

BILL ANALYSIS

C.S.H.B. 728
By: Rose
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As the Texas population ages, the demand for essential services and supports will increase. At the same time, the legislature has abolished the standalone Department of Aging and Disability Services and transferred its functions to the Health and Human Services Commission. The magnitude and timing of the projected growth of the over-65 population in Texas presents a unique opportunity for the state to shape its response. The Statewide Behavioral Health Coordinating Council was established by the legislature in 2015 to provide a strategic statewide approach to behavioral health sciences. This council's core duties include implementing a five-year plan, developing annual expenditure proposals, and routinely publishing an updated inventory of state-funded behavioral health programs and services. Establishing a similar coordinating council to ensure a strategic statewide approach to aging services throughout Texas would also be beneficial to the state agencies affected by increases in the elderly population as well as to those who are aging. C.S.H.B. 728 seeks to establish such a council.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 728 amends the Government Code to establish the statewide interagency aging services coordinating council to ensure a strategic statewide approach to interagency aging services. The council is composed of at least one representative appointed by each of the following agencies and entities:

- the governor's office;
- the Health and Human Services Commission (HHSC), including one representative of HHSC's aging services coordination office;
- the Department of Family and Protective Services;
- the Department of State Health Services;
- the Department of Agriculture's office of rural health;
- the Texas Veterans Commission;
- the Texas Workforce Commission;
- the Office of the Attorney General;
- the Barshop Institute for Longevity and Aging Studies at The University of Texas Health Science Center at San Antonio;
- the Texas Aging and Longevity Consortium at The University of Texas at Austin; and
- the Center for Community Health and Aging at Texas A&M University.

The bill requires the executive commissioner of HHSC to determine the number of representatives that each agency or entity may appoint to serve on the council and requires the initial members to be appointed not later than January 31, 2024. The bill authorizes the council to authorize another state agency or entity that provides specific interagency aging services with the use of appropriated money to appoint a representative to the council and establishes that a council member serves at the pleasure of the appointing agency or entity.

C.S.H.B. 728 provides for the council's administration and operation, including with respect to member terms, the filling of a vacancy, and council meetings. The bill requires the representative appointed by HHSC's aging services coordination office to serve as the presiding officer and requires the council to hold its initial meeting not later than March 31, 2024. The bill requires the council to do the following:

- develop a recurring five-year statewide interagency aging services strategic plan and submit the strategic plan to the executive commissioner and the administrative head of each agency subject to the strategic plan;
- develop and, not later than November 1 of each even-numbered year, submit to the legislature a biennial coordinated statewide interagency aging services expenditure proposal; and
- annually publish an updated inventory of state-funded interagency aging programs and services that includes a description of how those programs and services further the purpose of the strategic plan.

The bill authorizes the council to facilitate opportunities to increase collaboration for the effective expenditure of available federal and state money for interagency aging services in Texas and to establish subcommittees as necessary to carry out the council's duties.

C.S.H.B. 728 provides for the recurring five-year strategic plan by requiring the council, not later than March 1 of the last state fiscal year in each five-year period covered by the most recent strategic plan, to develop a new strategic plan for the next five state fiscal years that begins with the following fiscal year and to submit the new strategic plan to the executive commissioner and the administrative head of each agency subject to the strategic plan. The bill requires the executive commissioner and each administrative head, not later than the 90th day after receiving a strategic plan, to develop and submit to the governor, the lieutenant governor, and the legislature a plan for implementing the recommendations applicable to the agency under the strategic plan. An implementation plan must include a justification for any recommendation HHSC or the other agency declines to implement. The council must submit the initial strategic plan not later than March 1, 2025.

C.S.H.B. 728 subjects the council to the Texas Sunset Act and requires the council to be reviewed during the period in which HHSC is reviewed. Unless continued in existence as provided by that act, the council is abolished and the bill's provisions expire on the date on which HHSC is subject to abolishment under that act.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 728 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions absent from the introduced that do the following:

- define "strategic plan";
- provide for the council members' terms and the filling of a vacancy on the council;
- subject the council to review and abolishment under the Texas Sunset Act; and

- provide deadlines for the initial appointments to be made to the council and for the council to hold its initial meeting.

The substitute includes a requirement absent from the introduced for the biennial coordinated statewide interagency aging services expenditure proposal to be submitted to the legislature.

Whereas the introduced provided for a one-time five-year strategic interagency services strategic plan, the substitute instead makes this a recurring plan. Accordingly, the substitute includes provisions absent from the introduced relating to the development of subsequent five-year strategic plans and establishing a deadline for the submission of the initial strategic plan. The bill includes both the executive commissioner and the administrative head of each agency that is subject to the plan among the recipients of each strategic plan, whereas the introduced required the strategic plan be submitted only to the executive commissioner. The substitute also includes provisions absent from the introduced requiring the executive commissioner and each administrative head that receives the strategic plan to develop and submit an implementation plan to the appropriate authorities.