

BILL ANALYSIS

Senate Research Center

H.B. 1151
By: McCall (Zaffirini)
Human Services
5/14/1999
Engrossed

DIGEST

In 1989, the Office for the Prevention of Developmental Disabilities (OPDD) was created to coordinate the agencies and organizations involved in preventing developmental disabilities. OPDD is governed by an executive committee (committee) whose responsibilities include: promoting the development and coordination of statewide policies to benefit disabled persons; overseeing and updating a long-range plan for disabled persons; promoting a demographic survey of disabled persons; and promoting laws benefitting disabled persons. OPDD is subject to the Sunset Act and will be abolished on September 1, 1999, unless it is continued in existence by the legislature. H.B. 1151 would continued the functions of OPDD; establish committee members training requirements and standards of conduct; and continues OPDD's existence until the year 2001.

PURPOSE

As proposed, H.B. 1151 sets forth requirements regarding the continuation and functions of the Office for the Prevention of Development Disabilities.

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 112.045, Human Resources Code, by amending Subsections (b) and (d), as follows:

(b) Requires appointments to the executive committee of the Office for the Prevention of Developmental Disabilities (committee) to be made without regard to race, color, disability, sex, religion, age, or national origin of the appointees.

(d) Requires the governor to designate a committee member to serve as presiding officer of the committee at the will of the governor. Deletes language requiring the committee members to elect one member of the committee to serve as presiding officer.

SECTION 2. Amends Chapter 112C, Human Resources Code, by adding Sections 112.0451 through 112.0454, 112.0471, and 112.0472, as follows:

Sec.112.0451. CONFLICT OF INTEREST. Prohibits a person from being a member of the committee or acting as the committee's general counsel if the person is required to register as a lobbyist under Chapter 305, Government Code, due to the person's compensated activities on behalf of a profession related to the operation of the office.

Sec. 112.0452. REMOVAL OF EXECUTIVE COMMITTEE MEMBER. Sets forth specified grounds for removal of committee members from the committee. Provides that a committee action taken while a ground for removal of a committee member exists does not affect the validity of that action. Requires the executive director of the developmental disabilities program (director) to notify the committee's presiding officer of any knowledge of a potential ground for removal, and the presiding officer to then notify the governor and attorney general. Requires the director to notify the next highest ranking officer of the committee if the potential ground for removal involves the presiding officer. Requires that next highest ranking officer to then notify the governor and

attorney general of the potential ground for removal.

Sec. 112.0453. EXECUTIVE COMMITTEE MEMBER TRAINING. Prohibits a person appointed to and qualified for office as a committee member from voting, deliberating, or being counted as an attending member at a committee meeting until that person completes a training program pursuant to this section. Requires the training program to provide the person specified information. Entitles a person who is appointed to the committee to be reimbursed for travel expenses in attending the training program regardless of whether the attendance occurs before or after the person qualifies for office.

Sec. 112.0454. PUBLIC ACCESS. Requires the committee to develop and implement policies providing the public reasonable opportunity to appear and speak before the committee on an issue under the office's jurisdiction.

Sec. 112.0471. QUALIFICATIONS AND STANDARDS OF CONDUCT. Requires the director or the director's designee to provide members and employees information regarding the requirements for office or employment under this subchapter, including information regarding applicable standards of conduct.

Sec. 112.0472. EQUAL EMPLOYMENT OPPORTUNITY POLICIES. Requires the director to prepare and maintain a policy statement implementing an equal employment opportunity program to ensure personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin. Requires the policy statement to include specified personnel policies and an analysis relating to the office's compliance with state and federal requirements. Requires the policy statement to be updated annually and to be reviewed by the state Commission on Human Rights for compliance concerning personnel policies, and to be filed with the governor's office.

SECTION 3. Amends Section 112.052, Human Resources Code, to provide that the Office for the Prevention of Developmental Disabilities is subject to Chapter 325, Government Code (Texas Sunset Act), and is abolished and expires September 1, 2001, rather than September 1, 1999, unless it is continued in existence under this chapter.

SECTION 4. Effective date: September 1, 1999.

Makes application of this Act prospective.

SECTION 5. Emergency clause.