

1-1 By: Van de Putte S.B. No. 1230  
1-2 (In the Senate - Filed March 2, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 17, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 17, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1230 By: Deuell  
1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the establishment of the Legislative Committee on Aging  
1-11 and other initiatives relating to the aging population of this  
1-12 state.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-14 SECTION 1. Chapter 161, Human Resources Code, is amended by  
1-15 adding Subchapters G and H to read as follows:

1-16 SUBCHAPTER G. LEGISLATIVE COMMITTEE ON AGING  
1-17 Sec. 161.251. DEFINITIONS. In this subchapter:

1-18 (1) "Committee" means the Legislative Committee on  
1-19 Aging.

1-20 (2) "Health and human services agency" has the meaning  
1-21 assigned by Section 531.001, Government Code.

1-22 Sec. 161.252. LEGISLATIVE COMMITTEE ON AGING ESTABLISHED.  
1-23 The Legislative Committee on Aging is established to:

1-24 (1) study issues relating to the aging population of  
1-25 Texas, including issues related to the health care, income,  
1-26 transportation, housing, education, and employment needs of that  
1-27 population; and

1-28 (2) make recommendations to address those issues.  
1-29 Sec. 161.253. COMPOSITION OF COMMITTEE; PRESIDING OFFICER.

1-30 (a) The committee is composed of:

1-31 (1) two members of the senate appointed by the  
1-32 lieutenant governor;

1-33 (2) two members of the house of representatives  
1-34 appointed by the speaker of the house of representatives; and

1-35 (3) two public members appointed by the governor.

1-36 (b) A member of the committee serves at the pleasure of the  
1-37 appointing official.

1-38 (c) The lieutenant governor and the speaker of the house of  
1-39 representatives shall appoint the presiding officer of the  
1-40 committee on an alternating basis. The presiding officer shall  
1-41 serve a two-year term expiring February 1 of each odd-numbered  
1-42 year.

1-43 Sec. 161.254. COMMITTEE POWERS AND DUTIES. (a) The  
1-44 committee shall:

1-45 (1) meet at least biannually at the call of the  
1-46 presiding officer;

1-47 (2) conduct a continuing study of issues relating to  
1-48 the aging population, including issues that are affected by the  
1-49 demographic and geographic diversity of the aging population in  
1-50 this state;

1-51 (3) analyze the availability of, and unmet needs for,  
1-52 state and local services for the aging population; and

1-53 (4) request reports and other information relating to  
1-54 the aging population as necessary from the executive commissioner,  
1-55 the department, other health and human services agencies, the  
1-56 attorney general, and any other state agency.

1-57 (b) The executive commissioner, the department, other  
1-58 health and human services agencies, the attorney general, and any  
1-59 other applicable state agency shall fully cooperate with the  
1-60 committee in performing the committee's duties under this  
1-61 subchapter.

1-62 (c) The committee may issue process, in accordance with  
1-63 Section 301.024, Government Code, to compel attendance of witnesses

2-1 and the production of books, records, documents, and instruments  
 2-2 required by the committee.

2-3 (d) The committee shall use the existing staff resources of  
 2-4 the senate and the house of representatives to assist the committee  
 2-5 in performing its duties under this section.

2-6 Sec. 161.255. REPORT. (a) The committee shall report to  
 2-7 the standing committees of the senate and the house of  
 2-8 representatives having jurisdiction of issues related to the needs  
 2-9 of the aging population not later than November 15 of each  
 2-10 even-numbered year.

2-11 (b) The report must include:

2-12 (1) a summary of the hearings and studies conducted by  
 2-13 the committee during the preceding year;

2-14 (2) a statement of findings based on the hearings and  
 2-15 studies conducted by the committee; and

2-16 (3) recommendations for legislation.

2-17 SUBCHAPTER H. CERTAIN INITIATIVES RELATING TO AGING

2-18 Sec. 161.301. DEFINITION. In this subchapter, "fund" means  
 2-19 the Chris Kyker Endowment for Seniors Fund established under this  
 2-20 subchapter.

2-21 Sec. 161.302. CONTRACT TO PROVIDE OUTREACH AND INPUT  
 2-22 RELATING TO AGING POPULATION. (a) The executive commissioner may  
 2-23 contract with an entity to:

2-24 (1) conduct local forums throughout this state to  
 2-25 solicit input on and discuss policies regarding aging-related  
 2-26 issues, including issues that are affected by the demographic and  
 2-27 geographic diversity of the aging population in this state;

2-28 (2) provide analysis, education, and research  
 2-29 services with respect to aging-related issues; and

2-30 (3) identify problems encountered by the aging  
 2-31 population in this state and develop and recommend to the executive  
 2-32 commissioner and the legislature solutions to those problems.

2-33 (b) If a contract entered into under this section includes a  
 2-34 provision that allows a person performing duties under the contract  
 2-35 on behalf of the entity to receive a per diem for days spent  
 2-36 performing those duties and to be reimbursed for travel expenses  
 2-37 incurred in performing those duties, the per diem and reimbursement  
 2-38 for travel expenses incurred must be paid at the same rate set in  
 2-39 the General Appropriations Act for state employees.

2-40 Sec. 161.303. ESTABLISHMENT AND ADMINISTRATION OF FUND.  
 2-41 (a) The Chris Kyker Endowment for Seniors Fund is a special fund  
 2-42 outside the state treasury held by the comptroller.

2-43 (b) The comptroller shall deposit in the fund:

2-44 (1) money appropriated to the fund;

2-45 (2) grants, gifts, and donations from any other public  
 2-46 or private source; and

2-47 (3) income and interest, including depository  
 2-48 interest, as provided by Subsection (f).

2-49 (c) The comptroller shall administer and manage the assets  
 2-50 of the fund in accordance with this section and the rules adopted by  
 2-51 the executive commissioner under Section 161.304(c). In managing  
 2-52 the assets of the fund, the comptroller may acquire, exchange,  
 2-53 sell, supervise, manage, or retain, through procedures and subject  
 2-54 to restrictions the comptroller considers appropriate, any kind of  
 2-55 investment that a prudent investor, exercising reasonable care,  
 2-56 skill, and caution, would acquire or retain in light of the  
 2-57 purposes, terms, distribution requirements, and other  
 2-58 circumstances of the fund then prevailing, taking into  
 2-59 consideration the investment of all the assets of the fund rather  
 2-60 than a single investment.

2-61 (d) The expenses of managing fund investments shall be paid  
 2-62 from the fund.

2-63 (e) On request, the comptroller shall fully disclose all  
 2-64 details concerning the investments of the fund.

2-65 (f) Interest earned on the fund shall be credited to the  
 2-66 fund.

2-67 Sec. 161.304. USE OF FUND. (a) The following may be used  
 2-68 only to fund a contract entered into under Section 161.302:

2-69 (1) contributions to the fund described by Section

3-1 161.303(b)(2); and  
3-2 (2) income and interest earned on money in the fund  
3-3 described by Section 161.303(b)(3).

3-4 (b) Except as provided by Subsection (a), money in the fund  
3-5 may not be used for any purpose.

3-6 (c) The executive commissioner may adopt rules regarding  
3-7 distribution of money in the fund in accordance with this section.

3-8 SECTION 2. (a) Not later than the 30th day after the  
3-9 effective date of this Act:

3-10 (1) the governor, lieutenant governor, and speaker of  
3-11 the house of representatives shall appoint members of the  
3-12 Legislative Committee on Aging, as established by Section 161.252,  
3-13 Human Resources Code, as added by this Act; and

3-14 (2) the lieutenant governor shall appoint the initial  
3-15 presiding officer under Subsection (c), Section 161.253, Human  
3-16 Resources Code, as added by this Act.

3-17 (b) The Legislative Committee on Aging established by  
3-18 Section 161.252, Human Resources Code, as added by this Act, shall  
3-19 convene its initial meeting not later than November 1, 2009.

3-20 SECTION 3. This Act takes effect September 1, 2009.

3-21

\* \* \* \* \*