

## **BILL ANALYSIS**

C.S.H.B. 610  
By: Naishtat  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In 2005, the 79th Legislature abolished the Long-Term Care Legislative Oversight Committee despite estimates from the State Demographer of Texas that the number of Texans 65 years of age and older will increase from 2.1 million to 6.3 million between 2000 and 2040. Such a projection suggests that aging Texans will live longer, be more diverse, and have increasingly complex needs. It is incumbent on the legislature to study issues relating to these needs and make recommendations to ensure the state's readiness to meet associated challenges and coordinate services.

C.S.H.B. 610 establishes the Legislative Committee on Aging to study issues relating to the aging population, receive information about proposed or adopted rules relating to the aging population, and submit a report to the legislature with recommendations before each legislative session. The bill establishes the Chris Kyker Endowment for Seniors Fund to finance a contract between the executive commissioner of the Health and Human Services Commission and an entity to study aging-related issues and develop and recommend solutions to those problems.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 610 amends the Human Resources Code to establish the Legislative Committee on Aging to study issues relating to the health care, income, transportation, housing, education, and employment needs of the aging population of Texas and make recommendations to address those issues. The bill provides for the committee's composition, presiding officer, staff, additional resources and assistance from the senate, house of representatives, and Department of Aging and Disability Services, issuing process for witnesses, and information necessary for the committee's duties. The bill requires the committee to conduct a continuing study of issues relating to the aging population, analyze the availability of, and unmet needs for, state and local services for the aging, and request related reports and information. The bill provides for state agency cooperation with the committee in performing the committee's duties. The bill defines "committee" and "health and human services agency."

C.S.H.B. 610 requires the committee to report to the standing committees of the legislature having jurisdiction of issues relating to the needs of the aging population not later than November 15 of each even-numbered year. The bill requires the report to include a summary of the hearings and studies conducted by the committee during the preceding year, a statement of findings based on the hearings and studies, and recommendations for legislation. The bill requires the lieutenant governor and the speaker of the house of representatives to appoint members of the committee not later than the 30th day after the effective date of this bill.

C.S.H.B. 610 authorizes the executive commissioner to contract with an entity to conduct local

forums throughout the state to solicit input on and discuss policies regarding aging-related issues, provide analysis, education, and research services with respect to aging-related issues, and identify problems encountered by the aging population in the state and develop and recommend to the executive commissioner and the legislature solutions to those problems. The bill establishes minimum requirements for an entity to be eligible for a contract. The bill provides for per diem compensation and travel expense reimbursement for a person performing duties under the contract on behalf of the entity.

C.S.H.B. 610 establishes the Chris Kyker Endowment for Seniors Fund that consists of money transferred at the direction of the legislature, grants, gifts, and donations from any other public or private source contributed to the fund, and income and interest earned on money in the fund, including depository interest. The bill provides for the administration and investment of the fund and exempts the fund from state law on the use of dedicated revenue by the comptroller in treasury and state law on the disposition of interest on investments of money in funds and accounts in the charge of the comptroller. The bill establishes the purpose for which money in the fund is authorized to be appropriated. The bill authorizes the executive commissioner to adopt rules regarding distribution of these appropriations.

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 610 differs from the original by removing the coordination of available services from the purposes for which the Legislative Committee on Aging is established and adding the study of the aging population's income needs to the issues the committee is charged to study. The substitute differs from the original by removing from the committee's powers and duties the requirement that the committee receive information about rules proposed or adopted by the executive commissioner, review specific recommendations for legislation, and review the effectiveness of the regulatory systems of Texas relating to the aging population. The substitute adds to the committee's powers and duties the requirement that the committee conduct a continuing study of issues relating to the aging population.

C.S.H.B. 610 differs from the original by adding the clarification that the committee's requirement to request reports and other information relating to the aging population applies also to any state agency and by adding the requirement that the executive commissioner, the department, other health and human services agencies, the attorney general, and any other applicable state agency fully cooperate with the committee in performing the committee's duties. The substitute differs from the original by removing the requirement that the Department of Aging and Disability Services provide additional resources and assistance to the committee on request.

C.S.H.B. 610 differs from the original by removing the requirement that the committee's report to the committees of the senate and the house of representatives include a summary of the effectiveness of the state's regulatory systems related to the aging population, an analysis of the types of state and local services available to the aging population, and an analysis of the unique needs of the aging population participating or desiring to participate in the workforce and necessary actions to meet those needs. The substitute adds the requirement not in the original that the report include a summary of the hearings and studies conducted by the committee during the preceding year and a statement of findings based on those hearings and studies.

C.S.H.B. 610 differs from the original by adding provisions establishing and providing for the administration and disposition of the Chris Kyker Endowment for Seniors Fund and authorizing the executive commissioner to adopt rules regarding the distribution of money from the fund.