

BILL ANALYSIS

Senate Research Center

S.B. 1921
By: Harris
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In response to the negligent behavior of the governing board of the Texas Youth Commission (TYC) with respect to the lack of action taken through years of overlooked allegations regarding sexual abuses between TYC staff and the children that are housed in such facilities, this bill proposes to terminate the current governing board. On February 28, 2007, the full senate unanimously passed S.R. 384 recommending that the governor put TYC under a conservatorship that would mandate a dismissal of the entire governing board. This recommendation was based on the ongoing allegations of sexual abuses and gross fiscal mismanagement that have gone seemingly undetected for at least three years under the management of the current board. S.R. 384, based on Chapter 2104 (Conservatorship As A Result Of Fiscal Mismanagement), Government Code, would have allowed the conservator to terminate any employee, including the governing board, whose conduct the conservator determines contributed to the conditions that necessitated the implementation of the conservatorship.

As proposed, S.B. 1921 terminates the current governing board of TYC on the effective date of this bill and allows the governor to appoint new members of the board who have not previously served on the board.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. REPEALER. Repealer: Section 61.012(a) (regarding the composition of the Texas Youth Commission governing board), Human Resources Code.

SECTION 2. AMENDMENT. Amends Section 61.012, Human Resources Code, by adding Subsection (e), as follows:

(e) Provides that the governing board of the Texas Youth Commission (TYC) consists of seven members appointed by the governor with the consent of the senate. Requires appointments to the TYC governing board be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

SECTION 3. TRANSITION; TERMINATION OF PREVIOUSLY APPOINTED BOARD. Provides that the terms of all members of the governing board of TYC who were appointed under Section 61.012(a), Human Resources Code, as repealed by this Act, expire on the effective date of this Act. Provides that the position to which each member was appointed is abolished and there is no position for the member to hold over to.

SECTION 4. TRANSITION; RESTRICTIONS ON APPOINTMENT ON NEW BOARD. Prohibits the governor, in making appointments to the governing board of TYC under Section 61.012(e), Human Resources Code, as added by this Act, from appointing any person who was appointed as a member of the governing board of TYC under Section 61.012(a), Human Resources Code, as repealed by this Act.

SECTION 5. Effective date: upon passage or September 1, 2007.