

By: Zerwas

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

12 Sec. 535.003. CONSTRUCTION. This chapter may not be
13 construed to:

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

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

19 Sec. 535.004. APPLICABILITY OF CERTAIN FEDERAL LAW. A
20 power authorized or duty imposed under this chapter must be
21 performed in a manner that is consistent with 42 U.S.C. Section
22 604a.

23 [Sections 535.005-535.050 reserved for expansion]

24 SUBCHAPTER B. GOVERNMENTAL LIAISONS FOR FAITH- AND
25 COMMUNITY-BASED ORGANIZATIONS

26 Sec. 535.051. DESIGNATION OF FAITH- AND COMMUNITY-BASED
27 LIAISONS. (a) The executive commissioner, in consultation with

1 the governor, shall designate one employee from the commission and
2 from each health and human services agency to serve as a liaison for
3 faith- and community-based organizations.

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

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

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

22 (1) identify and remove unnecessary barriers to
23 partnerships between the state agency the liaison represents and
24 faith- and community-based organizations;

25 (2) provide information and training, if necessary,
26 for employees of the state agency the liaison represents regarding
27 equal opportunity standards for faith- and community-based

1 organizations seeking to partner with state government;

2 (3) facilitate the identification of practices with
3 demonstrated effectiveness for faith- and community-based
4 organizations that partner with the state agency the liaison
5 represents;

6 (4) work with the appropriate departments and programs
7 of the state agency the liaison represents to conduct outreach
8 efforts to inform and welcome faith- and community-based
9 organizations that have not traditionally formed partnerships with
10 the agency;

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

15 (6) attend conferences sponsored by federal agencies
16 and offices and other relevant entities to become and remain
17 informed of issues and developments regarding faith- and
18 community-based initiatives.

19 Sec. 535.053. INTERAGENCY COORDINATING GROUP. (a) The
20 interagency coordinating group for faith- and community-based
21 initiatives is composed of each faith- and community-based liaison
22 designated under Section 535.051.

23 (b) The commission employee designated as a liaison under
24 Section 535.051 is the presiding officer of the interagency
25 coordinating group.

26 (c) The interagency coordinating group shall:

27 (1) meet periodically at the call of the presiding

1 officer;

2 (2) work across state agencies to facilitate the
3 removal of unnecessary interagency barriers to partnerships
4 between state agencies and faith- and community-based
5 organizations; and

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

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

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

15 (2) report annually to the governor's office of faith-
16 and community-based initiatives and as necessary to the
17 administrative entity with which the commission contracts or awards
18 a grant under Section 535.104 regarding the liaison's efforts to
19 comply with the duties imposed under Sections 535.052 and 535.053.

20 (b) Each report made under Subsection (a)(2) must be made
21 available to the public through posting on the office of the
22 governor's Internet website and may be aggregated into a single
23 report for that purpose.

24 [Sections 535.055-535.100 reserved for expansion]

25 SUBCHAPTER C. RENEWING OUR COMMUNITIES ACCOUNT

26 Sec. 535.101. DEFINITION. In this subchapter, "account"
27 means the renewing our communities account.

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

5 (1) increase the impact and effectiveness of those
6 organizations;

7 (2) forge stronger partnerships between those
8 organizations and state government so that communities are
9 empowered to serve persons in need and community capacity for
10 providing services is strengthened; and

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

15 Sec. 535.103. RENEWING OUR COMMUNITIES ACCOUNT. (a) The
16 renewing our communities account is an account in the general
17 revenue fund that may be appropriated only to the commission for the
18 purposes and activities authorized by this subchapter and for
19 reasonable administrative expenses under this subchapter.

20 (b) The account consists of:

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

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

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

26 (c) The account is exempt from the application of Section
27 403.095.

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

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

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

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

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

12 (1) contract with the administrative entity
13 designated as the State Commission on National and Community
14 Service in accordance with the National and Community Service Act
15 of 1990 (42 U.S.C. Section 12501 et seq.) to administer funds
16 appropriated from the account in a manner that:

17 (A) consolidates the capacity of and strengthens
18 national service and community and faith- and community-based
19 initiatives; and

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

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

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

27 (4) develop criteria limiting awards of grants under

1 Section 535.105(1)(A) to small and medium-sized faith- and
2 community-based organizations that provide charitable services to
3 persons in this state;

4 (5) establish general state priorities for the
5 account;

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

9 (7) establish policies and procedures to ensure that
10 any money appropriated from the account to the commission that is
11 allocated to build the capacity of a faith-based organization or
12 for a faith-based initiative, including money allocated for the
13 establishment of the advisory committee under Section 535.108, is
14 not used to advance a sectarian purpose.

15 (b) Instead of contracting with the administrative entity
16 described by Subsection (a)(1), the commission may award account
17 funds appropriated to the commission to the administrative entity
18 in the form of a grant if the entity is a nonprofit corporation
19 organized in this state.

20 (c) Any funds awarded to the administrative entity under a
21 contract or through a grant under this section must be administered
22 in the manner required by this subchapter, including Subsection
23 (a)(1).

24 (d) The commission or the administrative entity with which
25 the commission contracts under Subsection (a) or to which the
26 commission awards a grant under Subsection (b), in accordance with
27 the terms of the contract or grant, may:

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

4 (A) assist faith- and community-based
5 organizations with:

6 (i) writing or managing grants through
7 workshops or other forms of guidance;

8 (ii) obtaining legal assistance related to
9 forming a corporation or obtaining an exemption from taxation under
10 the Internal Revenue Code; and

11 (iii) obtaining information about or
12 referrals to entities that provide expertise in accounting, legal,
13 or tax issues, program development matters, or other organizational
14 topics;

15 (B) provide information or assistance to faith-
16 and community-based organizations related to building the
17 organizations' capacity for providing services;

18 (C) facilitate the formation of networks, the
19 coordination of services, and the sharing of resources among faith-
20 and community-based organizations;

21 (D) in cooperation with existing efforts, if
22 possible, conduct needs assessments to identify gaps in services in
23 a community that present a need for developing or expanding
24 services;

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

1 (F) provide faith- and community-based
2 organizations with information on and assistance in identifying or
3 using practices with demonstrated effectiveness for delivering
4 charitable services to persons, families, and communities and in
5 replicating charitable services programs that have demonstrated
6 effectiveness; and

7 (G) encourage research into the impact of
8 organizational capacity on program delivery for faith- and
9 community-based organizations;

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

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

17 (e) The commission shall monitor the use of the funds
18 administered by the administrative entity under a contract or
19 through a grant under this section to ensure that the funds are used
20 in a manner consistent with the requirements of this subchapter.
21 Records relating to the award of a contract or grant to the entity,
22 or to grants awarded by the entity, and records relating to other
23 uses of the funds are public information subject to Chapter 552.

24 (f) With respect to the administrative entity with which the
25 commission contracts or to which the commission awards a grant
26 under this section, this subchapter may not be construed to:

27 (1) release the entity from any regulations or

reporting or other requirements applicable to a contractor or grantee of the commission;

(2) impose regulations or reporting or other requirements on the entity that do not apply to other contractors or grantees of the commission solely because of the entity's status as the administrative entity;

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

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

Sec. 535.105. ADMINISTRATION OF ACCOUNT FUNDS. The administrative entity with which the commission contracts or awards a grant under Section 535.104:

(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 the 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

1 website to the Internet website of the administrative entity with
2 which the commission contracts or to which the commission awards a
3 grant under Section 535.104. The entity's Internet website must
4 provide:

5 (1) a list of the names of each person to whom the
6 entity awarded a grant from money appropriated from the account and
7 the amount and purpose of the grant; and

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

10 (b) The administrative entity must provide to the
11 commission periodic reports on a schedule determined by the
12 executive commissioner. The schedule of periodic reports must
13 include an annual report that includes:

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

18 (2) a summary of the efforts of the faith- and
19 community-based liaisons designated under Section 535.051 to
20 comply with the duties imposed by and the purposes of Sections
21 535.052 and 535.053.

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

26 Sec. 535.107. TASK FORCE ON STRENGTHENING NONPROFIT
27 CAPACITY. (a) The executive commissioner, in consultation with

1 the governor, shall establish a task force to make recommendations
2 for strengthening the capacity of faith- and community-based
3 organizations for managing human resources and funds and providing
4 services. The members of the task force must include:

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

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

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

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

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

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

27 Sec. 535.108. RENEWING OUR COMMUNITIES ACCOUNT ADVISORY

1 COMMITTEE. (a) The executive commissioner shall appoint leaders
2 of faith- and community-based organizations in this state to serve
3 on the renewing our communities account advisory committee. The
4 advisory committee members must be representative of the religious,
5 cultural, and geographic diversity of this state and the diversity
6 of organization types and sizes in this state.

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

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

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

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

18 (b) The executive commissioner of the Health and Human
19 Services Commission and the chief executive officers of the Office
20 of Rural Community Affairs, the Texas Commission on Environmental
21 Quality, the Texas Department of Criminal Justice, the Texas
22 Department of Housing and Community Affairs, the Texas Education
23 Agency, the Texas Juvenile Probation Commission, the Texas Veterans
24 Commission, the Texas Workforce Commission, the Texas Youth
25 Commission, and any other state agency as determined by the
26 governor shall designate the liaisons for faith- and
27 community-based initiatives as required under Section 535.051,

Government Code, as added by this section, not later than December 1, 2009.

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

SECTION 2. (a) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.086 to read as follows:

Sec. 531.086. DATABASE OF VOLUNTEER OPPORTUNITIES. (a) The commission shall establish a searchable Internet database that lists opportunities throughout this state for volunteers to provide assistance to agencies of this state in delivering services to persons in this state and to faith- and community-based organizations that partner with a state agency to deliver those services. The executive commissioner may adopt rules regarding:

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

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

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

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

(b) Each state agency that has a faith- and community-based liaison designated under Section 535.051 may provide to the commission information regarding volunteer opportunities described

1 by Subsection (a) and shall regularly update that information.

2 (c) The commission may:

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

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

10 (d) The commission may:

11 (1) directly operate and maintain the database
12 required by this section; or

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

15 (e) To the extent possible, the commission shall use
16 existing resources to implement and administer this section.

17 (b) The Health and Human Services Commission shall
18 establish the database of volunteer opportunities required by
19 Section 531.086, Government Code, as added by this section, not
20 later than February 1, 2010.

21 SECTION 3. If before implementing any provision of this Act
22 a state agency determines that a waiver or authorization from a
23 federal agency is necessary for implementation of that provision,
24 the agency affected by the provision shall request the waiver or
25 authorization and may delay implementing that provision until the
26 waiver or authorization is granted.

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.