

## **BILL ANALYSIS**

Senate Research Center  
83R23924 JSC-D

C.S.S.B. 1836  
By: Deuell  
Health & Human Services  
4/23/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.S.B. 1836 seeks to provide badly needed funding for the Texas Home Visiting Program through a voluntary check off that will allow persons to give at the time they apply for, pay a county clerk fee for, or request a copy of a birth certificate, marriage license, or divorce decree.

C.S.S.B. 1836 amends current law relating to the funding of the Texas Home Visiting Program and authorizes voluntary contributions.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 531.287, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2.004(b), Family Code, as follows:

(b) Requires that the application for marriage form contain:

(1)-(10) Makes no change to these subdivisions;

(11)-(12) Makes nonsubstantive changes; and

(13) a printed box for each applicant to check indicating that the applicant wishes to make a voluntary contribution of \$5 to promote healthy early childhood by supporting the Texas Home Visiting Program administered by the Office of Early Childhood Coordination of the Health and Human Services Commission (office) (HHSC).

SECTION 2. Amends Subchapter H, Chapter 531, Government Code, by adding Section 531.287, as follows:

Sec. 531.287. TEXAS HOME VISITING PROGRAM TRUST FUND. (a) Provides that the Texas Home Visiting Program trust fund is created as a trust fund outside the treasury with the comptroller of public accounts of the State of Texas (comptroller) and is required to be administered by the office under this section and rules adopted by the commissioner. Provides that credits of money in the fund are not state funds or subject to legislative appropriation.

(b) Provides that the trust fund consists of money from voluntary contributions under Section 191.0048, Health and Safety Code, and Section 118.018, Local Government Code.

(c) Authorizes money in the fund to be spent without appropriation by the office only for the purposes of the Texas Home Visiting Program administered by HHSC.

(d) Requires that interest and income from the assets of the trust fund be credited to and deposited in the trust fund.

SECTION 3. Amends Subchapter A, Chapter 191, Health and Safety Code, by adding Section 191.0048, as follows:

Sec. 191.0048. VOLUNTARY CONTRIBUTION TO TEXAS HOME VISITING PROGRAM. (a) Authorizes a person requesting a copy or certified copy of a birth, marriage, or divorce record to make a voluntary contribution of \$5 to promote health early childhood by supporting the Texas Home Visiting Program administered by the office.

(b) Requires the bureau of vital statistics, on each paper or electronic application form for a copy or certified copy of a birth, marriage, or divorce record, to include a printed box for the applicant to check indicating that the applicant wishes to make a voluntary contribution of \$5 to promote healthy early childhood by supporting the Texas Home Visiting Program administered by the office.

(c) Authorizes a local registrar or county clerk, notwithstanding Section 191.0045 (Fees), to collect the additional voluntary contribution under this section.

(d) Requires the local registrar or county clerk who collects the voluntary contribution under this section, notwithstanding Section 191.005 (Vital Statistics Fund), to send the voluntary contribution to the comptroller, who is required to deposit the voluntary contribution in the Texas Home Visiting Program trust fund under Section 531.287, Government Code.

SECTION 4. Amends Section 118.018, Local Government Code, by adding Subsection (c), as follows:

(c) Authorizes a person applying for a marriage license to make a voluntary contribution of \$5 to promote healthy early childhood by supporting the Texas Home Visiting Program administered by the office. Requires a county clerk to collect the additional voluntary contribution under this section.

SECTION 5. Amends Section 118.022, Local Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires the county clerk, if the county clerk collects a fee for issuing a marriage license, to deposit, as provided by Subchapter B (Reporting, Collection, and Remittance of Fees), Chapter 133:

(1)-(2) Makes nonsubstantive changes to these subdivisions; and

(3) if applicable, the \$5 voluntary contribution collected to promote healthy early childhood by supporting the Texas Home Visiting Program administered by the office to be sent to the comptroller and deposited as provided by Subsection (d).

(d) Requires the comptroller to deposit the money received under Subsection (a)(3) in the Texas Home Visiting Program trust fund under Section 531.287, Government Code.

SECTION 6. Provides that the change in law made by this Act applies only to a person who applies for a marriage license or requests a copy or certified copy of a birth, marriage, or divorce record on or after January 1, 2014.

SECTION 7. Effective date: upon passage or September 1, 2013.