

BILL ANALYSIS

H.B. 238
By: Phillips
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law allows the Texas Department of Motor Vehicles (TxDMV) to create specialty license plates to benefit a myriad of groups and associations. H.B. 238 would require TxDMV to create a new specialty license plate supporting charitable organizations that provide assistance to pregnant women considering adoption.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the attorney general in SECTION 2 of this bill.

ANALYSIS

H.B. 238 amends the Transportation Code to require the Texas Department of Motor Vehicles (TxDMV) to issue specially designed license plates that include the words "Choose Life." The bill requires TxDMV to design the license plates in consultation with the attorney general and, after deducting its administrative costs, to deposit the remainder of the fee for issuance of the license plates in the state treasury to the credit of the Choose Life account.

H.B. 238 amends the Government Code to establish the Choose Life account as a separate account in the general revenue fund composed of money deposited to the credit of the account from the fee for issuance of the Choose Life license plates and from gifts, grants, donations, and legislative appropriations. The bill specifies that the attorney general administers the Choose Life account and authorizes the attorney general to spend money credited to the account only to defray the cost of administering the account, or to make grants to an eligible organization. The bill defines "eligible organization" as an organization in this state that is exempt from federal income taxation by being listed as an exempt charitable organization under federal law, provides counseling and material assistance to pregnant women who are considering placing their children for adoption, does not charge for services provided, does not provide abortions or abortion-related services or make referrals to abortion providers, and is not affiliated with and does not contract with an organization that provides abortions or abortion-related services or makes referrals to abortion providers. The bill prohibits the attorney general from discriminating against an eligible organization because it is a religious or nonreligious organization. The bill authorizes the attorney general to accept gifts, donations, and grants from any source for the benefit of the account. The bill requires the attorney general, by rule, to establish guidelines for the expenditure of money credited to the Choose Life account and reporting and other mechanisms necessary to ensure that the money is spent in accordance with the bill's provisions. The bill specifies that money received by an eligible organization under the provisions of the bill is authorized to be spent only to provide for the material needs of pregnant women who are considering placing their children for adoption, including the provision of clothing, housing, prenatal care, food, utilities, and transportation; to provide for the needs of infants who are awaiting placement with adoptive parents; to provide training and advertising relating to adoption; and to provide pregnancy testing or pre-adoption or post-adoption counseling. The bill prohibits the money from being used to pay an administrative, legal, or capital expense.

H.B. 238 requires the attorney general to appoint a seven-member Choose Life advisory committee. The bill requires the committee to meet at least twice a year or as called by the attorney general, assist the attorney general in developing the rules specified in the bill's provisions, and review and make recommendations to the attorney general on applications submitted to the attorney general for grants funded with money credited to the Choose Life account. The bill specifies that members of the committee serve without compensation and are not entitled to reimbursement for expenses. The bill establishes the terms and conditions for membership on the committee and exempts the committee from the law governing state agency advisory committees.

EFFECTIVE DATE

September 1, 2011.