

BILL ANALYSIS

Senate Research Center

H.B. 2074
By: Hightower (Brown)
Criminal Justice
5-1-97
Committee Report (Amended)

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, and 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 Committee recommended continuation and several statutory modifications that are contained in this legislation.

PURPOSE

As proposed, H.B. 2074 establishes the continuation and functions of the Texas Youth Commission.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

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).

SECTION 2. Amends Section 61.0121, Human Resources Code, to update standard language developed by the Sunset Commission regarding qualifications for board members and employees.

SECTION 3. Amends Chapter 61B, Human Resources Code, by adding Section 61.0122, to add 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 by the governor of the chairman of the board.

SECTION 5. Amends Section 61.0151(c), Human Resources Code, to update standard language developed by the Sunset Commission regarding removal of 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 provide that, unless continued in existence, this chapter expires September 1, 2009, rather than September 1, 1997.

SECTION 7. Amends Chapter 61B, Human Resources Code, by adding Section 61.022, to add standard language developed by the Sunset Commission requiring the Texas Youth Commission (TYC) to comply with state and federal program and facility accessibility laws, and developing a plan that describes how non-English speaking persons can be provided reasonable access.

SECTION 8. Amends Section 61.033, Human Resources Code, to update standard language developed by the Sunset Commission requiring TYC to prepare an annual financial report.

SECTION 9. Amends Section 61.0351, Human Resources Code, to update standard language developed by the Sunset Commission regarding professional information for members and employees.

SECTION 10. Amends Section 61.0352, Human Resources Code, to update standard language developed by the Sunset Commission regarding the separation of board policymaking responsibilities from the management responsibilities of the executive director and staff of TYC.

SECTION 11. Amends Section 61.0353, Human Resources Code, to update standard language developed by the Sunset Commission regarding the intra-agency career ladder program.

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

SECTION 13. Amends Section 61.0355, Human Resources Code, to update standard language developed by the Sunset Commission regarding the equal employment opportunity policy statement.

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 61.051-61.053, as follows:

Sec. 61.051. CLIENT SERVICE CONTRACT STANDARDS. Requires 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 establish a formal program to monitor residential program-related client services contracts made by TYC that monitors compliance with performance requirements and evaluates 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 incurred health care costs.

SECTION 17. Repealer: Section 61.035(c), Human Resources Code (regarding persons prohibited from being employed by TYC) and Section 61.035(d), Human Resources Code (regarding persons required to register as lobbyists being prohibited from acting as general counsel to TYC).

SECTION 18. Makes application of this Act prospective. Provides that this Act does not prohibit a person who is a member of the board on September 1, 1997 from being reappointed to the board if certain conditions exist.

SECTION 19. Effective date: September 1, 1997.

SECTION 20. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 3, lines 9-27, and page 4, lines 1-7, strikes added Section 61.0122, Human Resources Code, and substitutes a new Section 61.0122, Human Resources Code, regarding board member training.