

BILL ANALYSIS

S.B. 354
By: Nelson
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the state could better serve abused and neglected children by aligning children's advocacy centers and court-appointed volunteer advocate programs with the state's child welfare system. S.B. 354 seeks to address this issue by transferring certain administrative responsibility for these centers and programs to the Health and Human Services Commission.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority previously granted to the attorney general is transferred to the executive commissioner of the Health and Human Services Commission in SECTIONS 2, 4, and 11 of this bill.

ANALYSIS

S.B. 354 amends the Family Code to transfer the powers and duties of the attorney general in regards to contract authority for children's advocacy centers and court-appointed volunteer advocate programs to the Health and Human Services Commission (HHSC). The bill requires the office of the attorney general to work in cooperation with and at the direction of HHSC to facilitate the transfer. The bill establishes that a rule, form, policy, procedure, or decision of the attorney general that is related to a power or duty transferred under the bill's provisions continues in effect as a rule, form, policy, procedure, or decision of HHSC until superseded by an act of HHSC or the executive commissioner of HHSC. The bill establishes that a contract negotiation or proceeding involving the attorney general that is related to a power or duty transferred under the bill's provisions is transferred without change in status to HHSC and that HHSC assumes, without a change in status, the position of the attorney general in a negotiation or proceeding relating to a power or duty transferred under the bill's provisions to which the attorney general is a party. The bill establishes that all personal property, including records, in the custody of the attorney general related to a power or duty transferred under the bill's provisions is transferred to and becomes the property of HHSC. The bill transfers all contracts, memoranda of understanding, and rights of the attorney general related to a power or duty transferred under the bill's provisions to HHSC. The bill transfers all money appropriated by the legislature to the attorney general related to a power or duty transferred under the bill's provisions, including money for providing administrative support, to HHSC. The bill prohibits a contract transferred under the bill's provisions from being canceled by HHSC except as provided by the terms of the contract.

S.B. 354 specifies that the statewide organizations with which the Department of Family and

Protective Services (DFPS) or HHSC must enter into an administrative contract for purposes of child advocacy centers and with which HHSC must enter into an administrative contract for purposes of court-appointed volunteer advocate programs must be charitable organizations exempted from federal income tax and designated as a supporting organization under the federal Internal Revenue Code of 1986. The bill requires a statewide organization under contract with DFPS or HHSC for purposes of child advocacy centers to provide funds administration to support contractual requirements for local children's advocacy center programs. The bill clarifies that an administrative contract entered into by HHSC for a child advocacy center must provide that the statewide organization is prohibited from spending annually more than 12 percent of the annual amount appropriated to HHSC, for purposes of administrative contracts relating to children's advocacy centers, in the performance of duties concerning the contract.

S.B. 354 amends the Transportation Code to make conforming changes.

EFFECTIVE DATE

September 1, 2015.