

CHAPTER 729

H.B. No. 806

AN ACT

relating to the terms of members of the Council on Child Abuse and Neglect Prevention and to the administration of the children's trust fund.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 74.002(c), Human Resources Code, as added by Chapter 420, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

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(c) The members serve *staggered* ~~[two-year]~~ terms of six years with the terms of three members expiring every odd-numbered year. A person who has served a full six-year term ~~[three terms]~~ is not eligible for reappointment to another consecutive six-year term.

SECTION 2. Section 74.003, Human Resources Code, as added by Chapter 420, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 74.003. POWERS AND DUTIES. (a) The council shall:

- (1) develop a state plan for expending funds for child abuse and neglect prevention programs *that includes a schedule of transfers of trust fund money to the operating fund through 1996 to assure that there is no decline in the amount of grant money available in 1997;*
- (2) develop eligibility criteria for applicants for grants to fund child abuse and neglect prevention programs;
- (3) establish grant application procedures;
- (4) establish funding priorities for child abuse and neglect prevention programs;
- (5) establish guidelines relating to grant amounts;
- (6) establish guidelines to ensure fair distribution of grants between rural and urban areas of the state;
- (7) develop procedures for evaluating grant applications;
- (8) review proposals submitted to the council;
- (9) monitor the expenditure of funds for child abuse and neglect prevention programs;
- (10) submit recommended grants to fund child abuse and neglect prevention programs to the board for approval;
- (11) submit an annual report to the governor, the legislature, and the board; and
- (12) recommend to the board proposed rules to implement this chapter.

(b) The council may:

- (1) apply for and receive funds made available by the federal or state government or by another public or private source, which funds may be *designated and expended solely for administrative purposes and which may be deposited in either the trust fund or the operating fund, as appropriate;* and
- (2) solicit donations for child abuse prevention programs.

SECTION 3. Section 74.005, Human Resources Code, as added by Chapter 420, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 74.005. ADMINISTRATIVE COSTS. Administrative costs during any fiscal year may not exceed 10 percent of the *maximum* ~~[total]~~ amount of funds ~~[appropriated to]~~ the council *may transfer from the trust fund during a fiscal year under Section 74.006(c) or under Section 74.007(b) of this code (as added by Chapter 420, Acts of the 69th Legislature, Regular Session, 1985). Funds expended under a special project grant from a nongovernmental source may not be counted as administrative costs for the purposes of this section, regardless of the purpose for which the funds were expended [or the department for the carrying out of this chapter].*

SECTION 4. Section 74.006(c), Human Resources Code, as added by Chapter 420, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

(c) *The council may transfer* ~~[On September 1 of each year, the State Treasurer shall transfer one half of the]~~ money contained in the trust fund to the operating fund *at any time. However, during a fiscal year the council may not transfer more than 50 percent of the money that was contained in the trust fund on the first day of that fiscal year.* The money transferred to the operating fund under this subsection may be used only for child abuse and neglect prevention programs. *The council may also transfer funds contained in the operating fund to the trust fund at any time. This subsection expires August 31, 1996 [1991].*

SECTION 5. Section 74.007(b), Human Resources Code, as added by Chapter 420, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

(b) *Beginning September 1, 1996, any [Any] interest earned on funds deposited in the trust fund shall be deposited in the operating fund. Administrative costs allowed in Section 74.005 shall be taken from the operating fund. Any interest earned before September 1, 1996, shall remain in the trust fund. The council may also transfer funds contained in the operating fund to the trust fund at any time.*

SECTION 6. A person holding office as a member of the Council on Child Abuse and Neglect Prevention on the effective date of this Act continues to hold office for the term for which the member was originally appointed. When the terms of the persons holding office on the effective date of this Act expire, the governor shall appoint nine new members. The members shall draw lots to determine which three members will serve terms expiring in 1989, which three members will serve terms expiring in 1991, and which three members will serve terms expiring in 1993.

SECTION 7. Any interest earned before the effective date of this Act on funds deposited in the children's trust fund established under Chapter 74, Human Resources Code, as added by Chapter 420, Acts of the 69th Legislature, Regular Session, 1985, shall be deposited and remain in the Council on Child Abuse and Neglect Prevention operating fund established by that chapter.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 28, 1987, by the following vote: Yeas 139, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 806 on May 25, 1987, by the following vote: Yeas 136, Nays 0, 1 present, not voting. Passed by the Senate, with amendments, on May 20, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective June 19, 1987.