

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1230
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 75th Legislature, 1997, created a Long-Term Care Legislative Oversight Committee to address issues facing long-term care in Texas. The Long-Term Care Legislative Oversight Committee held legislative hearings and issued reports and recommendations to the legislature on issues relating to long-term care. However, the 79th Legislature, 2005, abolished the Long-Term Care Legislative Oversight Committee despite the fact that the aging population in Texas is increasing in numbers. While services for the aging are provided by numerous agencies, there is not a specific legislative committee designated solely to address the full range of aging issues facing Texas.

C.S.S.B. 1230 establishes the Legislative Committee on Aging and other initiatives relating to the aging population of this state.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 161.304, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 161, Human Resources Code, by adding Subchapters G and H, as follows:

SUBCHAPTER G. LEGISLATIVE COMMITTEE ON AGING

Sec. 161.251. DEFINITIONS. Defines "committee" and "health and human services agency."

Sec. 161.252. LEGISLATIVE COMMITTEE ON AGING ESTABLISHED. Provides that the Legislative Committee on Aging (committee) is established to study issues relating to the aging population of Texas, including issues related to the health care, income, transportation, housing, education, and employment needs of that population, and to make recommendations to address those issues.

Sec. 161.253. COMPOSITION OF COMMITTEE; PRESIDING OFFICER. (a) Provides that the committee is composed of two members of the senate appointed by the lieutenant governor, two members of the house of representatives appointed by the speaker of the house of representatives, and two public members appointed by the governor.

(b) Provides that a member of the committee serves at the pleasure of the appointing official.

(c) Requires the lieutenant governor and the speaker of the house of representatives to appoint the presiding officer of the committee on an alternating basis. Requires the presiding officer to serve a two-year term expiring February 1 of each odd-numbered year.

Sec. 161.254. COMMITTEE POWERS AND DUTIES. (a) Requires the committee to meet at least biannually at the call of the presiding officer; conduct a continuing study of issues relating to the aging population, including issues that are affected by the demographic and geographic diversity of the aging population in this state; analyze the availability of, and unmet needs for, state and local services for the aging population; and request reports and other information relating to the aging population as necessary from the executive commissioner of the Health and Human Services Commission (executive commissioner), the Department of Aging and Disability Services (DADS), other health and human service agencies, the attorney general, and any other state agency.

(b) Requires the executive commissioner, DADS, other health and human services agencies, the attorney general, and any other applicable state agency to fully cooperate with the committee in performing the committee's duties under this subchapter.

(c) Authorizes the committee to issue process, in accordance with Section 301.024 (Process), Government Code, to compel attendance of witnesses and the production of books, records, documents, and instruments required by the committee.

(d) Requires the committee to use the existing staff resources of the senate and the house of representatives to assist the committee in performing its duties under this section.

Sec. 161.255. REPORT. (a) Requires the committee to report to the standing committees of the senate and house of representatives having jurisdiction of issues related to the needs of the aging population not later than November 15 of each even-numbered year.

(b) Requires that the report 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 conducted by the committee, and recommendations for legislation.

SUBCHAPTER H. CERTAIN INITIATIVES RELATING TO AGING

Sec. 161.301. DEFINITION. Defines "fund."

Sec. 161.302. CONTRACT TO PROVIDE OUTREACH AND INPUT RELATING TO AGING POPULATION. (a) Authorizes the executive commissioner to contract with an entity to conduct local forums throughout this state to solicit input on and discuss policies regarding aging-related issues, including issues that are affected by the demographic and geographic diversity of the aging population in this state; provide analysis, education, and research services with respect to aging-related issues; and identify problems encountered by the aging population in this state and develop and recommend to the executive commissioner and the legislature solutions to those problems.

(b) Requires that a per diem and reimbursement, if a contract entered into under this section includes a provision that allows a person performing duties under the contract on behalf of the entity to receive the per diem for days spent performing those duties and to be reimbursed for travel expenses incurred in performing those duties, be paid at the same rate set in the General Appropriations Act for state employees.

Sec. 161.303. ESTABLISHMENT AND ADMINISTRATION OF FUND. (a) Provides that the Chris Kyker Endowment for Seniors Fund (fund) is a special fund outside the state treasury held by the comptroller of public accounts (comptroller).

(b) Requires the comptroller to deposit in the fund money appropriated to the fund; grants, gifts, and donations from any other public or private source; and income and interest, including depository interest, as provided by Subsection (f).

(c) Requires the comptroller to administer and manage the assets of the fund in accordance with this section and the rules adopted by the executive commissioner under Section 161.304(c). Authorizes the comptroller, in managing the assets of the fund, to acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions the comptroller considers appropriate, any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment.

(d) Requires that the expenses of managing fund investments be paid from the fund.

(e) Requires the comptroller, on request, to be fully disclose all details concerning the investments of the fund.

(f) Requires that interest earned on the fund be credited to the fund.

Sec. 161.304. USE OF FUND. (a) Authorizes contributions to the fund described by Section 161.303(b)(2) and income and interest earned on money in the fund described by Section 161.303(b)(3) to be used only to fund a contract entered into under Section 161.302.

(b) Prohibits money in the fund, except as provided by Subsection (a), from being used for any purpose.

(c) Authorizes the executive commissioner to adopt rules regarding distribution of money in the fund in accordance with this section.

SECTION 2. Requires the governor, lieutenant governor, and speaker of the house of representatives, not later than the 30th day after the effective date of this Act, to appoint members of the committee, as established by Section 161.252, Human Resources Code, as added by this Act and the lieutenant governor to appoint the initial presiding officer under Section 161.253(c), Human Resources Code, as added by this Act. Requires the committee established by Section 161.252, Human Resources Code, as added by this Act, to convene its initial meeting not later than November 1, 2009.

SECTION 3. Effective date: September 1, 2009.