

By: Kitzman

H.B. No. 163

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the licensing of child-care facilities providing care  
3 to certain unaccompanied children and the suspension of laws  
4 relating to the licensing of those facilities; creating a criminal  
5 offense.

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

7 SECTION 1. Section 418.016, Government Code, is amended by  
8 amending Subsection (a) and adding Subsection (i) to read as  
9 follows:

10 (a) Except as provided by this section, the [The] governor  
11 may suspend the provisions of any regulatory statute prescribing  
12 the procedures for conduct of state business or the orders or rules  
13 of a state agency if strict compliance with the provisions, orders,  
14 or rules would in any way prevent, hinder, or delay necessary action  
15 in coping with a disaster.

16 (i) The governor may not suspend a provision of Chapter 42,  
17 Human Resources Code, or any other law or rule relating to the  
18 licensing or regulation of a residential child-care facility.

19 SECTION 2. Subchapter D, Chapter 42, Human Resources Code,  
20 is amended by adding Section 42.0762 to read as follows:

21 Sec. 42.0762. CARE OF CERTAIN UNACCOMPANIED CHILDREN;  
22 CRIMINAL PENALTY. (a) Except as provided by Subsection (b), a  
23 person who provides 24-hour care under a contract with United  
24 States Immigration and Customs Enforcement or the Office of Refugee

1 Resettlement to children who are not accompanied by or in the  
2 physical custody of a parent, guardian, or other adult family  
3 member must be licensed or certified under this chapter as a  
4 residential child-care facility.

5 (b) This section does not apply to a religious institution  
6 that is exempt from federal income tax under Section 501(a),  
7 Internal Revenue Code of 1986, as an organization described by  
8 Section 501(c)(3) of that code.

9 (c) A person who violates this section commits an offense.

10 (d) An offense under this section is a state jail felony.

11 SECTION 3. On the effective date of this Act, any law or  
12 rule relating to licensing or regulating residential child-care  
13 facilities that is suspended under Chapter 418, Government Code, as  
14 that law existed immediately before the effective date of this Act,  
15 is reinstated.

16 SECTION 4. The Health and Human Services Commission shall  
17 establish a process to issue or renew the license of a residential  
18 child-care facility whose license was revoked, suspended, not  
19 renewed, or otherwise affected by an order of the governor issued  
20 under the authority of Section 418.016, Government Code.

21 SECTION 5. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect on the 91st day after the last day of the  
26 legislative session.