

By: Coleman

H.B. No. 2974

A BILL TO BE ENTITLED

1 AN ACT
2 relating to personnel, employment, and other human resources
3 functions of the Health and Human Services Commission and health
4 and human services agencies.

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

6 SECTION 1. Section 531.0055, Government Code, is amended by
7 amending Subsections (e) and (f) and adding Subsections (f-1) and
8 (f-2) to read as follows:

9 (e) Notwithstanding any other law, the executive
10 commissioner shall adopt rules and policies for the operation of
11 and provision of health and human services by the health and human
12 services agencies. In addition, the executive commissioner, as
13 necessary to perform the functions described by Subsections (b),
14 (c), and (d) in implementation of applicable policies established
15 for an agency by the executive commissioner, shall:

16 (1) subject to Subsection (f-1), manage and direct the
17 operations of each health and human services agency;

18 (2) supervise and direct the activities of each agency
19 director; and

20 (3) be responsible for the administrative supervision
21 of the internal audit program for all health and human services
22 agencies, including:

23 (A) selecting the director of internal audit;

24 (B) ensuring that the director of internal audit

1 reports directly to the executive commissioner; and

2 (C) ensuring the independence of the internal
3 audit function.

4 (f) Except as provided by Subsection (f-1), the ~~[The]~~
5 operational authority and responsibility of the executive
6 commissioner for purposes of Subsection (e) at each health and
7 human services agency includes authority over and responsibility
8 for the:

9 (1) management of the daily operations of the agency,
10 including the organization and management of the agency and agency
11 operating procedures;

12 (2) allocation of resources within the agency,
13 including use of federal funds received by the agency;

14 (3) ~~[personnel and employment policies;~~

15 ~~[(4)]~~ contracting, purchasing, and related policies,
16 subject to this chapter and other laws relating to contracting and
17 purchasing by a state agency;

18 (4) ~~[(5)]~~ information resources systems used by the
19 agency;

20 (5) ~~[(6)]~~ location of agency facilities; and

21 (6) ~~[(7)]~~ coordination of agency activities with
22 activities of other state agencies, including other health and
23 human services agencies.

24 (f-1) The executive commissioner has authority over and
25 responsibility for personnel and employment policies and human
26 resources functions at the commission, but does not have authority
27 over or responsibility for those policies and functions with

1 respect to the health and human services agencies, notwithstanding
2 any other law. The commissioners of each of those agencies shall
3 make recommendations to the executive commissioner regarding any
4 personnel or employment policies with respect to which rulemaking
5 is necessary, and the executive commissioner shall adopt rules to
6 implement those recommendations.

7 (f-2) The executive commissioner may not contract with a
8 private entity to perform any human resources functions for the
9 commission or the health and human services agencies.

10 SECTION 2. Section 1001.052, Health and Safety Code, is
11 amended by amending Subsection (b) and adding Subsection (e) to
12 read as follows:

13 (b) The [~~executive~~] commissioner shall prepare and the
14 executive commissioner by rule shall adopt personnel standards as
15 provided by Section 531.0055(f-1), Government Code.

16 (e) The commissioner shall establish a human resources
17 division within the department. The division is responsible for
18 personnel, recruiting, hiring, and other human resources
19 functions. The division shall assist the commissioner in
20 developing policies and procedures related to recruitment, hiring,
21 and other human resources functions that are in compliance with
22 state and federal law.

23 SECTION 3. Section 40.032, Human Resources Code, is amended
24 by adding Subsections (h) and (i) to read as follows:

25 (h) The commissioner shall prepare and the executive
26 commissioner by rule shall adopt personnel standards as provided by
27 Section 531.0055(f-1), Government Code.

1 (i) The commissioner shall establish a human resources
2 division within the department. The division is responsible for
3 personnel, recruiting, hiring, and other human resources
4 functions. The division shall assist the commissioner in
5 developing policies and procedures related to recruitment, hiring,
6 and other human resources functions that are in compliance with
7 state and federal law.

8 SECTION 4. Section 117.052, Human Resources Code, is
9 amended by amending Subsection (b) and adding Subsection (e) to
10 read as follows:

11 (b) The [~~executive~~] commissioner shall prepare and the
12 executive commissioner by rule shall adopt personnel standards as
13 provided by Section 531.0055(f-1), Government Code.

14 (e) The commissioner shall establish a human resources
15 division within the department. The division is responsible for
16 personnel, recruiting, hiring, and other human resources
17 functions. The division shall assist the commissioner in
18 developing policies and procedures related to recruitment, hiring,
19 and other human resources functions that are in compliance with
20 state and federal law.

21 SECTION 5. Section 161.052, Human Resources Code, is
22 amended by amending Subsection (b) and adding Subsection (e) to
23 read as follows:

24 (b) The [~~executive~~] commissioner shall prepare and the
25 executive commissioner by rule shall adopt personnel standards as
26 provided by Section 531.0055(f-1), Government Code.

27 (e) The commissioner shall establish a human resources

1 division within the department. The division is responsible for
2 personnel, recruiting, hiring, and other human resources
3 functions. The division shall assist the commissioner in
4 developing policies and procedures related to recruitment, hiring,
5 and other human resources functions that are in compliance with
6 state and federal law.

7 SECTION 6. On and after the effective date of this Act, the
8 executive commissioner of the Health and Human Services Commission
9 may not enter into or renew a contract with a private entity for the
10 performance of personnel, employment, or other human resources
11 functions for the commission or a health and human services agency,
12 as defined by Section 531.001, Government Code.

13 SECTION 7. A reference in law to the executive commissioner
14 of the Health and Human Services Commission or to the commission
15 with respect to a power, duty, function, or program related to
16 personnel, recruiting, hiring, or other human resources functions
17 related to a health and human services agency, as defined by Section
18 531.001, Government Code, means the agency to which the reference
19 is related or the chief executive officer of that agency, as
20 applicable.

21 SECTION 8. On the effective date of this Act:

22 (1) all powers, duties, functions, programs, and
23 activities related to personnel, recruiting, hiring, or other human
24 resources functions at a health and human services agency, as
25 defined by Section 531.001, Government Code, transfer from the
26 Health and Human Services Commission to that agency;

27 (2) all property and records in the custody of the

1 commission that relate to a transferred power, duty, function,
2 program, or activity and all funds appropriated by the legislature
3 for the power, duty, function, program, or activity, are
4 transferred to that health and human services agency; and

5 (3) a rule or form adopted by the executive
6 commissioner of the Health and Human Services Commission that
7 relates to the transferred power, duty, function, program, or
8 activity is a rule or form applicable to that agency and remains in
9 effect until modified by the executive commissioner as provided by
10 Section 531.0055(f-1), Government Code, as added by this Act.

11 SECTION 9. This Act takes effect September 1, 2009.