

BILL ANALYSIS

Senate Research Center

C.S.S.B. 239
By: West
Jurisprudence
4-13-97
Committee Report (Substituted)

DIGEST

Currently, Texas is the only state that does not permit applicants and recipients of public benefits to seek judicial review of Texas Department of Human Services final administrative decisions. Other agencies, however, do allow dissatisfied individuals to appeal decisions. This bill provides applicants or recipients of benefits with judicial review of certain decisions concerning public assistance benefits.

PURPOSE

As proposed, S.B. 239 sets forth requirements for judicial review of certain decisions about public assistance benefits administered by the Texas Department of Human Services.

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 Chapter 22, Human Resources Code, by adding Section 22.0181, as follows:

Sec 22.0181. JUDICIAL REVIEW. Provides that except as provided by this section, Sections 2001.142 and 2001.144-2001.146, Government Code; and Chapters 2001G and H, Government Code, govern an appeal of a Texas Department of Human Services (department) under Section 31.034 of an applicant or recipient of financial assistance. Prohibits the cost of preparing the record and transcript from being charged to an applicant or recipient. Provides that an appeal under Subsection (a) takes precedence over all civil cases except workers' compensation and unemployment cases. Provides that the appellee is the department.

SECTION 2. Amends Section 2001.223, Government Code, provide that Subchapters C through H do not apply to the withdrawal of nutritional, rather than financial assistance.

SECTION 3. Amends Chapter 2001I, Government Code, by adding Section 2001.227, as follows:

Sec. 2001.227. EXCEPTION FROM DECLARATORY JUDGEMENT AND CONTESTED CASE PROVISIONS. Provides that Section 2001.038 and Subchapters C-F do not apply to the granting, payment, denial, or withdrawal of financial assistance under Chapter 31, Human Resources Code, by the Texas Department of Human Services, with an exception.

SECTION 4. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 22.0181, Human Resources Code, to delete provisions providing that an applicant or a recipient has exhausted all the department's remedies after a hearing reaches a final decision and that an applicant or recipient is not required to file a motion for hearing and the department's decision is final on the date it is rendered. Makes a conforming change.

SECTION 2.

Amends Section 2001.223, Government Code, provide that Subchapters C through H do not apply to the withdrawal of nutritional, rather than financial assistance.

SECTION 3.

Amends Section 2001.227, Government Code, to make a conforming change.