

## **BILL ANALYSIS**

Senate Research Center

S.B. 363  
By: Brown  
Criminal Justice  
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As Filed

### **DIGEST**

Currently, the Texas Youth Commission (TYC) is responsible for administering the state's correctional facilities for children, providing a program of constructive training aimed at rehabilitation, and providing active parole supervision for children discharged from agency custody. TYC carries out its programs and functions through a six-member commission. To carry out these programs, TYC had a budget of \$167,494,560 and 2,372 employees for fiscal year 1996.

TYC is subject to the Sunset Act and will be abolished September 1, 1997 unless continued by the legislature. As a result of its review of TYC, the Sunset Advisory Commission recommended continuation and several statutory modifications that are contained in this legislation.

### **PURPOSE**

As proposed, S.B. 363 establishes the continuation and functions of the Texas Youth Commission.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Youth Commission in SECTION 16 (Section 61.054(a)(2), Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 61.012(a), Human Resources Code, to update standard language developed by the Sunset Commission regarding qualifications for appointment to the governing board of the Texas Youth Commission (board). Replaces the word "handicap" with "disability."

SECTION 2. Amends Section 61.0121, Human Resources Code, as follows:

Sec. 61.0121. New heading: QUALIFICATIONS FOR BOARD MEMBERS AND EMPLOYEES. Updates standard language developed by the Sunset Commission regarding qualifications for board members and employees. Updates language defining a Texas trade association.

SECTION 3. Amends Chapter 61B, Human Resources Code, by adding Section 61.0122, as follows:

Sec. 61.0122. BOARD MEMBER TRAINING. Adds standard language developed by the Sunset Commission regarding board member training.

SECTION 4. Amends Section 61.013(a), Human Resources Code, to add standard language developed by the Sunset Commission regarding designation of the chairman of the board by the governor.

SECTION 5. Amends Section 61.0151(c), Human Resources Code, to update standard language developed by the Sunset Commission regarding grounds for removing a board member and notification of certain persons if knowledge that a potential ground for removal exists.

SECTION 6. Amends Section 61.020, Human Resources Code, to update the commission's sunset review date to 2009.

SECTION 7. Amends Chapter 61B, Human Resources Code, by adding Section 61.022, as follows:

Sec. 61.022. ACCESSIBILITY TO PROGRAMS AND FACILITIES. Updates standard language developed by the Sunset Commission regarding accessibility to commission programs and facilities.

SECTION 8. Amends Section 61.033, Human Resources Code, as follows:

Sec. 61.033. New heading: ANNUAL FINANCIAL REPORT. Updates standard language developed by the Sunset Commission regarding preparation of an annual financial report.

SECTION 9. Amends Section 61.0351, Human Resources Code, to update standard language developed by the Sunset Commission requiring the executive director or the director's designee to inform board members and employees of the qualifications for office or employment.

SECTION 10. Amends Section 61.0352, Human Resources Code, to update standard language developed by the Sunset Commission regarding the division of responsibility between the board, the executive director, and the commission staff.

SECTION 11. Amends Section 61.0353, Human Resources Code, as follows:

Sec. 61.0353. New heading: INTRA-AGENCY CAREER LADDER PROGRAM. Updates standard language developed by the Sunset Commission regarding development of an intra-agency career ladder program.

SECTION 12. Amends Section 61.0354, Human Resources Code, to update standard language developed by the Sunset Commission regarding annual job performance evaluations.

SECTION 13. Amends Section 61.0355, Human Resources Code, as follows:

Sec. 61.0355. New heading: EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT. Updates standard language developed by the Sunset Commission regarding development, review, and filing of an equal employment opportunity policy.

SECTION 14. Amends Section 61.0422, Human Resources Code, to update and modify standard language developed by the Sunset Commission regarding service complaints.

SECTION 15. Amends Section 61.0423, Human Resources Code, to update standard language developed by the Sunset Commission regarding public hearings.

SECTION 16. Amends Chapter 61C, Human Resources Code, by adding Sections 61.051-61.054, as follows:

Sec. 61.051. CLIENT SERVICE CONTRACT STANDARDS. Requires the Texas Youth Commission (TYC) to include clearly defined goals, sanctions, and reporting requirements in each contract for the purchase of residential program-related client services.

Sec. 61.052. CONTRACT MONITORING. Requires TYC to develop a formal program to monitor residential client services contracts to ensure compliance with financial and performance requirements, and to evaluate program cost information.

Sec. 61.053. MEDICAID BENEFITS. Requires TYC to apply for benefits under the federal Medicaid program if application is cost effective in reducing health care costs incurred by TYC.

Sec. 61.054. COUNTY PILOT PROGRAMS IN POOLING OF FUNDS AND RESOURCES. Requires TYC, jointly with the Texas Juvenile Probation Commission (TJPC), to establish county pilot programs to allow the pooling of state and local funds, and rules and standards to be applied in the administration of programs. Authorizes TYC to use appropriated state funds to contribute to the development, implementation, and administration of the programs. Requires TYC, jointly with TJPC, to develop a system to compute the funds to be allocated to participating counties using certain criteria. Establishes the conditions under which the amount of funds used by TYC for the pilot programs is required to be offset by a reduction in the number of children committed to TYC from the participating counties. Sets forth the terms by which TYC, jointly with TJPC, is required to submit a report including an evaluation of the pilot programs and recommendations relating to the statewide establishment of the programs to certain individuals.

SECTION 17. Repealer: Sections 61.035(c) and (d), Human Resources Code (Employees).

SECTION 18. Makes application of this Act prospective.

SECTION 19. Requires TYC to develop county pilot programs and establish rules and standards no later than January 1, 1998.

SECTION 20. Effective date: September 1, 1997.

SECTION 21. Emergency clause.