons designated under Section 535.051 to
18 comply with the duties imposed by and the purposes of Sections
19 535.052 and 535.053.

20 (c) The commission shall post the annual report made under
21 Subsection (b) on the commission's Internet website and shall
22 provide copies of the report to the governor, the lieutenant
23 governor, and the members of the legislature.

24 Sec. 535.107. TASK FORCE ON STRENGTHENING NONPROFIT
25 CAPACITY. (a) The executive commissioner, in consultation with
26 the governor, shall establish a task force to make recommendations
27 for strengthening the capacity of faith- and community-based

1 organizations for managing human resources and funds and providing
2 services. The members of the task force must include:

3 (1) representatives from state agencies, nonprofit
4 organizations, the academic community, and the foundation
5 community; and

6 (2) other individuals who have expertise that would be
7 valuable to the task force.

8 (b) Using money appropriated from the account, the task
9 force shall hold at least three public hearings in various
10 geographic areas of this state, at least one of which must be
11 outside of Central Texas. The task force shall hear testimony at
12 the hearings regarding strengthening the capacity of faith- and
13 community-based organizations to manage human resources and funds
14 and provide services.

15 (c) The task force is not required to hold a public hearing
16 if the remaining money appropriated from the account to the
17 commission for the state fiscal biennium is insufficient for the
18 performance of the duties or activities under this subchapter.

19 (d) The task force shall present a report and legislative
20 recommendations to the House Committee on Human Services or its
21 successor, the House Committee on Public Health or its successor,
22 and the Senate Health and Human Services Committee or its successor
23 not later than September 1, 2010, regarding its recommendations.

24 (e) This section expires September 1, 2011.

25 Sec. 535.108. RENEWING OUR COMMUNITIES ACCOUNT ADVISORY
26 COMMITTEE. (a) The executive commissioner shall appoint leaders
27 of faith- and community-based organizations in this state to serve

1 on the renewing our communities account advisory committee. The
2 advisory committee members must be representative of the religious,
3 cultural, and geographic diversity of this state and the diversity
4 of organization types and sizes in this state.

5 (b) The advisory committee shall make recommendations to
6 the executive commissioner regarding the powers and duties with
7 respect to the account as described by Section 535.104.

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

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

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

16 (b) The executive commissioner of the Health and Human
17 Services Commission and the chief executive officers of the Office
18 of Rural Community Affairs, the Texas Commission on Environmental
19 Quality, the Texas Department of Criminal Justice, the Texas
20 Department of Housing and Community Affairs, the Texas Education
21 Agency, the Texas Juvenile Probation Commission, the Texas Veterans
22 Commission, the Texas Workforce Commission, the Texas Youth
23 Commission, and any other state agency as determined by the
24 governor shall designate the liaisons for faith- and
25 community-based initiatives as required under Section 535.051,
26 Government Code, as added by this section, not later than December
27 1, 2009.

1 (c) The interagency coordinating group established under
2 Section 535.053, Government Code, as added by this section, shall
3 hold its first meeting not later than February 1, 2010.

4 SECTION 2. If before implementing any provision of this Act
5 a state agency determines that a waiver or authorization from a
6 federal agency is necessary for implementation of that provision,
7 the agency affected by the provision shall request the waiver or
8 authorization and may delay implementing that provision until the
9 waiver or authorization is granted.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2009.