

BILL ANALYSIS

Senate Research Center

H.B. 2378
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Government Organization
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Building and Procurement Commission (commission) has the responsibility of providing child care services for state employees. The commission is required to appoint a child care advisory committee, which is responsible for establishing child care standards and curriculum. Current law requires the commission to administer and supervise the child care program.

H.B. 2378 allows the commission to enter into a memorandum of understanding with The University of Texas at Austin (UT-Austin) to operate the child care center, or consult with UT-Austin in designing a proposal to have a private operator contract to run the facility. The commission remains responsible for providing a facility and all facility needs for child care providers.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Building and Procurement Services Commission is modified in SECTION 2 (Section 663.101, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 663.001(2) and (3), Government Code, to redefine "child care program" and "commission."

SECTION 2. Amends Section 663.101, Government Code, to delete existing text requiring the Texas Building and Procurement Commission (commission) to provide child care services for state employees by the administration of the child care program. Requires the commission, by rule, to establish methods to supervise the entity operating the child care program, rather than to administer and supervise the child care program.

SECTION 3. Amends Subchapter C, Chapter 663, Government Code, by adding Sections 663.1011 and 663.1012, as follows:

Sec. 663.1011. **MEMORANDUM OF UNDERSTANDING.** Authorizes the commission to enter into a memorandum of understanding with The University of Texas at Austin (UT-Austin) to operate the child care program. Requires the memorandum of understanding to include specific responsibilities of the commission and UT-Austin regarding the operation of the child care program.

Sec. 663.1012. **CONTRACT WITH ENTITY.** Requires the commission, if the commission does not enter into a memorandum of understanding with UT-Austin to operate the child care program under Section 663.1011, to contract with a private or public entity to operate the child care program. Requires the commission, before issuing a request for proposal for bids to operate the child care program, to develop the request for proposal with the assistance of UT-Austin.

SECTION 4. Amends Section 663.102, Government Code, to require the commission, in consultation with UT-Austin, to set specific performance standards for child care services under the child care program.

SECTION 5. Amends Section 663.106, Government Code, to authorize, rather than require, the commission to lease to a child care provider selected by the commission a site for a child care facility at a reasonable rate.

SECTION 6. Amends Section 663.108, Government Code, as follows:

Sec. 663.108. New heading: DUTIES OF ENTITY OPERATING CHILD CARE PROGRAM. Requires the entity operating the child care program, rather than a provider for a child care program facility, to take certain actions, including maintaining liability insurance coverage by an insurer, rather than insurance company, approved by the Texas Department of Insurance, rather than State Board of Insurance, in an amount approved by the commission. Makes conforming changes.

SECTION 7. Amends Section 663.109, as follows:

Sec. 663.109. New heading: MONITORING OF CHILD CARE PROGRAM. Requires the commission to monitor the activities and operation of the entity operating the child care program. Deletes existing text specifying monitoring requirements for the commission in monitoring each child care facility.

SECTION 8. Amends Section 663.111(a), Government Code, to require the commission to monitor the number of children participating in the child care program and determine, in consultation with the entity operating the child care program, when additional child care facilities are needed. Deletes existing text authorizing the commission to begin procedures to establish another child care facility when enrollment has reached a specified amount.

SECTION 9. Amends the heading to Section 663.112,, Government Code, to read as follows:

Sec. 663.112. CHILD CARE PROGRAM ACCOUNT.

SECTION 10. Amends Section 663.112(a), Government Code, to make conforming changes.

SECTION 11. Redesignates Section 663.052, Government Code, as Section 663.114, Government Code, as follows:

Sec. 663.114. REPORT OF COMMISSION. Redesignated from existing Section 663.052.

SECTION 12. Repealer: Sections 663.001(4) (Definitions), 663.002 (Duties and Responsibilities Not Affected), 663.051 (Advisory Committee), 663.104 (Establishment of Child Care Facilities), 663.107 (Number of Children Served by Child Care Facility), 663.111(b) (Additional Child Care Facilities), 2165.103 (Child Care Facility Standards), and 2166.551 (Child Care Facility in State Building), Government Code.

SECTION 13. Effective date: upon passage or September 1, 2005.