

## **BILL ANALYSIS**

Senate Research Center  
76R832 KKA-D

C.S.S.B. 351  
By: Zaffirini  
Human Services  
2/24/1999  
Committee Report (Substituted)

### **DIGEST**

This bill continues the Children's Trust Fund of Texas Council as an independent agency and provides a new Sunset date of September 1, 2007. It designates the Children's Trust Fund as a health and human services agency. The bill also adds a number of across-the-board Sunset provisions relating to board composition, equal employment policies and complaint procedures. As a result of its review of the Children's Trust Fund of Texas Council, the Sunset Advisory Commission recommended continuation of the Children's Trust Fund of Texas Council and several statutory modifications.

### **PURPOSE**

As proposed, C.S.S.B. 351 provides for the continuation and function of the Children's Trust Fund of Texas Council.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 74, Human Resources Code, by amending Sections 74.001, 74.002, 74.003, and 74.011 and by adding Sections 74.0021, 74.0022, 74.0031, 74.0032, and 74.0033, as follows:

Sec. 74.001. DEFINITIONS. Defines "executive director" as the executive director of the Children's Trust Fund of Texas Council. Makes conforming changes.

Sec. 74.002. ESTABLISHMENT OF COUNCIL. Provides that the Children's Trust Fund of Texas Council requires council appointment decisions to be made without regard to race, color, disability, sex, religion, age, or national origin. Requires each council member to be a representative of the public. Prohibits a person from being a member if the person's spouse: is employed by or participates in the management of a business entity or other organization receiving money from the council; owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving money from the council; or uses or receives a substantial amount of tangible goods, services, or money from the council other than compensation or reimbursement authorized by law for council membership, attendance, or expenses. Makes conforming changes.

Sec. 74.0021. REMOVAL OF COUNCIL MEMBER. Sets forth grounds for removal of a council member. Provides that the validity of an action of the council is not affected by the fact that it is taken when a ground for removal of a council member exists. Requires the executive director to notify the presiding officer of the council of the potential ground for removal if he or she is aware of the ground. Requires the presiding officer to subsequently notify the governor and the attorney general that a potential ground for removal exists. Requires the executive director to notify the next highest ranking officer of the council if there are grounds for removing the presiding officer. Requires the next highest ranking officer to then notify the governor and attorney general.

Sec. 74.0022. COUNCIL MEMBER TRAINING. Prohibits a council member from voting, deliberating, or being counted as a member in attendance at a council meeting until the person completes a training program. Sets forth the information required to be included in the training program. Provides that a council member is entitled to reimbursement, as provided by the General

Appropriations Act, for training program travel expenses whether the attendance occurs before or after the person qualifies for office.

Sec. 74.003(a). **POWERS AND DUTIES.** Requires the council to adopt rules and employ an executive director and other necessary staff. Requires the council to develop and implement policies separating the council's policymaking responsibilities and the executive director's and staff's management responsibilities. Requires the council to develop and implement policies that provide the public with an opportunity to appear and speak on any issue under the council's jurisdiction.

Sec. 74.0031. **STANDARDS OF CONDUCT.** Requires the executive director or the executive director's designee to provide council members and employees with information regarding the requirements of office of employment.

Sec. 74.0032. **EQUAL EMPLOYMENT OPPORTUNITY POLICY.** Sets forth the equal employment opportunity policy. Sets forth the information required to be included in the policy statement.

Sec. 74.0033. **COMPLAINTS.** Requires the council to maintain a complaint file. Sets forth what must be included in the file and other requirements regarding complaints.

Sec. 74.011. **SUNSET PROVISION.** Changes the Children's Trust Fund of the Texas council's expiration date from September 1, 1999 to September 1, 2007, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2. Amends Section 531.001(4), Government Code, to redefine "health and human services agencies."

SECTION 3. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 4. Emergency clause.

## **SUMMARY OF COMMITTEE CHANGES**

### **SECTION 1.**

Amends Section 74.002, Human Resources Code, to prohibit a person from being a member if the person's spouse: is employed by or participates in the management of a business entity or other organization receiving money from the council; owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving money from the council; or uses or receives a substantial amount of tangible goods, services, or money from the council other than compensation or reimbursement authorized by law for council membership, attendance, or expenses.